



# Human Resources Practices Manual

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## County of Santa Clara

Employee Services Agency  
Department of Human Resources

County Government Center, East Wing  
70 West Hedding Street, 8<sup>th</sup> Floor  
San Jose, California 95110-1705



### Introduction

The Employee Services Agency (ESA) is pleased to present the Human Resources Practices Manual. This documents many subjects pertaining to personnel transactions that County employees may experience during employment with the County. This manual is designed to assist hiring managers with appropriate hiring processes and Human Resources practices.

Human Resources practices derive from many source documents, such as Merit System Rules (MSRs), provisions in the Salary Ordinance, County policies, and labor contracts. Where applicable, this manual provides the sources of information on which personnel rules are based. The online version of this manual provides links to that information. Please note that the source documents (County Charter, MSRs, Salary Ordinance, labor agreements) supersede the HR Practices Manual if there is a conflict.

You are encouraged to make this manual available to everyone in the hiring process. ESA has also launched Human Resources Training Academies, which present relevant information in another format:

[https://sccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/hrtrainin gacademies.aspx?CT=1638311171977&OR=OWA-NT&CID=6ba03585-c19c-d1a3-07de-9a30c1c72d68](https://sccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/hrtrainin%20gacademies.aspx?CT=1638311171977&OR=OWA-NT&CID=6ba03585-c19c-d1a3-07de-9a30c1c72d68). If you do have suggestions, questions, or comments, please direct them to the Employee Services Agency, Human Resources Department, at (408) 299-6816.



# What are the various roles and responsibilities?

The main roles include the Personnel Director, Human Resources Director, HR Liaison, Hiring Manager, Service Center, and HR Analyst.

## Personnel Director

The Personnel Director (also known as the Director, Employee Services Agency) is responsible to oversee the administration of personnel, labor relations, and benefits for the County. ([A25-2](#)) ([A25-3](#)) Day-to-day functions may be designated to other staff in the department.

## Human Resources Director

The Human Resources Director is responsible for the recruitment, selection, and classification for all non-Executive classifications for the County.

## HR Liaison

The HR Liaison is the individual in the department responsible for all personnel related matters affecting the staff in their department. The HR Liaison is normally the first person an employee approaches for assistance. Here is a link to the HR Liaison Academy:

<https://sccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/hrl-academy.aspx>. This training is intended to help prepare an HR Liaison to respond to requests from employees in their department.

## Hiring Manager

The Hiring Manager is the individual in the department responsible for overseeing the functions of their assigned unit. These functions include, but are not limited to, participating in the recruitment process and setting department priorities, filling vacancies, onboarding, and training. In this manual, hiring manager is used interchangeably with supervisor. Here is a link to the Hiring Manager Academy: <https://sccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/hm-academy.aspx>. This training is intended to help a Hiring Manager navigate the recruitment and classification processes.

# Service Center

The Service Center, sometimes called the Employee Service Center or Department Service Center, is responsible for providing customer service to employees and retirees related to the human resources and benefits functions. The Service Center is the one-stop-shop for employees, from hire to post-retirement. This training is intended for staff in the Service Centers:

<https://sccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/sc-academy.aspx>.

# HR Analyst

The Human Resources (HR) Analyst typically has a departmental assignment and is responsible for supporting a department in their recruitment and classification efforts. Some HR Analysts are dedicated to teams responsible for job fairs and outreach to applicants. This training is intended for staff in Human Resources assigned recruitment and classification functions:

<https://sccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/hra-academy.aspx>.

# What are the Necessary Steps Prior to Filling a Vacancy?

1. All approvals to fill a vacancy, whether departmental or through the Employee Services Agency or Office of Budget and Analysis, must be obtained prior to any recruitment process.
2. Edicts of a Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), or departmental agreements with a bargaining unit must be followed, as there are often requirements related to how vacancies must be filled prior to requesting an employment list, such as seniority, bidding process, or posting requirements. [View the MOUs and MOAs on the Labor Relations webpage.](#) [View the Departmental Agreements in Connect.](#)
3. All applicants must be determined by Human Resources to meet the employment standards of the classification prior to appointment. ([A25-101](#))
4. The recruitment process may begin prior to the current incumbent vacating the position. For example, if there is an employee who has given written notice of retirement, start the process by requesting approval to fill the vacancy, thereby reducing the amount of time the position is vacant.
5. Only one paid incumbent may fill a position at any one time. Using the previous example, do not place a newly appointed employee into the position before the current incumbent vacates.
6. If the position is alternately staffed, it may be filled at any of the alternative classifications. ([A25-36](#))
7. A current coded employee of the County who accepts an offer of employment for a vacancy should start at the beginning of a pay period.
8. Differential payments are not counted toward an employee's base wages when calculating transfer eligibility or salary placement, nor do those payments necessarily follow an employee upon movement to a different position.
9. Do not promise any candidate, whether new to the County or a current employee, a particular salary unless you have received the appropriate approval and authorization from Human Resources. The salary or step placement of a current County employee is determined by the "promotional rule" as outlined in the Personnel Practices of the County Ordinance. ([A25-660 \(a-g\)](#))

10. If uncertain about any personnel practices or requirements, always contact the Departmental Service Center or Human Resources Analyst.

# What Should be Known About the Open Competitive / Promotional Hiring Interview and Selection Process?

The County of Santa Clara Board of Supervisors is committed to providing equal opportunity in employment, in accessing programs and services, and in contracting opportunities. Therefore, it is the policy of the Board of Supervisors that no person shall be subject to discrimination or harassment with regard to any aspect of recruitment or employment with the County. ([A25-124](#)) Also refer to [Board Policy 3.8](#).

## Contacting Candidates

If a manager is interviewing from an open competitive or promotional list provided by Human Resources, the manager may contact the candidates immediately upon receipt of the list. There is no requirement to wait for the candidates to call. If a manager is contacting the candidates, an attempt must be made to contact every candidate on the referred list.

If a manager does not contact candidates, it is appropriate to give candidates three working days to respond. A hiring manager **must** interview all eligible candidates who have responded. ([A25-184\(d\)](#))

Remember, information related to applications, eligible, and referred candidates is confidential. Do not share information about who applied or who was interviewed outside of those individuals that are required to know these details for the hiring process. ([A25-119](#)) ([A25-173](#))

# **Selection Process**

## **Lawful and unlawful pre-employment inquiries**

The key to lawful employment inquiries is to ask only questions that will provide information about the candidate's ability to do the job, with or without reasonable accommodation.

### **Age**

Do not ask candidates their age or any age-related questions. If such information is needed for legitimate business reasons, it may only be obtained after a conditional offer of employment has been made.

### **Childbirth/pregnancy**

Do not inquire about candidate's pregnancy or future childbearing plans.

### **Childcare**

Do not inquire about candidate's childcare arrangements.

### **Citizenship status**

Do not inquire about candidate's citizenship, if they or their families are naturalized or native born United States citizens, or dates when they may have acquired citizenship.

The only question regarding citizenship that is acceptable to ask is if an applicant or candidate can, after being hired, verify their legal right to work in the United States, or make a statement that, if hired, the candidate would be required to submit proof of citizenship status or legal right to work in the United States.

### **Communication skills – verbal**

Do not inquire or comment about candidate's accent. Evaluate a candidate's ability to speak and be understood when it is a requirement of the position.

### **Credit history**

Do not inquire about candidate's credit history. This should only be asked if a business necessity could be shown.

### **Criminal history**

Inquiry about criminal history may only be made after the hiring manager has made a conditional offer of employment. Use of candidate's arrest record alone as a bar to

employment is illegal; however, candidates may be asked questions regarding the conduct underlying current criminal charges. Contact County Counsel if this situation arises. Also, conduct that indicates unsuitability for a particular position, such as a peace officer, is a basis for excluding candidate. Human Resources will determine the job nexus.

## Genetic Information

Do not inquire about or require candidate's genetic information or genetic information of members of their family. Genetic information includes an individual's family medical history, the results of genetic tests, the requests for genetic services, or the results of those services.

## Disability / medical condition (physical or mental)

Do not inquire if candidate has a disability or medical condition. Do not ask the nature or severity of a disability or medical condition. Do not inquire if candidate has ever been treated for a mental illness or has been hospitalized for any reason. Do not ask if candidate has ever filed a Workers' Compensation claim or suffered a disabling injury in a previous job.

## **It is unlawful to decide not to hire a candidate based on knowledge of a disability or medical condition.**

It is lawful to inquire whether candidates with or without disabilities can perform the duties of the job with or without accommodation; if they have the necessary licenses, diploma, training or other qualifications; if they can describe or demonstrate how they will perform specific job functions; and if they can meet the employer's requirements for work hours, overtime, and attendance policies. **These inquiries may only be made if they are consistently asked of every candidate, regardless of disability or medical condition.**

## Gender (sex)

Do not inquire about candidate's gender or sex unless there is a bona fide occupational qualification.

## Height / weight

Do not inquire about candidate's height or weight unless the employer can show that the standards used are job related and a business necessity. Any height or weight requirement or restriction may screen out a disproportionate number of candidates from a protected group.

## **Marital status**

Do not inquire about candidate's marital status.

## **National origin / ancestry**

Do not inquire about candidate's national origin or ancestry.

## **Race or color**

Do not inquire about candidate's race or color; ask questions regarding complexion, color of skin, or make any other inquiries directly or indirectly indicating race or color.

## **Religion**

Do not inquire about candidate's religious beliefs.

## **Sexual orientation**

Do not inquire about candidate's sexual orientation, preference, or perceived preference (Lesbian, Gay, Heterosexual, Bisexual, Transgender, or gender expression).



## Guidelines for the hiring interview

- All persons who come in contact with candidates should be trained to deal with those candidates in a polite and evenhanded way.
- The person or persons conducting the hiring interview should be familiar with the questions to be asked and relied upon to give an objective assessment of the candidates interviewed.
- **Do not use** any numerical scoring or ranking of candidates during the hiring interview process.
- All questions and comments should be of a business nature, whether before, during, or after a hiring interview. Innocent conversation or “small talk” can be misconstrued; it is always best to steer clear of any personal comments or conversation.
- Create a list of hiring interview questions and ask the same questions of each interviewee. If a candidate’s response requires questioning of that candidate further, be sure to record the additional question(s) for record keeping purposes. The interviewers may ask follow-up or clarifying questions; all follow-up questions should be of a business nature.
- It is acceptable to ask each candidate to demonstrate the ability to perform certain tasks, such as conducting a written exercise, and/or performance exercise of a specific task, with or without an accommodation.
- All hiring interview notes and records can be subpoenaed. Hiring managers/supervisors are required to make and retain records of each hiring interview. ([A25-184 \(d\)](#)) It is a requirement of the [Employee Services Agency Record’s Retention Policy](#) to retain these records for two years.
- A hiring manager must be able to show appropriate justification for all hiring decisions. ([A25-184 \(d\)](#)) Be certain that the candidate selected is objectively the most qualified, or at least equally qualified according to the criteria set.
- This Interview Best Practices document may help hiring managers with the interview process:  
[https://sccconnect.sharepoint.com/:b:/r/sites/esa/Human%20Resources/Documents/Interviews\\_Best\\_Practices.pdf?csf=1&web=1&e=SDQZb5](https://sccconnect.sharepoint.com/:b:/r/sites/esa/Human%20Resources/Documents/Interviews_Best_Practices.pdf?csf=1&web=1&e=SDQZb5)

## Appropriate and inappropriate responses/comments regarding selection

All responses indicated on hiring interview notes or a referred list must be appropriate, and job related, whether an individual was selected for a position or not. One way to help ensure the questions asked are job related is to review the knowledge and abilities listed on the job specification for the classification. The following are examples of both appropriate and inappropriate comments:

### Appropriate responses

- “Not selected. Had good computer skills and experience working in a similar medical setting but said did not want to work in contact with emotionally disturbed clients.”
- “Not selected. Had good public contact and knowledge of medical terminology, but based on reference checks, has an inability to work as a team member. This skill is critical in this unit.”
- “Not selected. Qualifications were good, but did not have direct experience in a medical setting, while other candidates did.”
- “Not selected. Was a medical clerk for one year, but in a small office, and that experience was less recent (about three years ago) than that of the candidate selected.”
- “Not selected. Was not willing to work the occasional overtime and weekends the job required, and other candidates were.”
- “Selected. Worked recently as a unit clerk in a hospital with psychiatric patients (six months). Has a good grasp of duties and responsibilities of job and good interpersonal/communication skills.”

## Inappropriate responses

- “Not selected. Not as qualified as candidate selected.” *(Which qualifications were not as good as the selected candidate?)*
- “Not selected. Had a good grasp of the job, but seems like there might be problems in getting along with others.” *(This is speculative and should be verified with previous employers through reference checking.)*
- “Not selected. Had a feeling they would not work out.” *(What job related factors was the feeling based on?)*
- “Not selected. Said they missed two months of work within the first year at previous job, so it does not appear that they are physically fit to do the job.” *(Only the County Physician makes the determination of whether a candidate is able to work. If there is a question of attendance, it should be verified with previous employers through reference checking. Additionally, any missed work may be based on a protected leave by law, i.e., Family and Medical Leave Act, Worker’s Compensation, Pregnancy Disability, etc. If leave was protected, the candidate cannot be disqualified on that basis.)*
- “Not selected. Most experience was working on alcohol budgets and had minimal experience working on mental health budgets. *(Not valid unless all other candidates have experience working with mental health budgets.)*
- “Not selected. Did not have a certificate in statistics.” *(Not valid unless it is a requirement of the classification, or all other candidates had a certificate in statistics.)*
- “Not selected. Had childcare issues.” *(Not job related. If there is a question of attendance, it should be verified with previous employers through reference checking.)*
- “Selected. Was the best candidate.” *(There must be specific job related reasons.)*

# Reference Checking

## What is a reference check?

A reference check is an inquiry made to validate information provided on a job application, such as employment history, educational degrees, etc. It may also be an inquiry to a former employer or other person for the purpose of obtaining additional information regarding candidate's suitability for a particular position.

## Why should you conduct a reference check?

Reference checks are a critical component of the hiring process. By checking references, an employer can obtain the information needed to make decisions and determine which candidate is the best choice for a particular job.

## Who may make reference checks?

It is the responsibility of hiring managers and/or supervisors to conduct reference checks on both internal and external candidates who are finalists for a particular position.

## Should you obtain consent before referencing?

Candidates are generally informed that the County will be verifying any and all information provided on the job application. Candidates are also asked whether the County may contact current and former employers. Obtaining a candidate's written consent to contact former employers and/or individuals is preferable. In fact, many companies will not release information about a former employee without such consent.

Written consent is not a requirement, and the hiring manager should seek to verify a candidate's information and check references, even if written consent has not been provided. All information obtained must be held in strict confidence.

## How can you verify information?

Hiring managers and supervisors may contact any internal candidate's stated references at any time in the hiring process. Hiring managers and supervisors may contact any non-stated references, including current or previous County supervisors or managers, when a candidate becomes a finalist for the position.

Employers may check references in person, by telephone, by email, or by mail, using a written reference request. Reference checks that are conducted in person may be impractical, but if able, it is often one of the best ways to obtain in-depth information and to observe the reaction to the questions posed. Telephone reference checking is considered practical, effective, and could save time by giving more immediate answers. Although telephone checks may save time, keep in mind that many employers do not give anything other than factual information over the telephone.

## What kinds of information can you check?

All requests for information from former employers must be employment related. A hiring manager may request information on a former employee's job performance or characteristics that affect the candidate's suitability for the position they seek. A hiring manager should not discuss any personal matters that have no bearing on job performance. If information that is not job-related is obtained, do not write it down or otherwise use improper information.

Check factual background information; verify hire and termination dates, reasons for termination, salary, and what type of position was held. A hiring manager may check professional references for job performance and work habits. Personal information, such as educational degrees, or dates of attendance, may also be verified.

Hiring Managers or supervisors may review the Personnel File for internal candidates once they become a finalist. The hiring manager would arrange this review with the appropriate Departmental Service Center or with ESA Records Unit via email at [personnelfiles@esa.sccgov.org](mailto:personnelfiles@esa.sccgov.org).

## How do you evaluate the information?

Evaluating information obtained during a reference check is often the most difficult part of the process. It is important to look at the information received in whole. Keep in mind that candidates seldom give a reference if they cannot count on a favorable response. The most reliable information will often come from a former supervisor or manager who is able to judge their former employee's work performance. Consider how long and how well the former employer has known the candidate. Also remember that overuse of noncommittal responses, negative statements, or vague language describing the former employee's job duties and work habits should raise questions about the information source. One question that may be useful: "Would you rehire this individual?"

## What information is a County hiring manager able to provide if a reference is requested on a current or former employee?

Supervisors and managers often feel uncomfortable responding to inquiries about a current or former employee. Inquiries can come from departments within the County and from outside agencies and employers. To outside employers, hiring managers and supervisors may properly release dates of employment, job held, and salary information. For inquiries from within the County of Santa Clara, questions commonly arise as to what else may be discussed and disclosed. Here are some general guidelines for release of information to another County hiring manager who is conducting reference checking:

- Always verify the reference checker's identity (for example, by a return phone call) before ever giving out information.
- Only release information to a proper party with a legitimate "need to know."
- Ask the purpose of the inquiry, if the former employee has given permission to seek information, and if so, whether they set any limits on what may be disclosed. It is best to have a written release from the employee.
- Limit the information release only to respond to the inquiry. Do not offer up information that has not been requested.
- Do not volunteer a reference if it has not been requested.
- Do not provide any information that is not job related.

- Be certain the information provided is objective and verifiable. For example, do not say the employee had attendance problems if the employee never received discipline for poor attendance.
- Do not attempt to characterize the individual, such as saying he was a lousy employee. A manager may say, "I would not rehire this individual."
- Do not answer questions that are inappropriate. Do not discuss, refer, or allude to a current or former employee's age, physical or mental disabilities, worker's compensation or medical history, discrimination complaints, marital status, earlier periods of unemployment, citizenship, or national origin.
- Do not repeat any office gossip about an employee, engage in speculation about an employee's abilities, or make statements that imply defamatory facts.
- Provide references in good faith, without malice or reckless disregard for the truth.
- Do not withhold or misrepresent reference information about a current or former employee.
- Do not promise to give an employee or former employee a "good" reference, and then later provide a poor one.

# Making a Hiring Offer

Once a candidate is selected, a hiring manager should call the candidate directly to make a job offer pending any conditions of employment. For example, a candidate that is new to the County would have to pass a background check, and for some departments, a physical examination prior to appointment. There may also be conditions of employment for current County employees who are moving to new departments or positions, such as a background check or health clearance.

If hiring a candidate from outside the County into a position that is paid through step increases on the basic salary plan, do not promise any salary step above step one, unless there is approval from Human Resources through the Ingrade request process. Once an employee has started, an Ingrade may not be requested. If hiring an internal candidate, DO NOT make any salary recommendation unless the Department Service Center has provided the step placement information. Personnel Practices and the applicable Memorandum of Understanding dictate the step placement for current employees. ([A25-660 \(a\)\(g\)](#))

Do not ask applicants if they will need reasonable accommodation to perform a job or any other question likely to reveal whether an applicant has a disability. If the disability is obvious or if the manager knows the applicant has a disability, then it may be reasonable to ask if the applicant needs reasonable accommodation to perform a task.

It is unlawful to:

- ask an applicant whether they are disabled or about the nature or severity of a disability, or
- to require the applicant to take a medical examination before making a job offer.

You can ask an applicant questions about their ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. You can also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will perform job-related functions.



# Courtesy Notice

Sending courtesy notices to the candidates who have not been selected is a good business practice. Although these candidates may not be right for this position, they may be right for another position in the County. A courtesy notice will leave these candidates with a good impression of the County as a potential employer. Even if the candidates not selected are currently County employees, it is still good practice to send a courtesy notice.

A courtesy notice does not need to be lengthy or detailed. In some cases, the notice may be generated in the applicant tracking system. Contact Human Resources for access to this feature.

The following is an example of some common language to use when notifying candidates that they were not selected:

Date: \_\_\_\_\_

Dear \_\_\_\_\_,

Thank you for your interest in the position of \_\_\_\_\_.

Another candidate has been selected from a field of highly qualified candidates.

The hiring decision was a difficult one, and your time and effort in the selection process were truly appreciated.

I would like to take this opportunity to extend my best wishes for success in your employment search.

Sincerely,

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Your Title

# What are the Types of Appointments?

All employment in the County of Santa Clara is divided into classified and unclassified service, as defined in [Section 701](#) of the Charter of the County of Santa Clara. Each type of service, whether classified or unclassified, is further grouped into status, which is an employee's present condition of employment.

Each status is designated by a code, which will be shown in parenthesis following the type of status.

## Classified

### Probationary (1B)

A probationary employee may be either on an original probationary period, which is a condition upon first appointment of an employee to classified service ([A25-65](#)), or a subsequent probationary period, which is a condition upon appointment of a classified employee to a different classification after successful completion of an original probationary period. ([A25-63](#))

During the probationary period, the appointing authority will determine whether the employee is qualified to attain permanent status by assessing the conduct and job performance of the probationary employee. ([A25-191](#)) ([A25-192](#)) The applicable Memorandum of Understanding, ordinance, or job specification determines the length of the probationary period. Other considerations that may determine or effect length of the probationary period are previous status, if any, and leaves of absence during such period.

## Permanent (1D)

If the appointing authority finds a probationary employee fully qualified to attain permanent status through successful completion of the probationary period, the employee will be deemed a permanent employee. ([A25-61](#))

An employee serving a new probationary period in a different classification, after successful completion of an original probationary period, shall serve a subsequent probationary period, and will be considered as having underlying permanent status. ([A25-63](#))

## Provisional (1C)

A provisional appointment is the temporary appointment of any qualified person who meets the employment standards of the classification to fill a vacant classified position for **which there is no appropriate employment list**, pending an examination. ([A25-67](#)) In order for the provisional appointee to become a probationary employee, the appointee must take and pass the examination established for the classification, score high enough to be certified to a list, and selected by an appointing authority. ([A25-189](#)) No time served in a position as a provisional employee shall be counted towards the probationary period for the classification. ([A25-65](#))

## Substitute Provisional or Temporary Provisional (1E)

A substitute provisional appointment is a temporary appointment to fill behind an authorized unpaid leave of absence granted a classified employee. ([A25-188](#)) No time served in a position as a substitute provisional employee shall be counted towards the probationary period for the classification. ([A25-65](#))

Provisional Appointment (PV) - 1C	Substitute Appointment (Sub-PV) (Temporary PV) – 1E	Sub Probationary - 1B (Pretend the Position is Vacant)
<p>A PV can be used when there is no current eligible list for that classification.</p> <p>The following conditions apply:</p> <ul style="list-style-type: none"> <li>• The position is vacant and there is no eligible list. <a href="#">A25-189(a)</a></li> <li>• Incumbent must meet employment standards for the classification. <a href="#">A25-189(b)</a></li> <li>• No provisional appointment shall continue for more than 90 calendar days after an eligible list is established for the classification; or for more than one year (26 pay periods) in any consecutive 24-month period. <a href="#">A25-189(c)</a> 75 calendar days for classifications represented by Probation Peace Officer's Associate Local 1587 (1587)</li> <li>• In order to be placed on the eligible list, the incumbent must apply for, and take and pass the testing process, for the recruitment. <a href="#">A25-113</a>, <a href="#">A25-150</a>, <a href="#">A25-170</a></li> <li>• In order to remain in the position, the incumbent must place in the top 10 scoring candidates, or must vacate the position. <a href="#">A25-184(a)</a>, <a href="#">A25-189(c)</a></li> <li>• The incumbent is not guaranteed the position, as the department may select any one of the candidates referred. <a href="#">A25-184(a)</a></li> <li>• Hours worked provisionally do not count toward probationary time, as the probationary period starts following appointment from an eligible list to a position in the classified service. <a href="#">A25-65</a></li> </ul>	<p>A Sub-PV can be used to fill behind an employee who is out on a leave of absence.</p> <p>The following conditions apply for an Unpaid Leave:</p> <ul style="list-style-type: none"> <li>• A Sub-PV fills behind an approved unpaid leave of absence, and is appointed for a minimum period of 14 calendar days, and limited to a maximum period of one year (26 pay periods) in a consecutive two-year period. <a href="#">A25-188(a)</a></li> </ul> <p>The following conditions apply for a Paid Leave of Absence:</p> <ul style="list-style-type: none"> <li>• If the employee is on a paid leave of absence for a period of one month or longer, a Special Leave Code must be approved by the HR Director, and created to fill with the employee on leave. (Adequate funding must be available to pay both the employee and the sub-pv). <a href="#">A25-188(g)</a></li> </ul> <p>The following conditions apply for any Sub-PV appointment:</p> <ul style="list-style-type: none"> <li>• Incumbent must meet employment standards for the classification. <a href="#">A25-101</a></li> <li>• No Sub-PV appointment shall continue for more than 1 year (26 pay periods) in any consecutive 24-month period. <a href="#">A25-188(c)</a></li> <li>• Upon return of the regular employee, the Sub-PV has the right to return to their former position in their previous department, or to a similar position in the same class in the department. <a href="#">A25-188(a)</a></li> <li>• Employees Sub-PVing to a different department may, at the discretion of the former department head, either be put on leave or may retain only reinstatement privileges. <a href="#">A25-188(a)</a></li> </ul>	<p>A Sub-Probationary can be used when an employee is out on a long term leave and is not expected to return.</p> <ul style="list-style-type: none"> <li>• Sub-Probationary appointments are made when an employee has been out on leave for longer than one year. The incumbent who is selected through the regular certification process, is entitled to the rights and privileges of a regular employee. <a href="#">A25-188(b)</a></li> <li>• If the employee is on a paid leave of absence, a Special Leave Code must be approved by the HR Director, and created to fill with the employee on leave. (Adequate funding must be available to pay both the employee and the sub-probationary hire). <a href="#">A25-188(g)</a></li> <li>• Position must be filled through the regular certification process (open-competitive, promotional, transfer). <a href="#">A25-188(a)</a></li> <li>• Incumbent must meet employment standards for the classification. <a href="#">A25-101</a></li> <li>• If the employee on leave returns from leave, layoff provisions would apply. <a href="#">A25-188(a)</a></li> </ul>

Provisional Appointment (PV) - 1C	Substitute Appointment (Sub-PV) (Temporary PV) – 1E	Sub Probationary - 1B (Pretend the Position is Vacant)
<p>How to Request at PV:</p> <p>EPAR requires job application approved by HR and a PV Waiver form signed by PV appointment.</p> <p>Status = 1C</p> <p>Submit Requisition in NEOGOV to start recruitment</p>	<p>How to Request a Sub-PV:</p> <p>EPAR requires job application approved by HR and a PV Waiver form signed by PV appointment.</p> <p>Status = 1E</p> <p>Notify HR to deactivate the Special Leave Code if the employee on Paid Leave returns, and/or goes on unpaid leave.</p> <p>Notify HR if the employee on leave returns. The Sub-PV must be released when the employee on leave returns.</p>	<p>How to hire a Sub-Probationary:</p> <p>EPAR requires job application; include requisition number for recruitment appointed from</p> <p>Status = 1B (or 1D if completed probation for that classification)</p> <p>Include a comment on EPAR that the employee is Sub-Probationary</p>

# Unclassified

## Coded-unclassified (2A), (2B)

Coded-unclassified appointments are for positions as designated in [Section 701 \(a\)](#) of the Charter of the County of Santa Clara. Coded-unclassified positions can be filled on a continuous basis, or as a time-limited position. Often coded-unclassified positions are set as time-limited, based on temporary funding sources from outside the County.

In order for a coded-unclassified employee to transfer to a classified position, the employee must take and pass the appropriate qualifying examination for the classification, after receiving a positive recommendation on a promotional rating form. [\(A25-148\)](#) No time spent in a coded-unclassified position counts towards the probationary period of the classification. Funding for the unclassified position must come from funds other than the general fund in order to be considered for transfer. [\(A25-148\)](#)

## Extra help (2C)

Unclassified-extra help appointments are designated in [Section 701 \(a\)](#) of the Charter of the County of Santa Clara. Unclassified-extra help appointments are made on a time-limited basis, based on a need to meet a peak-load, or other unusual work situation. Unclassified-extra help appointments are not regular appointments, are not required to be made from eligible lists (unless required by an MOU or MOA), and typically do not carry many of the rights or benefits of regular appointments. [\(A25-55\)](#) [\(A25-188\)](#)

## Reserve Deputy Sheriff (6R)

Sheriff's Reserve appointments are volunteers or part-time employees who work alongside a deputy to perform law enforcement services. Part-time reserve deputies are paid at a flat rate.

## Contractor (8C)

The contractor appointment is used for dependent contractors. The County of Santa Clara generally does not utilize this status.

# Status Matrix

The matrix below outlines some key differences between Unclassified Extra Help appointments, Coded Unclassified and Classified status.

	Extra Help	Coded Unclassified	Classified
<b>Definition</b>	Extra Help means a person employed for periods when the workload within a department is of too great a volume to be expeditiously handled by the regular employees. ( <a href="#">A25-55</a> )	Are defined by Charter or have a limited duration.	For regular and continuing work. Regular means any permanent position in the classified service that requires filling through certification or by a provisional appointment. (A25-74)  Appointment follows the Merit System Rule regarding hiring from an eligible list.
<b>Positions</b>	There are no positions for extra help appointments, as an extra-help appointment is one made to a nonpermanent position established to meet a peak-load or other unusual work situation. ( <a href="#">A25-188</a> )	There are coded unclassified positions.	There are coded positions.
<b>Status</b>	Status = 2C	Status = 2B (benefits) Status = 2D (no benefits)	Status = 1B (probationary) Status = 1C (provisional) Status = 1D (permanent) Status = 1E (temp / sub provisional)

	<b>Extra Help</b>	<b>Coded Unclassified</b>	<b>Classified</b>
<b>Limitations</b>	<p>An extra help employee is limited to 1,040 hours in a Fiscal Year. The hours reset in Pay Period 14.</p> <p>There are Countywide limits to the number of extra help hours that the County can use. The limits are based on the MOUs. Labor Relations is responsible to allocate the specific number of hours available to each Department.</p>	<p>Have a limited duration of 18 months or as described by the Charter.</p>	
<b>Other</b>	<p>Retirees in non-safety classes must wait a minimum of 180 days prior to working as extra help.</p> <p>Those hired for Safety classes do not have a waiting period.</p> <p>Extra help retirees may only work to a maximum of 960 hours in a fiscal year as extra help.</p> <p>Departments must request approval from the HR Director to hire a retiree for extra help.</p>	<p>Incumbents in unclassified positions may transition to classified service in some limited circumstances. See FAQ'S about Transfers and FAQ'S about Unclassified Positions sections in this manual for details. (<a href="#">A25-148</a>)</p>	





	<b>Extra Help</b>	<b>Coded Unclassified</b>	<b>Classified</b>
<b>Hiring Limitations</b>	For twenty (20) classifications, there are restrictions on how extra help employees may be hired. See Pathway to Permanency information in the Extra Help section of the SEIU, Local 521 contract or the “What is Pathway to Permanency?” section of this manual.		
<b>Benefits</b>	Extra employees may be eligible for medical benefits after working for a certain number of hours. Contact the Departmental Service Center for additional information.	Coded Unclassified employees are eligible for benefits. Contact the Departmental Service Center for additional information.	Coded Classified employees are eligible for benefits. Contact the Departmental Service Center for additional information.
<b>Pay Practice</b>	Extra help employees in SEIU represented classifications receive step increases in accordance with Appendix L 10. Salary Steps.	For classifications with steps, employees receive step increases per Personnel Practice <a href="#">A25-660 (a- g)</a> or applicable MOU.	For classifications with steps, employees receive step increases per Personnel Practice <a href="#">A25-660 (a- g)</a> or applicable MOU.

# **What is the Process for any new Appointment to County Service?**

## **Fingerprinting / Background Checks**

A candidate may, depending upon the position or department, be required to be fingerprinted, and/or have a background check completed, after a conditional offer of employment is made. Current County employees may also be required to complete fingerprinting or background checks when transferring to a different position or department. ([A25-115](#)) ([A25-121](#))

## **Polygraph Testing**

A candidate may, depending upon the position or department, be required to complete a polygraph test, after a conditional offer of employment is made. Current County employees may also be required to complete a polygraph test when transferring to a different position or department. ([A25-115](#))

## **Psychological Evaluation**

A candidate may, depending upon the position or department, be required to undergo a psychological evaluation, after a conditional offer of employment is made. Current County employees may also be required to complete a psychological evaluation when transferring to a different position or department. ([A25-115](#))

## **Pre-employment Physical Fitness Examination**

A candidate may, depending upon the position or department, be required to complete a pre-employment physical fitness examination, after a conditional offer of employment is made. Current County employees may also be required to complete a physical fitness examination when transferring to a different position or department. ([A25-100 \(b\)](#)) ([A25-101](#)) ([A25-115](#)) ([A25-122](#))

# Pre-employment Reasonable Accommodation

If the medical examination reveals the existence of a disability or the individual discloses the existence of a disability, you may not withdraw the job offer unless or until it is determined there is no reasonable accommodation that would make it possible for the individual to perform the essential job functions.

See [www.EEOC.Gov](http://www.EEOC.Gov) for more information, including:

- Definition of Disability
- Reasonable Accommodation and Undue Hardship
- Pre-employment Disability Related Questions and Medical Examinations
- The ADA and Psychiatric Disabilities

See the County's Equal Opportunity Division for information on the County's [Reasonable Accommodation Policy and Procedures](#).

## Pre-employment Drug Testing

As a mandate from the Department of Transportation, the County of Santa Clara is required to perform pre-employment drug testing for certain candidates. This testing is for controlled substances and is for all employees who fill positions that require a commercial driver's license or perform safety sensitive functions as specified by the Department of Transportation. Any conditional offer of employment is contingent upon receiving a verified negative test result.

Current County employees who are offered positions that require a commercial driver's license or perform safety sensitive functions as specified by the Department of Transportation must also have a pre-assignment controlled substance test. Any conditional offer of employment is contingent upon receiving a verified negative test result.

For more information on the County of Santa Clara Controlled Substance and Alcohol Testing Program, contact the Labor Relations Department at (408) 299-5820. ([A25-100\(b\)](#)) ([A25-101](#)) ([A25-115](#))

Also reference [Board Policy 3.17](#).

## Oath of Office

Every County employee is required to take a loyalty oath, which states that the employee will uphold the constitution of the United States, the constitution of the State of California, and the ordinances of the County, prior to employment with the County. [\(A25-125\)](#) If the employee is an appointed or elected officer, or their subordinate officer or deputy, the oath of office must be filed with the County Clerk's office. All other oaths must be retained in the personnel file.

If an employee refuses to sign an Oath of Office for reasons such as a conflict with that individual's religious beliefs or other reason acceptable to the County, the reason and the refusal to sign the oath will be noted and placed in their personnel file.

## Ingrade

With prior approval, an employee newly hired to the County or a rehire (former coded County employee not eligible for and/or not utilizing reinstatement) may be ingraded (appointed at a salary step higher than step one of the basic salary plan). Human Resources must approve an ingrade request prior to any hire at a salary other than step one. An Ingrade cannot be submitted after the employee has started employment. ([A25-660 \(a- g\)](#))

## Employment Eligibility

Each employee newly hired to the County is required to provide documentation of employment eligibility to work in the United States. ([A25-100 \(b\)](#)) ([A25-101](#)) A hiring manager may not ask a candidate to provide this information prior to making the offer of employment, nor specify what type of documentation a candidate should provide. A hiring manager may only ask if a candidate is able to provide this documentation upon hire.

Some candidates may request the County to sponsor them on a non-immigrant work visa, such as an H-1B, H-1C, or TN visa. The County may consider sponsorship based on specific criteria. If a candidate requests to be sponsored for a visa through the County, contact Human Resources for assistance.

## New Employee Orientation (NEO)

Employees newly appointed to the County or employees changing from unclassified-extra help to classified status, are required to attend New Employee Orientation (NEO), where they will receive information on County policies, programs, and expectations. An employee may also be required to go through a departmental orientation to gain an understanding of departmental specific policies and expectations.

# Countywide Policies and Departmental Policies

There are a number of County policies and brochures a newly hired employee should receive. These Countywide policies and brochures include:

- **Facts About Workers' Compensation**
- **Drug Free Workplace**
- **Family and Medical Leave Act**
- **Workplace Violence**
- **Discrimination/Harassment Free Work Environment**

An employee will receive information regarding registration for both optional and mandatory County training sessions. There may also be departmental policies with which an employee is expected to be familiar and adhere to. For more information, contact the appropriate Departmental Service Center.

# **Personnel Files**

## **What information is retained in a Personnel File?**

A personnel file contains pertinent information regarding the employee's employment relationship with the County, including documentation relating to hiring, promotions, demotions, transfers, disciplinary actions, and leaves of absence history. The file may also contain documentation related to payroll and benefits, tax information, and performance evaluations. ([A25-155](#)) ([A25-260](#)) ([A25-261](#)) ([A25-262](#)) Also reference [Board Policy 3.25.3\(A\)\(3\)](#).

## **Where are Personnel Files kept?**

The Employee Services Agency maintains a personnel file for each employee. An employee may also have a personnel file that is maintained by the applicable Departmental Service Center where the employee works. Personnel files may not be removed from the Human Resources offices. Personnel files may be in paper and/or electronic format.

Departments/Agency may also keep a supervisory file, which is separate and apart from the personnel file.

## **Who may review Personnel Files?**

Personnel files are confidential, and Human Resources staff will release information only to authorized individuals within strict guidelines. Personnel files may only be reviewed in the Human Resources office, within view of Human Resources staff. Requests to review a personnel file may be made at any time, but a reasonable amount of time (72 hours or 3 working days) must be given for Human Resources staff to produce the file.

Documentation within personnel files may not be removed, added, or altered unless authorized by Human Resources, contractual obligation, or settlement. Employees may view their personnel file, or, with written consent, authorize a representative to review information contained within the personnel file. A County hiring manager who is considering hiring a County employee who has applied for a position may review the employee's personnel file. Any person requesting to view a personnel file must provide identification and have appropriate authorization. Different guidelines apply to County



employees who are peace officers. For more information contact the appropriate Departmental Service Center or the ESA Records Unit at [personnel@esa.sccgov.org](mailto:personnel@esa.sccgov.org).

# **What Are Some Alternatives to Hiring From Lists?**

There are many alternatives to hiring from an employment list. Often, it is a more efficient way to fill a vacancy, as there may be fewer steps necessary to place individuals in a vacant position. A number of these alternatives also give current County employees the opportunity to grow and develop within the County organization.

# **What is a Transfer?**

Transfer is defined as the movement of a current coded County employee to a different position in the same class or different class, where the salary range of the new class does not exceed the salary range of the original class by more than ten percent (10%) or the percentage specified in a Memorandum of Understanding which applies to the employee prior to the transfer. ([A25-81](#))

## Filling a vacancy by means of Transfer

1. Approval must be obtained for filling a vacancy, which may include approval through the department or agency, Employee Services Agency, or the Office of Budget and Analysis.
2. Prior to filling a vacancy, any departmental and/or contractual obligations for filling the vacancy must be met. ([View the MOUs and MOAs on the Labor Relations webpage](#). [View the Departmental Agreements](#).) Many positions, depending on the classification or department, may have requirements that must be followed in order to fill the vacancy. As an example, there may be a bidding process, or other requirements such as posting the vacancy on a bulletin board, or advertising the vacancy on a transfer line. Check with Human Resources.
3. A vacancy may be advertised through the countywide transfer posting or department flyers/emails. Be sure to contact Human Resources for assistance in the recruitment effort.
4. Specific skill sets that are needed, such as bilingual, typing, etc., should be indicated on the transfer posting or flyer.
5. Candidates must meet all eligibility requirements as specified in the applicable Memorandum of Understanding. Many current County employees fall under labor contracts that dictate transfer eligibility. These requirements may include such factors as employee status or a salary band. ([View the MOUs and MOAs on the Labor Relations webpage](#)). In addition, all candidates must meet the employment standards of the classification prior to appointment. Before interviewing candidates, be sure each candidate meets those requirements by having Human Resources review and approve the applications. ([A25-101](#))
6. A hiring manager should interview eligible candidates, conduct references checks, and make a selection.
7. A hiring manager should not offer salary information without checking with the Departmental Service Center. When an employee transfers, step placement is determined by the applicable Memorandum of Understanding ([View the MOUs and MOAs on the Labor Relations webpage](#)) or Personnel Practices ([A25-661](#)).
8. When discussing a start date, a hiring manager should remember that current County employees should transfer on the first day of the pay period. The employee should be able to give at least two weeks' notice to the current manager.

If the employee selected is transferring to the same classification and is permanent, the appointment status will remain as permanent. If the employee selected is transferring to a classification that they never held, the appointment status will be probationary. Contact Human Resources or the Departmental Service Center for assistance.

9. The length of the probationary period is usually addressed in the applicable Memorandum of Understanding. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-175](#))

## Employees applying for Transfer

1. An employee must be a current classified County employee to transfer. This is also referred to as “coded” employees. Generally, employees who are classified are in status 1B (probationary) or 1D (permanent). The employee should read the Memorandum of Understanding, or labor contract, which applies, as there may be a requirement to have been employed in a particular employment status in order to transfer. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-175](#))
2. An employee should check the applicable Memorandum of Understanding to find out if they are eligible to transfer to a position in a higher salary range. ([View the MOUs and MOAs on the Labor Relations webpage](#)) If the Memorandum of Understanding has no transfer information listed, the employee would follow the salary bands as listed in Merit System Rules ([A25-81](#)).
3. An employee may wish to apply for a vacancy that has been posted on a flyer or on the Countywide transfer opportunities online at [www.sccjobs.org](http://www.sccjobs.org).
4. Even if an employee meets all transfer requirements as listed in a Memorandum of Understanding, the employee must still be determined by Human Resources to meet the employment standards of the classification to which applying. ([A25-101](#))
5. If an employee is interviewed, selected, and appointed to a different classification, the employee will be placed on probation. If the employee is probationary and transfers to the same classification in a different department, they must serve the full probationary period in the new department. If the employee is probationary, and voluntarily transfers to the same classification within the same department, the employee may be required to serve the full probationary period at the discretion of the appointing authority. If the employee holds permanent status, and transfers to the same classification in any department, the employee will retain permanent status in that class. The Memorandum of Understanding usually addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-175](#))
6. If selected, the employee should start at the beginning of a pay period. It is appropriate for the employee to give at least two weeks’ notice to the current manager.

## FAQ'S about Transfers

### **Does someone have to be a current County employee to apply for a transfer?**

Yes. Only current classified County employees, or employees with underlying classified status are eligible to apply for transfers. An employee should check the applicable Memorandum of Understanding to see if there are any status requirements. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-175](#))

### **Can extra help employees apply for transfers?**

No. Extra help employees are not eligible to transfer to classified County positions. An extra help employee must go through the open competitive process by taking an examination to be hired into a classified position. ([A25-175](#))

### **Can coded unclassified employees apply for transfers?**

A coded unclassified employee may only apply for a transfer to a classified position if the employee holds underlying permanent or probationary status in a classified position.

A coded unclassified employee who has not held probationary or permanent status may apply for transfers in the same classification ONLY if their unclassified position is funded by public sources other than the general fund AND they have taken and passed the written exam for their classification. ([A25-148](#)). If an employee has underlying permanent or probationary status, all eligibility for transfer is determined from the underlying position. ([A25-175](#))

Refer to HR's Policy on Board Aides Rev 6-15-18 for specific information for unclassified Board Aides.

### **Does an employee need to complete an application in order to transfer?**

Anytime an employee applies for a different classification an application must be completed. Human Resources must first determine the employee meets the employment standards for the classification for transfer. An employee may also be requested to fill out an application when applying for a vacancy in their current class, so that the hiring authority can review job history. ([A25-112](#))

### **How is the transfer band determined?**

The transfer band is the percentage salary difference between one classification and another, using the same step for each classification (i.e., Step 1 to Step 1).

The Memorandum of Understanding that applies to the employee wishing to transfer determines the percentage the employee may move up in the range. ([View the MOUs and MOAs on the Labor Relations webpage](#)) If the contract is silent on transfers, review Merit System Rule ([A25-81](#)). The Departmental Service Center can assist in determining

if the classification an employee wishes to transfer to falls within the specified range. For salary information, go to [www.sccjobs.org](http://www.sccjobs.org).

**Does additional compensation such as bilingual or lead pay count in determining the transfer band?**

No. Differentials and other additional compensation are not considered as base wages when determining eligibility for transfer.

**Does bilingual pay continue when an employee transfers?**

No. Differential payments do not follow employees when transferring to a new position. The appointing authority will only assign bilingual differential if the position requires bilingual speaking and/or writing abilities. Check the Memorandum of Understanding for requirements for bilingual differential pay. ([View the MOUs and MOAs on the Labor Relations webpage](#)) or ([Salary Ordinance Section 54 \(F\)](#)) An employee must be bilingual certified prior to any bilingual differential payment.

**Will an employee be placed on probation if accepting a position through transfer?**

If an employee is appointed to a different classification, the employee will be placed on probation. If the employee is probationary and transfers to the same classification in a different department, the employee must serve the full probationary period in the new department. If an employee is probationary, and voluntarily transfers to the same classification within the department, the employee may be required to serve the full probationary period at the discretion of the appointing authority. If the employee holds permanent status, and transfers to the same classification in any department, the employee will retain permanent status in that class. The Memorandum of Understanding usually addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-63](#)) ([A25-65](#)) ([A25-175](#))

**Is there flexibility in determining at which salary step an employee will be placed?**

No. Salary is determined by the applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#)).

**If an employee transfers, can it be on any day of the pay period?**

No. Transfers are effective the first day of a pay period.



# What is a Voluntary Demotion?

Voluntary demotion is defined as the reduction of an employee on a voluntary basis from a position in one classification to a position in a lower classification that the employee never held, resulting in a loss of pay. ([A25-48](#))

## Filling a vacancy by means of voluntary demotion

1. Approval must be obtained prior to filling a vacancy, which may include approval through the department or agency, Employee Services Agency, or the Office of Budget and Analysis.
2. Prior to filling a vacancy, departmental and/or contractual obligations for filling the vacancy must be met ([View the MOUs and MOAs on the Labor Relations webpage](#)). Many positions, depending on the classification or department, may have requirements that must be followed in order to fill the vacancy. As an example, there may be a requirement to go through a bidding process, transfer line, or other posting requirements. Check with the appropriate Departmental Service Center.
3. A vacancy may be advertised through the County-wide transfer posting or department flyers/emails. Be sure to contact Human Resources for assistance in the recruitment effort.
4. Any specific skill set that will be needed, such as bilingual, typing, etc., should be listed on the transfer posting or flyer.
5. All candidates must meet the employment standards of the classification prior to appointment. Although a voluntary demotion will result in a lower salary, the candidate must still meet all of the necessary requirements as indicated on the job specification. Before interviewing candidates, be sure each candidate meets those requirements by having Human Resources review and approve the applications. ([A25-101](#))
6. Interview eligible candidates, conduct reference checks, and make a selection.
7. A hiring manager should not offer salary information without checking with the Departmental Service Center. Step placement when voluntarily demoting would be determined by applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#)).

8. Current County employees should voluntarily demote on the first day of the pay period. The employee should be able to give at least two weeks' notice to the current manager.
9. Any employee requesting to demote to a different classification will be placed on probation. Even if moving to a lower class, the employee must still serve the probationary period. The Memorandum of Understanding addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#))

## Employees applying for voluntary demotion

1. Only current classified County employees are eligible to voluntarily demote.
2. An employee may voluntarily demote by any salary level. In other words, there is no minimum or maximum salary range within which an employee may demote.
3. An employee may apply for a demotion for a vacancy that has been posted on a flyer, or the Countywide transfer opportunities online at [www.sccjobs.org](http://www.sccjobs.org).
4. Even if requesting to voluntarily demote to a lower classification, an employee must still be determined by Human Resources to meet the employment standards of the classification. ([A25-101](#))
5. Anytime an employee is placed in a different classification, even if it is lower, that employee will be placed on probation. The Memorandum of Understanding addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#))
6. If selected, an employee should start at the beginning of a pay period. It is appropriate for an employee to give the current manager at least two weeks' notice of the intended voluntary demotion.

## FAQ'S about Voluntary Demotion

### **Does someone have to be a current County employee to apply for a voluntary demotion?**

Yes. Only current classified County employees are eligible to apply for voluntary demotions. Additionally, an employee should check the applicable Memorandum of Understanding for any other status requirements. ([View the MOUs and MOAs on the Labor Relations webpage](#))

### **Can extra help employees apply for voluntary demotions to classified positions?**

No. Unclassified extra help employees are not eligible to voluntarily demote to classified positions. An unclassified extra help employee must go through the open competitive process by taking an examination to be hired into a classified position.

### **Does an employee need to complete an application in order to voluntarily demote?**

Anytime an employee applies for a different classification, an application must be completed. This is done so that Human Resources may determine whether the employee meets the employment standards for the classification. ([A25-112](#))

### **Is there a specific percentage that an employee must stay within when voluntarily demoting?**

No. Unlike a transfer band, there is no cap on the percentage decrease to which an employee may demote to. An employee has the ability to apply for any lower level position, regardless of salary, provided they meet the employment standards of the classification.

### **Does an employee retain bilingual pay when voluntarily demoting?**

No. Differential payments do not follow an employee when voluntarily demoting to a new position. The appointing authority will only assign bilingual differential if the position requires bilingual speaking and/or writing abilities. Check the applicable Memorandum of Understanding for requirements for bilingual differential pay. ([View the MOUs and MOAs on the Labor Relations webpage](#)) or ([Salary Ordinance Section 54 \(F\)](#)) An employee must be bilingual certified prior to any bilingual differential payment.

### **Will an employee be placed on probation if accepting a position through a voluntary demotion?**

If voluntarily demoting to a different classification, an employee will be placed on probation. The applicable Memorandum of Understanding usually addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-63](#)) ([A25-65](#))

### **Is there flexibility in determining the salary step at which an employee will be placed?**

No. Salary is determined by following the applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#)).

**If an employee voluntarily demotes, can it be on any day of the pay period?**

No. Voluntary demotions are effective the first day of a pay period.

# **What is a Return to Former Class?**

Return to former classification is defined as the reappointment of any current permanent employee, without further examination, and upon approval of the Personnel Director, to a position in any class in which regular status had been acquired, or to any related class on a comparable level, unless separation from the former class was based on a disciplinary demotion, dismissal, or release. Check an employee's Memorandum of Understanding for additional information on return to former class. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-201](#))

## Filling a vacancy by means of Return to Former Class

1. Approval must be obtained prior to filling a vacancy, which may include approval through the department or agency, Employee Services Agency, or the Office of Budget and Analysis.
2. Prior to filling a vacancy any departmental and/or contractual obligations for filling the vacancy must be met. Many positions, depending on the classification or department, may have requirements that must be followed in order to fill the vacancy. ([View the MOUs and MOAs on the Labor Relations webpage](#)) As an example, there may be a requirement to go through a bidding process, transfer, or other posting requirements. Check with the appropriate Departmental Service Center.
3. A vacancy may be advertised through the Countywide transfer opportunities online at [www.sccjobs.org](http://www.sccjobs.org) or department flyers/emails. Be sure to contact Human Resources for assistance in the recruitment effort.
4. Any specific skill sets that are needed, such as bilingual, typing, etc., should be listed on the transfer posting or flyer.
5. Candidates must meet all eligibility requirements as specified in applicable Memorandum of Understanding. ([View the MOUs and MOAs on the Labor Relations webpage](#))
6. An employee who is requesting to return to a former classification has already met the employment standards of the classification. Job applications may be requested by the hiring manager to review the job history of the employee.
7. When an employee requests to return to a comparable classification, Human Resources determines if the former and current classifications are comparable and related. If an employee is requesting to return to a class never held, Human Resources must review the job application prior the department to interviewing the candidate. ([A25-101](#))
8. Interview eligible applicants, conduct reference checks, and make a selection.
9. A hiring manager should not offer salary information without checking with the Departmental Service Center. Step placement would be determined by applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#)).

10. Current County employees should return to a former classification on the first day of the pay period. The employee should be able to give at least two weeks notice to the current manager.
11. If an employee is returning to a classification in which permanent status was attained, the employee will be appointed as permanent. If an employee is returning to a classification in which permanent status was not attained, the employee will be appointed on a probationary basis. The Memorandum of Understanding usually addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#))



## Employees applying for Return to Former Class

1. Only current County employees are eligible to return to a former classification. Check the current Memorandum of Understanding or Merit System Rules for status requirements. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-201](#))
2. An employee may apply to return to a former class for a vacancy that has been posted on a flyer, or on the Countywide transfer opportunities online at [www.sccjobs.org](http://www.sccjobs.org).
3. If an employee returns to a classification previously held, normally the employee has met the employment standards for the class, unless there have been changes to the employment standards. If an employee requests to return to a classification never held, the employee must meet the employment standards of the classification as determined by Human Resources. ([A25-101](#))
4. An employee may return to a former classification in either a higher or lower salary range than the employee's current classification.
5. Anytime an employee is placed in a classification never held, even if it is lower, the employee will be placed on probation. The Memorandum of Understanding usually addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#))
6. If selected, an employee should start at the beginning of a pay period. It is appropriate to give the current manager at least two weeks notice of the intent to return to former class.

## FAQ'S about Return to Former Class

### **Are only current County employees eligible to apply for return to former class?**

Yes. Only current County employees are eligible to return to former class. Check applicable Memorandum of Understanding or Merit System Rules for status requirements. ([View the MOUs and MOAs on the Labor Relations webpage](#)) (A25-201)

### **Does an employee need to complete an application in order to return to former class?**

If an employee requests to return to a former classification in which regular status was held, there is no requirement to submit an application; however, the hiring authority may request an application to review an applicant's job history.

If an employee requests to return to a comparable related class in which previous status has never been held, a job application must be completed. (A25-112) This is done so that Human Resources may determine whether the employee meets the employment standards of the classification. (A25-101)

### **Does an employee retain bilingual pay when returning to former class?**

No. Differential payments do not follow an employee when returning to a former class in a new position. The appointing authority will only assign bilingual differential if the position requires bilingual speaking and/or writing abilities. Check the Memorandum of Understanding for requirements for bilingual differential pay. ([View the MOUs and MOAs on the Labor Relations webpage](#)) or ([Salary Ordinance Section 54 \(F\)](#)) An employee must be bilingual certified prior to any bilingual differential payment.

### **Will an employee be placed on probation if accepting a position through return to former class?**

If an employee returns to a classification in which permanent status was attained, the employee will not be placed on probation. If an employee returns to a classification in which permanent status was not attained, the employee will be placed on probation. The applicable Memorandum of Understanding usually addresses the length of the probationary period. ([View the MOU and MOAs on the Labor Relations webpage](#)) (A25-65) (A25-63)

### **Is there flexibility in determining the salary step at which an employee will be placed?**

No. Salary is determined by following the applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations web](#)) (A25-661).

### **If an employee returns to former class, can it be on any day of the pay period?**

No. Returns to former class are effective the first day of a pay period.

# What is a Reinstatement?

Reinstatement is defined as the reappointment of a permanent employee who has resigned in good standing to the same or lower classification within two years of resignation on recommendation of the hiring authority and approval of the Personnel Director. ([A25-75](#))

## Filling a vacancy by means of Reinstatement

1. Prior approval for filling a vacancy must first be obtained, which may include approval through the department or agency, Employee Services Agency, or the Office of Budget and Analysis.
2. Reinstatement may occur prior to filling a vacancy through any departmental and/or contractual obligations for filling the vacancy. ([View the MOUs and MOAs on the Labor Relations webpage](#)) Many positions, depending on the classification or department, may have requirements that must be followed in order to fill the vacancy. As an example, there may be a requirement to go through a bidding process, transfer line, or other posting requirements. Check with the appropriate Departmental Service Center.
3. A vacancy may be advertised through a flyer or the Countywide transfer opportunities online at [www.sccjobs.org](http://www.sccjobs.org). Be sure to contact Human Resources for assistance in the recruitment effort.
4. Any specific skill sets that are needed, such as bilingual, typing, etc., should be listed on the transfer posting or flyer.
5. If receiving a request for appointment through reinstatement, first verify the prior employee's eligibility through the appropriate Departmental Service Center. Any reinstatement must have been a permanent employee who resigned in good standing. An eligible former employee requesting to be reinstated must be appointed within two calendar years of resignation in good standing. ([A25-177 \(a\)](#))
6. Interview eligible candidates, conduct reference checks, and make a selection.
7. Do not offer salary information without checking with the appropriate Departmental Service Center. A reinstatement may be appointed to any salary step not exceeding their former salary step. ([A25-177 \(b\)](#))
8. A reinstatement may start on any day of the pay period except a holiday, unless scheduled to work. Be sure to check with the appropriate Departmental Service Center to ensure that any necessary pre-employment conditions are met.
9. Indicate permanent or probationary status. If a reinstated employee is placed on probation, it will be treated as an original probation. ([A25-65](#)) ([A25-177 \(b\)](#))

## Former employees applying for Reinstatement

1. An eligible former employee may wish to apply for reinstatement for a vacancy that has been posted on a flyer or on the Countywide transfer opportunities online at [www.sccjobs.org](http://www.sccjobs.org).
2. In order to apply for a reinstatement, one must have been a permanent employee who resigned in good standing. ([A25-177 \(a\)](#))
3. An eligible former employee may apply for the same or lower classification in which permanent status was held, provided they meet the employment standards for the classification. ([A25-177 \(a\)](#))
4. In order to reinstate, an eligible former employee must be appointed to a vacancy within two calendar years of the resignation in good standing. ([A25-177 \(a\)](#))
5. If an eligible former employee is selected for a vacancy through reinstatement, the employee may be appointed on a permanent or original probationary basis at the department's discretion. If appointed to a classification in which permanent status was never held, the eligible former employee would be appointed as probationary. The Memorandum of Understanding usually addresses the length of the probationary period. ([A25-177 \(b\)](#))

## FAQ'S about Reinstatement

**Does someone have to be a current County employee to apply for reinstatement?**

No. One must have been a permanent employee who resigned in good standing. In order to reinstate, one must be appointed to a vacancy within two years of such resignation. ([A25-177 \(a\)](#))

**Is the former employee applying for reinstatement required to fill out an application?**

Yes. An application must be completed in order to reinstate. ([A25-112](#))

**Is an examination required in order to reinstate?**

Not necessarily. Typically, if an individual requests to reinstate to the same or a lower classification, there would be no requirement to take an examination, although the Personnel Director may require a qualifying exam. ([A25-148](#)) An eligible former employee has the ability to reinstate to the same or lower level classification, provided the employment standards of the classification have been met. ([A25-101](#))

**Is there a requirement to take a physical examination to be eligible for reinstatement?**

Typically, an eligible former employee is not required to take a pre-employment physical examination if appointed by means of reinstatement. However, there may be a requirement to complete and pass all or parts of the pre-employment physical examination, depending on the requirements of the classification or department to which reinstated. ([A25-122](#))

**Would an employee be appointed on a probationary basis when reinstated?**

If appointed by means of reinstatement, the hiring authority has the option to make that appointment on either a permanent basis or original probation. The applicable Memorandum of Understanding usually addresses the length of the probationary period. ([A25-177 \(b\)](#)) ([A25-65](#)) ([View the MOUs and MOA on the Labor Relations webpage](#))

# **What are Reasonable Accommodations Placements?**

It is the policy of the County of Santa Clara to fully comply with reasonable accommodation requirements set forth in the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, California's Fair Employment and Housing Act (FEHA), and other related Federal and State statutes. These laws require employers to provide reasonable accommodation to qualified employees and candidates with disabilities, unless the accommodation would cause an undue hardship.

The County is committed to providing reasonable accommodations to employees and candidates to ensure that individuals with disabilities enjoy full access to equal employment opportunities.

A request for reasonable accommodation is a statement that an employee or candidate needs an adjustment in the application process, work place, work assignment, or in the terms or conditions of employment for a reason related to a disability or medical condition.

As a result of a disability or medical condition, an employee whose work restrictions cannot be accommodated within the employee's department/agency (current position or another position) may have the County identify other vacant positions in another department/agency for which the employee qualifies, for possible accommodation placement.

For further information, please contact the Equal Opportunity Division, at (408) 993-4840.

## FAQ'S about Reasonable Accommodations

### **Is there a requirement to fill a vacancy through the Reasonable Accommodation Program?**

If a position has been identified as a possibility for reasonable accommodation placement, the position will be frozen by the Equal Opportunity Division (EOD) until a final determination has been made between EOD, and the hiring manager in the department/agency with the vacant position.

### **Are employees who are being considered for a reasonable accommodation placement required to meet the employment standards of the classification?**

Yes. Human Resources will determine that the employee meets the employment standards for the classification of the vacant position. ([A25-101](#))

### **What is the benefit of a reasonable accommodation placement?**

A reasonable accommodation placement will significantly reduce the length of time it takes to get a qualified candidate returned to active employment. Additionally, this program supports continued employment of current employees.

### **Who is responsible for training the employee who has been placed?**

Supervisors and managers are responsible to provide assistance and guidance on the job for all employees. Some employees may not require additional training, while others may need additional training to give the employee every opportunity for success.

### **Who can apply for reasonable accommodations placement?**

Any employee who has a physical, mental, or sensory disability, or a medical condition affecting the ability to perform the essential functions of the position, can request an accommodation. The employee's doctor, family member, worker's compensation staff, or a union representative may request an accommodation on the employee's behalf. The request can be made verbally or in writing. But, at some point, appropriate forms must be completed in order to properly process and review the request.

The formal request for accommodation must be accompanied by a note from a doctor or other recognized caregiver, such as a psychiatrist, nurse, or school counselor. The note **should not** reveal the medical condition or prognosis, but **must** indicate the work capacities and restrictions. The employee must still be able to accomplish the essential functions of the position with or without an accommodation in order to remain in the current job, or the employee will be considered for transfer or reassignment.



# What is an Unclassified Appointment?

Unclassified appointments are comprised of officers and positions as designated in [Section 701](#) of the Charter of the County of Santa Clara. Unclassified appointments can be made to coded positions, allowing for many rights and benefits of regular appointments, or may be made as non-permanent appointments, which are typically established to meet a peak load, or other unusual work situation. These temporary types of appointments are commonly called extra help appointments, and, for the most part, carry none of the rights or benefits of regular appointments. Extra help appointments are usually one of the last alternatives a hiring manager would utilize when trying to cover the workload of a vacant coded position.

## Unclassified Positions

Unclassified appointments are for positions as designated in Charter [Section 701 \(a\)](#) the County of Santa Clara. Unclassified positions can be filled on a continuing basis or as a time-limited position. Time-limited positions are often set based on temporary funding sources from outside the County.

In order for an unclassified employee to become a classified employee, the employee must be recommended for classified service and take and pass the appropriate qualifying examination established for the classification. ([A25-148](#))

## FAQ'S about Unclassified Positions

### **Can anyone be appointed as coded-unclassified?**

Any person, whether a current County employee of any status, or a non-employee, may be appointed as unclassified, provided a Human Resources Analyst has reviewed the individual's application and that person has been determined to meet the employment standards of the classification. ([A25-101](#))

### **Are there time limits on all unclassified positions, and, if so, for how long?**

Not all unclassified positions are time-limited. Positions that are time-limited are typically set for eighteen months but as the positions are often dependent on funding sources from outside the County, the length of time may vary or change.

### **What can be done if the time limit on an unclassified position is about to expire?**

If the time limit on an unclassified position is about to expire, the manager should be in discussions with Human Resources and the Office of Budget and Analysis regarding options. The expiration of the unclassified position may be addressed in one of three ways:

- Allow the position to expire as scheduled. The incumbent, if any, would have to vacate the position.
- Convert the unclassified position to a classified position. This would typically be done if the funding source becomes permanent. Conversion of these positions may be done through the formal Add and Delete process, which must go through full approval by the Board of Supervisors. The incumbent, if any, would be required to apply through the normal recruitment process and compete with other candidates.
- Extend the unclassified position's expiration date. This may be done if the unclassified position was not filled for the full 18 months. Extensions of coded-unclassified positions may not be made administratively, but must go through the formal process of presenting a legislative file to the Board of Supervisors for approval.

### **How does an unclassified employee become classified?**

The only way for an unclassified employee with no underlying permanent or probationary status to become a regular employee is to be recommended for classified service by receiving a positive recommendation on a promotional rating form and take and pass the appropriate qualifying examination established for the classification. If the unclassified position is funded by public sources other than the general fund (special funded), the incumbent in the position can apply for promotions, transfers within the same classification, and open/competitive recruitments. If the unclassified position is

supported by the general fund the incumbent in the position can only apply for promotional and open/competitive recruitments. ([A25-148](#))

Any unclassified employee may also be appointed from a certification list by scoring high enough on an open competitive examination. An eligible unclassified employee may be appointed from a promotional list provided the employee has scored high enough to be certified.

**Is an unclassified employee eligible to apply for and take promotional examinations?**

An unclassified employee who holds underlying permanent or probationary status is eligible to apply for and take a promotional examination. An unclassified employee with no underlying probationary or permanent status may be eligible to apply for and take a promotional examination for any classification, provided the employee has been recommended for classified service by receiving a positive recommendation on a promotional rating form AND has taken and passed the examination for the classification the employee is currently serving as unclassified. ([A25-156](#)) ([A25-157](#))

**What is the testing process for an unclassified employee to become classified?**

The testing process for an unclassified employee to become a classified employee is the same as the test administered for anyone else. If a written examination is administered to all people testing for that position, the unclassified employee would likewise be required to take and pass the written examination.

**Would an unclassified employee who becomes a classified employee have to serve a probationary period?**

Yes. An unclassified employee who becomes classified is required to serve any necessary probationary period for the classified position. If the unclassified employee moves to classified status in the same classification, the necessary probationary period must be served. Unclassified time does not count towards the probationary period. ([A25-65](#))

**Can an employee who has only been unclassified laterally transfer to a classified position?**

No. An employee who is unclassified, with no underlying permanent or probationary status is not eligible to laterally transfer to a classified position. In order to become a classified employee, they must go through the open competitive recruitment. ([A25-175 \(a\)](#))

**What rights does a permanent classified employee have upon moving to a coded-unclassified position?**

There may be rights to the previously held permanent classified classification. Always check the applicable Memorandum of Understanding or Personnel Practices. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-641](#))



## Unclassified Extra Help

Extra help appointments are also unclassified appointments as designated in [Section 701 \(a\)](#) of the County Charter. Extra help appointments are not regular appointments and typically do not carry the rights or benefits of regular appointments. Extra help appointments are made on a temporary basis to meet a peak workload or other unusual situation. ([A25-55](#)) ([A25-188](#))

Any person may be appointed as an extra help employee, provided the person meets the employment standards of the classification. ([A25-101](#)) ([A25-188 \(f\)](#)) Current coded employees may be allowed to work as extra help under certain conditions. Extra help employees are compensated on an hourly basis in accordance with the provisions of the County of Santa Clara [Salary Ordinance](#).

# Status Matrix

The matrix below outlines some key differences between Unclassified Extra Help appointments, Coded Unclassified and Classified status.

	Extra Help	Coded Unclassified	Classified
<b>Definition</b>	Extra Help means a person employed for periods when the work load within a department is of too great a volume to be expeditiously handled by the regular employees. ( <a href="#">A25-55</a> )	Are defined by Charter or have a limited duration.	For regular and continuing work. Regular means any permanent position in the classified service that requires filling through certification or by a provisional appointment. (A25-74)  Appointment follows the Merit System Rule regarding hiring from an eligible list.
<b>Positions</b>	There are no positions for extra help appointments, as an extra-help appointment is one made to a nonpermanent position established to meet a peak-load or other unusual work situation. ( <a href="#">A25-188</a> )	There are coded unclassified positions.	There are coded positions.
<b>Status</b>	Status = 2C	Status = 2B (benefits) Status = 2D (no benefits)	Status = 1B (probationary) Status = 1C (provisional) Status = 1D (permanent) Status = 1E (temp / sub provisional)

	<b>Extra Help</b>	<b>Coded Unclassified</b>	<b>Classified</b>
<b>Limitations</b>	<p>An extra help employee is limited to 1,040 hours in a Fiscal Year. The hours reset in Pay Period 14.</p> <p>There are Countywide limits to the number of extra help hours that the County can use. The limits are based on the MOUs. Labor Relations is responsible to allocate the specific number of hours available to each Department.</p>	<p>Have a limited duration of 18 months or as described by the Charter.</p>	
<b>Other</b>	<p>Retirees in non-safety classes must wait a minimum of 180 days prior to working as extra help.</p> <p>Those hired for Safety classes do not have a waiting period.</p> <p>Extra help retirees may only work to a maximum of 960 hours in a fiscal year as extra help.</p> <p>Departments must request approval from the HR Director to hire a retiree for extra help.</p>	<p>Incumbents in unclassified positions may transition to classified service in some limited circumstances. See FAQ'S about Transfers and FAQ'S about Unclassified Positions sections in this manual for details. (<a href="#">A25-148</a>)</p>	





	<b>Extra Help</b>	<b>Coded Unclassified</b>	<b>Classified</b>
<b>Hiring Limitations</b>	For twenty-two (22) classifications, there are restrictions on how extra help employees may be hired. See Pathway to Permanency information in the Extra Help section of the SEIU, Local 521 contract or the “What is Pathway to Permanency?” section of this manual.		
<b>Benefits</b>	Extra employees may be eligible for medical benefits after working for a certain number of hours. Contact the Departmental Service Center for additional information.	Coded Unclassified employees are eligible for benefits. Contact the Departmental Service Center for additional information.	Coded Classified employees are eligible for benefits. Contact the Departmental Service Center for additional information.
<b>Pay Practice</b>	Extra help employees in SEIU represented classifications receive step increases in accordance with Appendix L 10. Salary Steps.	For classifications with steps, employees receive step increases per Personnel Practice <a href="#">A25-660 (a- g)</a> or applicable MOU.	For classifications with steps, employees receive step increases per Personnel Practice <a href="#">A25-660 (a- g)</a> or applicable MOU.

## FAQ'S about Extra Help Appointments

### **Under what circumstances are extra help employees used?**

An extra help appointment is one made to meet a peak load or other unusual work situation. ([A25-55](#)) ([A25-188 \(c\)](#))

### **Are extra help employees required to meet the employment standards for the classification?**

Yes. All appointments in the unclassified service are expected to meet the employment standards, including any special requirements established for the classification by state law, or any specialized educational or training requirements for professional or technical classifications, as established in the job specification. A Human Resources Analyst must review the individual's application and determine whether the individual meets employment standards of the classification. ([A25-101](#)) ([A25-188 \(f\)](#))

### **Under what conditions can a current employee be allowed to work as extra help?**

Current employees may be able to be appointed to an extra help assignment if the following four conditions are met: ([A25-640](#))

1. The extra help assignment is to a different classification or position in a different work unit than the one currently occupied by the employee;
2. The extra help assignment is not within the employee's scope of authority or control;
3. The extra help assignment is reviewed for implications under existing contracts, the Fair Labor Standards Act (FLSA), and other applicable Federal and State law;
4. The extra help assignment is in a department that provides twenty-four (24) hour services with direct health and safety responsibilities and is approved by the appropriate appointing authority.

### **Do all extra help classifications have the same hours limitation?**

All extra help workers are limited to one thousand forty (1,040) hours in a fiscal year in the County. **Extra help workers may work in multiple departments during the fiscal year but are limited to the 1,040 hours cap for their total work assignments.** Extra help retirees are limited to nine hundred and sixty (960) hours in a fiscal year ([A25-188 \(e\)](#))

### **What happens if an extra help employee is coming close to the hours limit?**

Extra help appointments are time limited, based on the needs of the County. If an extra help employee reaches the 1,040 hours cap, the employee must be released.

**Under what circumstances may an extra help employee's hours be extended?**

Certain extra help classifications may be eligible for an extension of hours with Board of Supervisors approval, based on those appointments that have direct health and safety responsibilities in departments that provide twenty-four (24) hour services.

([A25-188 \(e\)](#))

**Are extra help employees eligible for step increases or benefits?**

Extra help employees represented by SEIU Local 521 are eligible for step increases and certain specified benefits. Reference SEIU Local 521. ([View the MOUs and MOAs on the Labor Relations webpage.](#))

**How does someone become an extra help employee?**

Extra help employees can apply directly to any department within the County that is hiring for extra help. For classifications listed in the Pathway to Permanency section of the SEIU Local 521 contract, an extra help employee must be hired from an eligible list. ([View the MOUs and MOAs on the Labor Relations webpage.](#))

**When does an extra help employee get a step increase?**

For classifications represented by SEIU Local 521, an extra help employee appointed at Step 1 must work one thousand forty (1,040) hours to receive a step increase to Step 2. Extra Help employees will receive subsequent step increases, from Step 2 through Step 5, after working two thousand eighty (2,080) hours at each step. See the SEIU Local 521 Memorandum of Understanding, which addresses extra help employees. ([View the MOUs and MOAs on the Labor Relations webpage.](#))

**When is an extra help employee eligible for medical benefits, and is there a cost?**

SEIU extra help employees are eligible for and may elect to enroll in the Valley Health Plan after one thousand forty (1,040) paid hours of employment. The employee shall pay a prorated portion of the total monthly premium based on years of eligibility for enrollment in the Valley Health Plan. See the SEIU Local 521 Memorandum of Understanding, which addresses extra help employee. ([View the MOUs and MOAs on the Labor Relations webpage.](#))

Extra help employees may be eligible to enroll in the Valley Health Plan after meeting the Affordable Care Act's (ACA) definition of a "full-time" employee. Contact the Employee Benefits Department for additional information.

**Can an extra help employee be released from County employment at any time?**

Yes. Extra help employees may be released from County employment at any time. All extra help appointments are temporary and based solely on the needs of the County.

**How do extra help employees become classified?**

In order for an extra help employee to be considered for classified County service, the extra help employee must go through the open competitive examination process.

**Are extra help employees entitled to reasonable accommodation?**

Yes, if an extra help employee indicates the need for reasonable accommodation in order to perform the essential functions of the assignment, the department must complete the RA process to determine if the employee can perform the essential functions of the assignment with or without accommodations.

**Is an extra help employee eligible to apply for and take promotional examinations?**

No. In order to be eligible to apply for and take a promotional examination, one must be a classified probationary or permanent employee, an employee at any status with underlying probationary or permanent status, or a coded-unclassified employee who has been recommended for classified service, and taken and passed a qualifying examination for the current classification. ([A25-156](#)) ([A25-157](#))

**Is an extra help employee eligible to transfer to a classified position?**

No. An extra help employee is not eligible to transfer to a classified position. In order for an extra help employee to be considered for classified County service, the employee must go through the open competitive examination process. ([A25-175 \(a\)](#))

**Can extra help employees work overtime, and, if so, do those hours count towards the employees' limit of hours and the department's total allotment of hours?**

An extra help employee who is eligible for overtime, and assigned overtime work, may receive overtime pay. These hours count towards both the employee's total hours and the department's total allotment of hours.

## What is Pathway to Permanency?

Pathway to Permanency is a program in the SEIU Local 521 contract that outlines the methods of filling extra help opportunities for twenty-two (22) Countywide and Health and Hospital System (HHS) classifications. Currently the classifications are:

Pathway To Permanency	
Countywide Classifications	HHS Specific Classifications
Community Worker	Health Information Clerk I
Food Service Worker I	Health Information Clerk II
Janitor	Health Services Representative
Library Page	Hospital Services Assistant II
Office Specialist I	Medical Assistant
Office Specialist II	Medical Laboratory Assistant II
Office Specialist III	Medical Unit Clerk
Materials Supply Specialist	Mental Health Worker
Probation Counselor	Patient Transporter
Warehouse Materials Handler	
Series	Pharmacy Technician
Food Service Worker Correction	Licensed Vocational Nurse

In order to hire extra help for these classes, the person selected must take and pass the appropriate examination and be hired from the eligible list. Contact Human Resources for specifics about hiring extra help into these classifications. Note: Per an agreement with SEIU Local 521, the pathway to permanency requirement is suspended until June 25, 2023. ([View the MOUs and MOAs on the Labor Relations webpage](#))

# What is the Employment Support Unclassified Program (ESUP)?

The Employment Support Unclassified Program (ESUP) sources candidates from:

- County Emancipated Foster Youth (CEFY) Employment Program
- CalWORKs Employment Services (CWES)
- CalFresh Employment and Training
- Rapid Rehousing
- Reentry Services

Based on [Board Policy 3.22](#), candidates are found using alternate sources with the goal of helping to fill vacancies in forty-two (42) specific entry level classifications. Vacant positions used for these programs are indicated in [Salary Ordinance, Footnote #126](#) and may be filled through the ESUP program:

Account Clerk I / Account Clerk I (U)  
Animal Services Assistant/Animal Services Assistant (U)  
Automotive Attendant/Automotive Attendant (U)  
Buyer Assistant/Buyer Assistant (U)  
Community Worker/Community Worker (U)  
Consumer and Environmental Protection Agency (CEPA) Operations Aide/Consumer and Environmental Protection Agency (CEPA) Operations Aide (U)  
Custody Support Assistant/Custody Support Assistant (U)  
Eligibility Worker I/Eligibility Worker I (U)  
Food Service Worker - Correction/Food Service Worker - Correction (U)  
Food Service Worker I/Food Service Worker I (U)  
Health Information Clerk I/Health Information Clerk I (U)  
Health Services Representative/Health Services Representative (U)  
Hospital Services Assistant I/Hospital Services Assistant I (U)  
Janitor/Janitor (U)  
Laundry Worker I/Laundry Worker I (U)  
Law Enforcement Clerk/Law Enforcement Clerk (U)  
Library Circulation Aide/Library Circulation Aide (U)  
Library Clerk/Library Clerk (U)  
Library Page/Library Page (U)  
Library Technician/Library Technician (U)  
Management Aide/Management Aide (U)  
Materials Supply Specialist/Materials Supply Specialist (U)  
Medical Assistant/Medical Assistant (U)  
Medical Laboratory Assistant I/Medical Laboratory Assistant I (U)  
Medical Office Specialist/Medical Office Specialist (U)



Medical Unit Clerk/Medical Unit Clerk (U)  
Mental Health Peer Support Worker/Mental Health Peer Support Worker (U)  
Messenger Driver/Messenger Driver (U)  
Office Specialist I/Office Specialist I (U)  
Office Specialist II/Office Specialist II (U)  
Park Services Attendant/Park Services Attendant (U)  
Pharmacy Assistant/Pharmacy Assistant (U)  
Pharmacy Technician Trainee/Pharmacy Technician Trainee (U)  
Pretrial Services Technician/Pretrial Services Technician (U)  
Probation Peer Support Worker/Probation Peer Support Worker (U)  
Records Retention Driver/Records Retention Driver (U)  
Utility Worker/Utility Worker (U)  
Vector Control Trainee/Vector Control Trainee (U)  
Vehicle Use Coordinator/Vehicle Use Coordinator (U)  
Veterinarian Assistant/Veterinarian Assistant (U)  
Warehouse Materials Handler/Warehouse Materials Handler (U)  
Youth Engagement Specialist/Youth Engagement Specialist (U)

Candidates are screened to meet employment standards, hired as unclassified employees, and have 9 months to test and promote to a classified status. The Career Pathways and Outreach Team is the connection between your vacancy and the programs providing candidates (see below for source program details). These programs regularly submit candidate applications for appraisal by the team. Approved candidates are then placed on appropriate eligibility lists.

Hiring Managers may request eligible candidates based on Footnote 126 vacancies. The interview, selection, and hiring process occurs just as with any other candidate pool. However, these ESUP-sourced candidates are hired in an unclassified status. Once hired, the unclassified employee has a total of 9 months to promote to classified status, via promotional rating form, official County job application, and exam. The hiring manager may promote the employee beginning at 3 months.

# Filling a Vacancy through the Employment Support Unclassified Program (ESUP)

1. Prior approval for filling a vacancy must be obtained, which may include approval through the department or agency, Employee Services Agency, or the Office of Budget and Analysis.
2. Prior to filling a vacancy, any departmental and/or contractual obligations for filling the vacancy must be met. ([View the MOUs and MOA on the Labor Relations webpage](#)) Many positions, depending on the classification or department, may have requirements, which must be followed in order to fill the vacancy. As an example, there may be a requirement to go through a bidding process, transfer line, or other posting requirements. Check with Human Resources.
3. Submit a requisition for “Employment Support Unclassified Program.” On the requisition, include the classification, position number, and language skill (if necessary). For specific questions related to completing the requisition, contact the Career Pathways and Outreach Team at [CareerPathways@esa.sccgov.org](mailto:CareerPathways@esa.sccgov.org).
4. The Career Pathways and Outreach Team will refer applications of qualified candidates to the hiring authority.
5. The hiring authority will interview qualified applicants, conduct referencing, make a selection, and notify the Career Pathways and Outreach Team of that selection.
6. All processes for new hires must be followed, including any conditions of employment, such as a pre-employment physical, or background check.
7. The selected candidate will be appointed as a coded-unclassified appointee and must take and pass the examination for the classification in which hired to be appointed classified probationary.
8. The coded-unclassified incumbent is to be evaluated on a bi-monthly basis until recommended for classified status. The evaluations are to occur at the 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> month intervals.
9. To be scheduled for the written examination, the employee must be evaluated on a promotional rating form and receive a positive recommendation.

10. The written examination should be scheduled with Human Resources after three months but no longer than nine months from the date of the original coded-unclassified appointment.
11. The maximum time an incumbent may fill the position in coded-unclassified status is nine months. If the employee is not recommended for probationary appointment, and/or does not take and pass the examination for the classification in which appointed, the employee must be released from County service.

# FAQ'S about the Employment Support Unclassified Program (ESUP)

## **Why was the Employment Support Unclassified Program implemented?**

The Board of Supervisors adopted the Employment Support Initiative in January 1997. The program was designed to give welfare recipients the opportunity to receive training and job opportunities to successfully transition from welfare to work in entry-level positions. It has since expanded to support active participants in other County programs. Reference [Board Policy 3.22](#).

## **Who can apply for these positions?**

All individuals appointed in this manner must be active participants of County Programs that are funded, administered, and/or coordinated by the County (e.g., CalWORKs, CalFresh Employment and Training, and Rapid Rehousing)

## **Is there a requirement to fill a vacancy through any of these programs?**

No. There is no requirement for hiring authorities to appoint through the Employment Support Unclassified Program; however, there are advantages to doing so.

## **What is the benefit of hiring through the Employment Support Unclassified Program?**

It will significantly reduce the length of time it takes to get qualified candidates. Additionally, filling a vacancy through these program will provide employment opportunities for members of our community participating in County Programs.

## **Who is responsible for training the individuals hired through this program?**

Although it is the responsibility for all supervisors and managers to provide assistance and guidance on the job for all employees, there is a commitment from participating agencies to assist with training if necessary. If there is an area in which a participant needs additional assistance and training, the Employment Counselor should be contacted. This should be done as soon as it is determined additional training is needed, to give the incumbent every opportunity for success.

## **Once appointed as unclassified, does the participant have to test?**

Yes. A participant must take a written examination for the classification in which the participant is serving to become a classified employee. To test, the hiring authority must give a positive recommendation on a promotional rating form and request to schedule testing through Human Resources.

**When does the participant become a classified employee?**

Once the participant receives a favorable rating on a promotional rating form and passes the written examination for the classification in which serving, the participant is eligible for classified probationary status.

**What if the participant does not pass the examination?**

If the participant does not pass the examination, it may be possible to retest; however, the participant must be recommended for classified status and take and pass the examination for the classification in which serving prior to the nine-month point, or the participant will be released from County service.

**Once appointed to classified status, will the participant be permanent?**

When the coded-unclassified participant is recommended for classified status, and takes and passes the examination, their status will be changed from unclassified to classified probationary. The applicable Memorandum of Understanding addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) Coded-unclassified time does not count towards the completion of the probationary period. ([A25-65](#))

**Is there flexibility in determining the salary step at which the incumbent will be placed at upon recommendation for classified service?**

No. Salary is determined by following the applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#)).

# What is an Alternately-Staffed Promotion?

Alternately-staffed positions are created with two or more related classifications with the appointing authority allowed a choice in filling the position from any of the listed alternatives. Alternately staffed promotions are defined as the advancement of a continuing incumbent in a coded position to a classification in the series in a higher salary range, in which advancement is attained through such qualifying examination as required by the Personnel Director. ([A25-36](#)) ([A25-66](#))

# Promoting an employee through Alternate Staffing

1. The employee must be in an alternately staffed position in order to promote to the higher classification in that position. This method may not be used to promote an employee to a different position code.
2. The employee must be determined to meet the employment standards of the higher classification prior to promotion. Be sure to have Human Resources determine if the employee meets the employment standards for the higher classification. ([A25-101](#))
3. Call Human Resources to verify whether a test is required.
4. Complete the applicable promotional rating form (<https://scccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/Human-Resources-Forms.aspx>) The employee must receive a positive recommendation on the Promotional Rating Form in order to be promoted.
5. A hiring manager should not offer salary information without checking with the Departmental Service Center. Salary placement is determined by the applicable Memorandum of Understanding or Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661\(a\)](#)).
6. Employees will be placed on probation upon promotion to the higher classification. The applicable Memorandum of Understanding determines the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-65](#)) ([A25-63](#))
7. Promotions are effective on the first day of a pay period.

## Promotional Rating Forms

Promotional rating forms are designed to determine if an employee has successfully demonstrated the knowledge, skills, and abilities necessary to promote to the higher classification in a series

(<https://scccconnect.sharepoint.com/sites/esa/Human%20Resources/SitePages/Human-Resources-Forms.aspx>) . When considering the performance of the employee, the hiring manager must think of specific examples from observations of the employee's work performance to demonstrate possession of or lack of each specific job element.

When completing a promotional rating form, a hiring manager must indicate whether the employee is qualified or not qualified for the job elements in each skill area. They may also need to rate the employee in respect to readiness for promotion by indicating whether an employee's potential for success in the higher position is excellent, good, average, marginal, or unsatisfactory.

When answering in each job area, a hiring manager should think about the consistent performance of the employee. One incidence of successful performance in a specific job element may not reflect consistent performance. Managers/supervisors may be asked to list comments on specific examples of work performance that demonstrate possession of, or lack of, a job element. Choose an example that reflects the employee's consistent performance level.

It may be useful to discuss the promotional rating with the employee prior to completing the promotional rating form. The employee might suggest particular examples of work performed that they feels demonstrates successful performance. If deciding to use any of the suggested examples, be certain they are familiar, have been personally observed, and that the behaviors and results were positive.

Prior to a hiring manager presenting the promotional rating form to an employee for their signature, the completed promotional rating form should be given to the next level manager for review and signature.

The completed promotional rating form and the employee's completed job application must be forwarded to Human Resources for approval of promotion to the higher classification prior to the proposed effective date of the promotion.



## FAQ'S about Alternately-Staffed Promotions

### **How quickly should an employee be promoted in an alternately-staffed position?**

An employee may only be promoted once the employment standards for the higher classification in the series have been met, and when the hiring manager feels the employee has consistently demonstrated the ability to perform at the higher level.

### **Does an employee have to promote to each level in the series in an alternately-staffed position?**

No. An employee does not need to serve at each level within the series. The employee does have to meet the employment standards and consistently demonstrate the ability to perform at the higher level in the series.

### **Can a probationary employee be promoted to the higher classification in the series?**

Yes. A probationary employee may be promoted provided the employment standards of the higher classification have been met and the employee has consistently demonstrated the ability to perform at the higher classification. ([A25-157](#))

### **Will an employee be required to take an examination?**

An employee will only be required to take an examination if one is required for the classification to which promoting.

### **Can an employee fill out a promotional rating form?**

No. A hiring manager may request input from an employee but must be able to cite specific examples of consistent job performance by the employee, which demonstrate the ability to perform at the higher level.

### **Will an employee be placed on probation in the higher classification upon promotion?**

Yes. Any time an employee is appointed to a different classification, the employee will be placed on probation. The applicable Memorandum of Understanding addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-65](#)) ([A25-63](#))

# What is Acting Executive Management?

For a vacant executive management position caused by separation from service or in an approved leave of absence with or without pay, the County Executive may designate a county officer or employee as acting manager for a period not to exceed six (6) months in the case of a vacancy, or one (1) year in the case of a leave of absence. Such person shall retain their position but shall be paid the first step of the higher salary range or two (2) steps above their current salary, whichever is higher, during such service. The acting manager shall have, in all respects, the authority and responsibility of the acting position during the period so designated by the County Executive. ([A25-669](#))

If interested in filling a vacancy with an acting executive manager, please contact Employee Services Agency Executive Services at (408) 299-5852 for assistance.

# What is an Underfill?

For a vacancy in a position authorized by salary ordinance, an appointing authority, in lieu of filling the vacancy at the class authorized, may, with the approval of the Personnel Director, fill the position at a lower related level if the position is to be underfilled for training purposes, or there is no existing employment list. The tasks, duties, and responsibilities required of the higher class must include those required by the related lower class. ([Salary Ordinance Section B \(1\)](#))

If there is a need to fill a vacancy with an underfill, the Human Resources Analyst should be contacted for assistance. The Personnel Director must approve an underfill.

# What Is Work Out of Classification (WOOC)?

Work out of classification (WOOC) is when an employee is compensated to temporarily cover for a vacant position or an absent employee on paid or unpaid leave. WOOC is an option that may benefit a hiring manager after careful review of the applicable Memorandum of Understanding. There are many different provisions and requirements that must be followed, depending on factors indicated in the applicable Memorandum of Understanding. ([View the MOUs and MOAs on the Labor Relations webpage](#). [View the Departmental Agreements](#))

# FAQ'S about Work Out of Classification

## Can an employee WOOC to a lower level classification?

WOOC may be allowable to lower classifications, depending on the labor union; however, the employee's pay would be lowered in accordance with pay procedures in Personnel Practices ([A25-661](#)). Some labor agreements require that work out of class assignments be made only to a higher classification. ([View the MOUs and MOAs on the Labor Relations webpage.](#))

## How is the pay rate determined when an employee is assigned WOOC?

When assigned WOOC, the employee will be paid according to the applicable Memorandum of Understanding or the pay practices listed in Personnel Practices ([A25-661](#)). ([View the MOUs and MOAs on the Labor Relations webpage](#))

## Is the employee who is assigned WOOC required to meet the employment standards of the classification to which they are working out of class?

Certain labor agreements require that the employee meet the employment standards of the higher classification. If the contract does not specifically address WOOC provisions, employees must meet employment standards to WOOC to a vacant position. In these instances, the hiring manager should have the employee complete a County job application and forward it to their Employee Services Agency - Human Resources Analyst for review.

The WORK OUT OF CLASS (WOOC) Employment Standards Matrix below is for the most common WOOC requested. Check the applicable Memorandum of Understanding (MOU) for specific information.

Employee Union Designation	Position Union Designation	Position Status (Vacant/Filled)	Employment Standards:
			Yes – required to meet Employment Standards No – not required to meet Employment Standards
CEMA	CEMA	Vacant	Yes
		Filled	No
CEMA	SEIU <sup>1</sup>	Vacant	Yes
		Filled	No
		Vacant	Yes

Employee Union Designation	Position Union Designation	Position Status (Vacant/Filled)	Employment Standards: Yes – required to meet Employment Standards No – not required to meet Employment Standards
SEIU <sup>1</sup>	CEMA	Filled	No
SEIU <sup>1</sup>	SEIU <sup>1</sup>	Vacant	Yes
		Filled	No
SEIU <sup>1</sup>	SEIU Supervisory	Vacant	Yes
		Filled	No
SEIU Supervisory	SEIU Supervisory <sup>2</sup>	Vacant	Yes
		Filled	Yes
All	Executive Leadership	Vacant	Yes
		Filled	Yes
RNPA	RNPA	Vacant	Yes
		Filled	Yes
RNPA	CEMA	Vacant	Yes
		Filled	Yes
CEMA	RNPA	Vacant	Yes
		Filled	No
1587	1587	Vacant	Yes
		Filled	Yes

<sup>1</sup>SEIU includes: Clerical Unit, Public Health Nursing Unit, Blue Collar Unit, Administrative, Professional, and Technical Unit (APT), Environmental Health Unit, Social Services Unit (SSU), and Probation Counselor Safety Unit.

<sup>2</sup>Note additional restrictions, in Appendix G, Section 7.3 of the SEIU contract.

NOTES:

- CEMA to CEMA work out of class assignments may work out of class a total of 26 pay periods. This practice should be followed for all WOOC assignments.
- Effective 1/1/2018, new California law (AB 1487) limits amount of time employees can work in “out-of-class appointments” for vacant positions in a higher classification to 960 hours per employee per fiscal year.
- This is a resource document, only. If there is any contradiction between this document and the applicable Memorandum of Understanding or Merit System Rules (MSR), the MOU and/or MSR apply.

**Can WOOC be assigned to cover a vacant code if a valid eligible list exists?**

Yes, but WOOC should only be assigned as an exception in such circumstances. It is strongly recommended to fill the position rather than assigning WOOC. To assign WOOC, the hiring manager will need to provide the justification for why a WOOC assignment is being made rather than filling the code on a more permanent basis. Such rationale will be evaluated by ESA-HR and approved only in such instances where it is not immediately feasible to fill the position.

**Is there any necessary approval that must be obtained prior to assigning WOOC?**

Yes. For an employee assigned WOOC to a vacant position, ESA-HR must review the employee’s application to determine if they meet the employment standards of the classification to which assigned. Often, approval must be received from ESA-HR prior to assigning work out of classification to a vacant position. The ESA-HR Analyst can assist in determining whether the employee must meet the employment standards for the higher-level classification. Check the applicable Memorandum of Understanding. ([View the MOUs and MOAs on the Labor Relations webpage](#))

**Are there any time limits for either a position to be worked or an employee to receive WOOC?**

There may be time limits for how long an employee can work in the position and/or how long an employee can receive a WOOC differential. Any time limits would be indicated in a Memorandum of Understanding ([View the MOUs and MOAs on the Labor Relations webpage](#)) or applicable statute. California Government Code Section 20480 limits the time an employee may work out of class to a vacant position to 960 hours per fiscal year ([CGC 20480](#)).

**If a non-exempt employee WOOCs to an exempt position, is that employee eligible for overtime?**

Yes, they are eligible for overtime because their existing position is non-exempt.

**When an employee WOOCs to another position, what happens to the current position's work?**

The work assignments are dependent on the department's needs, type of WOOC (Vacant or Filled), and duration. The department should assess if there is a need to separate or combine the current job duties with the WOOC job duties. The department may consider a second employee to WOOC, hiring extra help, or redistributing the work, if the WOOC is to a vacant position or for a prolonged period of time.



# What is the Application and Examination Process?

Human Resources will prepare, or have prepared, all examinations. The County may contract for such service with a public or private agency rendering such service. ([A25-144](#))

Human Resources will schedule examinations as needed. Scheduled examinations may be postponed or cancelled, or the closing date for filing applications may be extended by Human Resources, by notifying all persons affected and posting a public notice. ([A25-139](#))

**Any candidate in need of an accommodation for any part of the application or examination process should contact Human Resources for assistance prior to the examination date.**

# How are Job Openings and Examinations Announced?

Job announcements include the job title, compensation, a statement of duties and responsibilities, other information that will help applicants understand the nature of the employment, procedures for participating in the examination, and date to file applications. ([A25-111](#))

New job announcements are continually issued. These announcements are posted electronically at [www.sccjobs.org](http://www.sccjobs.org). Kiosks are available at the following locations:

- County of Santa Clara Government Center  
70 West Hedding Street, East Wing, 8<sup>th</sup> Floor  
San Jose, CA 95110  
(408) 299-5830
- ESA at Social Services Agency  
353 W. Julian St., 2<sup>nd</sup> Floor  
San Jose, CA 95110  
(408) 755-7130

# **What Should Applicants Know about the Recruitment Process?**

All applicants must fill out a job application to be considered. ([A25-112](#)) A resume will not take the place of the job application or any portion of the job application.

Job applications must be submitted online by the last day for filing. Submitted job applications will not be returned. ([A25-116](#)) All applications are confidential and will not be made public. ([A25-119](#))

All applicants must meet the employment standards for the classification to which they are applying in order to continue in the recruitment process. ([A25-101](#)) For some recruitments, documentation of education, training, or experience must be provided. ([A25-120](#))

If a job application is rejected or disqualified, the applicant will receive an email notice. If the job application is found to be incomplete or deficient, the applicant may request to correct it before the date of the examination in order to be considered. ([A25-118](#))

# **What Does the Examination Process Consist of?**

The examination process can consist of one or more of the following: application review, application appraisal, competitive rating, performance test, written test, and/or oral examination. ([A25-140](#))

All questions asked during the examination process are based on the knowledge and abilities required to successfully perform the job. ([A25-141](#))

## FAQ'S About the Examination Process

### **What if a candidate with a disability needs to be accommodated during the examination process?**

In compliance with the Americans with Disabilities Act and the California Fair Employment and Housing Act, the County of Santa Clara accepts accommodation requests for consideration from candidates with a disability. If a candidate has a disability and requires reasonable accommodation in the application and examination process, please contact the Recruitment Unit at (408) 299-6816, (408) 993-8272 (TDD).

### **What kinds of questions will be on the examination?**

A candidate will only be asked questions that pertain to the knowledge and abilities of the classification for which they are applying. Most written examinations contain true or false and/or multiple-choice questions. Scenario-based questions are typically used for oral examinations. Performance examinations contain hands-on demonstrations applicable to the classification. Competitive ratings evaluate the job application material submitted based on pre-set criteria relevant to the knowledge and abilities and supplemental questions.

### **Where does Human Resources get the questions for the written examination?**

The questions are obtained from an item bank, which are grouped in categories such as grammar, math problems, or interpersonal skills. The Human Resources Analyst selects the questions based on the knowledge and abilities on the applicable job specification, as identified as essential from the job analysis.

### **What can a candidate do to prepare for the examination?**

A candidate can prepare for many types of examinations by going to the library or bookstore and selecting a study guide that pertains to the type of classification for which the candidate is taking an exam.

A candidate should look at the job specification and job posting to review the knowledge and abilities listed for the classification. For example, if one of the abilities listed is mathematical skill, a candidate can expect to find arithmetic problems on the written examination.

### **Why are there questions on the examination that seem to have nothing to do with the job?**

All questions are based on the knowledge and abilities required for the classification. Some questions may seem indirect, but may be testing a candidate's ability to come to the correct conclusion, as required for the classification.

### **How long does it take to get the results from the examination?**

It will take approximately two to three business days from the final portion of the examination for a candidate to receive results.

**Can a candidate apply again if they failed the examination or performed more poorly than expected?**

A candidate may be able to re-apply when the job announcement is issued again. There are provisions for re-testing in certain limited circumstances. ([A25-142](#)) ([A25-154](#))

# **What Should a Candidate Know About Examination Scoring?**

Unless otherwise indicated in the job announcement, all competitors are required to attain a score of not less than seventy percent (70.0%).

Written examinations may require attainment of the arithmetic seventy percent (70.0%) of the total possible score, but the pass point may instead be based on an adjusted score based on the difficulty of the test, the quality of the competition, and the needs of the service. If the examination is an application appraisal, all applicants who meet the employment standards for the classification will be given a grade of Pass rather than a numerical score. ([A25-150](#))

# What are Veteran's Preference Credits?

Veteran's preference credits are points applied for an open-competitive scored exam to the candidate's total score, if applicable. Qualified veterans may receive either five or ten points upon achieving a passing score for a numerically scored examination. ([A25-126](#)) ([A25-149](#))

## How Does a Candidate Qualify for Veteran's Preference Credits?

To be entitled to veteran's preference credits, a candidate must:

1. Claim such preference upon the application form, and
2. Present to the Human Resources Department, prior to the date of examination, a copy of a discharge or other release (DD214), other than dishonorable, from the armed forces showing service in any branch of the United States military. ([A25-126](#))

For classifications represented by Probation Peace Officers' Union Local 1587, to be entitled to a five (5) percent veteran's preference credit, a candidate must:

1. Claim veteran's preference on the application
2. Prior to the date of the examination, provide Human Resources with an original or certified or a copy of discharge or release other than dishonorable from the armed forces of the United States showing:
  - a. Full time military service of thirty (30) days or more:
    - i. In time of war; or
    - ii. In time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, and which has been awarded to the applicant as verified by the applicant's service record; or
    - iii. During the period of September 16, 1940 to January 31, 1955; or
  - b. Full time military service of at least 181 consecutive days since January 31, 1955.

For 1587, veteran's preference points may be given to a qualifying veteran for any open-competitive examination given for an entry-level position. Entry-level positions are the lowest level position in a series or other jobs of similar responsibility that are under immediate supervision and are typically limited in scope.



For 1587, for any open-competitive examination that is not identified as entry level, a qualifying veteran may receive veteran's preference points if the examination is within five years of separation of service. ([A25-149](#))

Any veteran qualifying per the above may be entitled to an additional five percent veteran's preference if disabled.

No veteran's preference points are given for a qualifying examination and/or application appraisal, as the scoring is not numerical, but rather "Pass" or "Fail. " ([A25-150\(d\)](#))

# **What is Disabled Veteran's Preference Credit?**

To qualify for disabled veteran's preference credit, the veteran must hold an approved disability rating of ten (10%) percent or more from the Veteran's Administration for a disability that is service connected. ([A25-149](#))

For 1587, "Veteran" under this section does not include any person who served only in auxiliary or reserve components of the armed services whose services therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940. ([A25-126](#))

# **What is the Review Process and Appeal and Retest Procedure?**

It may be possible to review, protest, retest, and appeal the content of a written examination or oral examination. The following section gives information on this process. All examination papers are confidential records and may not be removed from the Human Resources Department.

Most written examinations include questions provided by an outside contracting agency that does not consent to allow review by candidates. All decisions based on appeals and protests are at the discretion of the Personnel Director or their designee. ([A25-142](#)) ([A25-154](#))

# Written Examination Review and Retesting

## Review Process

Within five (5) business days of a written examination, any competitor or the competitor's designated representative may review a keyed copy of an examination for any defect in content, which would make part or all of an examination invalid. Any review of an examination that includes questions from an outside contracting agency may only be done with the consent of that agency.

## Protest/appeal

A candidate that protests or appeals any portion of the examination will be given five (5) business days following the expiration of the five day review period to document their protest by including written authority or source references. After investigation of the protest, the Personnel Director will decide whether the protest is justified. If an error is found, the score of the candidate will be changed accordingly. If the error affects other candidates, their scores will be changed accordingly. No resulting changes will invalidate any certifications of eligibles or appointments that have already been made.

## Reapply and retest **with review**

A candidate who reviews an examination may not reapply or retest until at least ninety (90) days have passed since the original examination. The most current score prevails, regardless of scoring higher or lower on the original examination. If the candidate wishes to reapply and retest a second time, they must wait until at least ninety (90) days following the original retest. Candidates who fail three (3) consecutive examinations in a six (6) month period are not eligible to reapply or retest until six (6) months have passed since the last failure.

## Reapply and retest **without review**

A candidate who does not review an examination for which only one form is available may not reapply or retest until at least forty-five (45) calendar days have passed since the original examination. A candidate who does not review an examination for which more than one form is available may reapply and retake the examination as soon as administratively convenient. The most current score prevails, regardless of scoring higher or lower on the original examination. If the candidate wishes to reapply and retest a second time, they must wait until at least ninety (90) calendar days following the original retest. Candidates who fail three (3) consecutive examinations in a six (6) month period are not eligible to reapply or retest until six (6) months have passed since the last failure. ([A25-154](#))



# Oral Board Examination, Retest, and Appeal Procedure

## Appeal

An oral board rating appeal may be made at any time following the oral board examination, but no later than the eighth (8) business day following the notification of the scores. The candidate will have the right to meet with the Director, or the Director's representative, within five (5) business days from receipt of the appeal. The five-day (5) time limit may be extended if both parties agree. No appointment may be made from an eligible list resulting from an examination that is under appeal. ([A25-142\(f\)](#))

An oral board rating may only be appealed based on irregularity, bias, fraud, or discrimination. This process is only used for the oral board examination and may not be used for the hiring interview. If a candidate has concerns regarding the oral examination, and believes the examination may have been irregular, fraudulent, biased, or discriminatory, the candidate may wish to review the following questions for guidance on the decision to file an appeal.

### **Irregularity**

Were you questioned or treated in a significantly different way than other candidates, or differently than called for in County rules and procedures?

### **Bias**

Did one or more of the Oral Board Raters have a personal preference for or against specific candidates, have prior inappropriate contact with specific candidates, or assess candidates on factors not related to their ability to perform the job?

### **Fraud**

Do you have evidence of deliberate deception, trickery, or cheating, which caused unfair or unlawful results?

### **Discrimination**

Did unlawful discrimination occur in your Oral Board Examination - actions, questions, or statements made that were based on prejudice against you for one (or more) of the following reasons: race, gender, age, political affiliations, national origin, religious beliefs, physical or mental disability, medical condition, sexual preference, perceived sexual preference, sexual orientation, or any other status protected by Federal and State law?

## Retest

If there is evidence to substantiate the claim of the candidate, Human Resources will convene a new oral board for the purpose of re-rating the candidate. The candidate's new score will be used to place the candidate in the proper position on the eligible list. If the irregularity affects all candidates, the examination results will be voided, and a new oral examination conducted. ([A25-142\(f\)](#))

# What are Eligible Lists?

An eligible list is a list of candidates who have qualified in an examination for a class and have had their names placed on the list in the order of their relative final scores. ([A25-170](#)) Each competitor is notified of the results of the examination, and if passing, the general average percentage and their relative position on the eligible list. ([A25-153](#))

All eligible lists are confidential, and neither the position of an eligible on a list nor the eligible's score will be made available except to the eligible, a designated representative, or a department where the eligible may be considered for appointment. ([A25-173](#))

The amount of time an eligible list is active can vary, depending on many factors. Some issues considered may be the recruitment history of the classification, the number of available vacancies, the number of eligibles on the list, the current job market, equal opportunity objectives, and budgetary considerations.

Eligible lists are generally established for no less than three (3) months and may be extended. A list resulting from an open competitive recruitment may remain active for no longer than two (2) years. Promotional lists may remain active for one (1) additional year, for a total of three (3) years, with the approval of the Personnel Director.

The Personnel Director may abolish a list if the classification is abolished, which may occur because of a reclassification. The Personnel Director may also abolish a list upon completion of an examination for the same classification. In lieu of abolishing a list, the Personnel Director may authorize supplementing the list with names resulting from additional examinations. ([A25-171](#)) ([A25-172](#))

If there is a request to abolish a list prior to the scheduled expiration date, Human Resources will analyze the need and make a recommendation to abolish the list. The Personnel Director must approve the abolishment of any active list. ([A25-180](#))

If an eligible list is abolished early, notification must be sent to all eligibles whose names appear on the list prior to releasing a new job announcement to establish a new list ([A25-180](#)).



## Guidelines Set for Consideration of Abolishment of an Eligible List (also called PER 10)

Human Resources will evaluate any request for abolishing an eligible list using the following factors:

- Recruitment history
- Eligible list activity
- Potential for high number of vacancies
- Limited number of vacancies
- Specialized skills required
- High turnover of classification
- Limited or seasonal recruitment pool
- Job market
- Potential for large applicant pool
- Number of eligibles on list
- Interview results of candidates who interviewed

# What is a Re-Employment (Reemployment) List?

Most Memoranda of Understanding between the County and recognized employee organizations contain a provision relating to re-employment lists. Always review the applicable Memorandum of Understanding for specific information. ([View the MOUs and MOAs on the Labor Relations webpage](#))

A reemployment list is a list containing names of employees in a classification who have been laid off, and who are entitled to preference in appointment to vacancies in that class when filled from the eligible list. ([A25-71](#)) ([A25-72](#))

- Reemployment lists will always be used before eligible lists resulting from promotional or open competitive examinations. ([A25-174 \(a\)](#))
- When a vacancy in any department/agency exists in a class where there is a reemployment list, the person standing highest on the list is offered the position. ([A25-627\(a\)](#))
- If the employee on the reemployment list refuses to accept one of two offers of employment within the same classification, the former employee's name is removed from the reemployment list. ([A25-629](#))
- When required by the needs of the department and approved by the Personnel Director, selective certification may be utilized to reemploy employees with particular skills. ([A25-627\(b\)](#))

# What is a Referred List (Certification List)?

A referred list is a list of qualified candidates from an eligible list given to a department for interview. These referred candidates are certified to the department based on rank and the department's business needs. All referred candidates should be equally considered for appointment to a vacancy. The number of referred candidates a department receives is governed by the rules for certification as listed below:

- For a single vacancy, the appointing authority may receive the top ten (10) highest-ranking candidates, including any candidates with tied scores.
- For each additional vacancy included on the requisition, from an open-competitive list, the appointing authority may receive the next four (4) highest ranked candidates, including tied scores, provided the maximum number of candidates allowed has not already been exceeded by the original referral.
- For each additional vacancy included on the requisition, from a promotional list, the appointing authority may receive the next highest ranked candidate, including tied scores, provided the maximum number of candidates allowed has not already been exceeded by the original referral.
- If a candidate has waived the interview, or failed to respond, the appointing authority may be entitled to additional names (supplemental referrals) if the maximum number of candidates allowed has not already been exceeded by the original referral.
- Lists may not always contain ten (10) candidates.  
([A25-184](#)) ([A25-185](#))

# Certification of Eligibles

## FAQ'S about Referred Lists (Certification Lists)

### **How does a hiring manager request a certification list?**

Certification lists are requested and received through the NEOGOV Online Hiring Center (OHC), which is the Human Resources electronic applicant tracking system. A requisition must be completed online through OHC, detailing the recruitment needs for the position. If a hiring manager is trying to fill a vacant position and does not have OHC access, contact the departmental Human Resources Liaison or departmental Human Resources Analyst for assistance.

### **How many names are on the referred (certification) list?**

The number of names on a referred list will vary depending on different circumstances, including the number of vacant positions in the classification that was requested on the requisition, the type of recruitment, and the total number of eligibles available on the list. ([A25-184 \(a\)\(b\)](#))

### **Are the names on the referred (certification) list in score order?**

No. The names on the referred list will appear in a random order. The rank and score of a candidate will not appear. All candidates on the certification list should be considered equally for appointment.

### **How are tied scores resolved?**

If two or more candidates have identical scores, a hiring manager will receive all of those tied candidates on the referred (certification) list. ([A25-152](#))

### **How long are candidates given to respond?**

Candidates must contact the hiring department within three (3) business days of receiving the notice. However, a hiring manager does not have to wait to be contacted. It is more expedient to contact the candidates right away to set up an interview. If a hiring manager decides to contact candidates on the certification list, the hiring manager must attempt to contact all candidates on the list.

### **What happens if a candidate does not respond, or waives the interview?**

If a candidate does not respond to a notice of certification, or waives the interview, it should be noted on the referred (certification) list. The hiring manager may then request an additional name.

### **How are additional names requested?**

Additional names may be requested once appropriate comments are documented on the referred (certification) list. The request is made by contacting the Department's Human Resources Analyst or Human Resources Liaison.

**Is there a requirement to appoint from the referred (certification) list?**

No. A hiring manager is not required to appoint from a referred list. However, if a hiring manager does not make a selection from a referred list, this does not entitle the hiring manager to any additional existing names on the eligible list.

If no selection is made, it must be indicated on the referred list. Additionally, there are many alternatives to appointing from a referred list, and the recruitment process for many of these alternatives may often be conducted concurrently with requesting a certification list. This will aid in reducing the amount of time a position remains vacant. Hiring Managers/Supervisors should contact the department Human Resources Analyst or Human Resources Liaison for possible alternatives.

**What if the vacancy has a special skill requirement?**

Human Resources can selectively certify a list for different skill requirements, such as bilingual or typing. The need for selective certification should be indicated when completing a requisition. ([A25-184 \(c\)](#))

**Must reasons for selecting or not selecting a candidate on the list be indicated?**

Yes. Appropriate, job related reasons for hiring decisions must be indicated. If a candidate who was not hired contests the selection, there must be very specific reasons listed for that decision. Limit all comments to job-related, reference-related reasons. ([A25-184 \(d\)](#))

**What if there are less than ten (10) names on the list (application appraisal)?**

Even if there are less than ten (10) names on a list, the list may still be referred. A Human Resources Analyst will review and conduct an analysis based on the number of candidates, age and activity of the list, history, turnover, use of the classification, current job market, and current needs of the County. A list may not be abolished without the review and approval of the Personnel Director. ([A25-172](#))

**Is there a requirement to interview everyone on the referred list?**

Yes. There is a requirement to interview each and every candidate on the list who has responded to the notice of certification. All candidates on the referred list should be considered equally for appointment to the vacant position. ([A25-184 \(d\)](#))

## FAQ'S About Referrals for Transfer Candidates

For details regarding pay and when to do a Transfer, refer to **What is a Transfer?**

### **How many names are on the transfer list to the hiring department?**

All candidates that meet employment standards, appointment status, and transfer band for the classification will be referred to the department for interviews.

### **Are names on a transfer list scored?**

No. Candidates do not have a score for transfer opportunities. Certain classification may require a qualifying test but these tests, will not be scored for purposes of creating an eligible list. ([A25-148](#)) ([A25-175\(b\)](#))

### **How long is a Transfer job posting posted?**

Transfer opportunities are posted for a minimum of seven (7) calendar days. ([A25-175\(c\)](#))

### **Should I contact the transfer candidates for interview?**

Candidates are instructed to wait for a call from the department, and should reach out to the hiring department if they have not been contacted by the hiring department within five (5) business days of the notice.

Departments are required to reach out to the candidates to schedule interviews within five (5) business days. If a candidate does not respond to schedule an interview, the hiring manager will consider this interview waived and update the referred list results in NEOGOV OHC accordingly.

# What are the Reasons a Candidate Could Be Disqualified?

The Personnel Director may disqualify a candidate by refusing to consider a candidate, refusing to allow the candidate to take an examination, removing the candidate's name from the employment list, or refusing to certify any eligible on an employment list. If a candidate is disqualified, the candidate will be notified by email. ([A25-117](#))

The following list is not all inclusive, but contains some of the reasons for which a candidate may be disqualified:

- a. The candidate lacks any of the requirements or qualifications established for the examination.
- b. The candidate is physically or mentally unfit to perform the essential duties of the class.
- c. The candidate is currently using illegal drugs.
- d. The candidate has been convicted of a felony or misdemeanor that demonstrates unfitness for the position.
- e. There is evidence of immoral, infamous, or disgraceful conduct.
- f. The candidate has made a false statement of material fact or has practiced or attempted any deception, fraud, or misconduct in connection with the applicant's application or examination.
- g. If the candidate has been dismissed for any cause mentioned within these rules, or resigned to avoid dismissal in either public or private employment.
- h. If the candidate has a history of unsatisfactory employment in previous jobs verified by record.

# What are the Reasons a Candidate Could Be Removed from a List?

A candidate who has scored high enough to be placed on the eligible list may be removed from the list by the Personnel Director. If a candidate is removed for any of the reasons listed below, the candidate may be placed on an inactive list, and would only be placed on the active list if adequate justification were submitted in writing and approved by the Personnel Director. The following are reasons for a candidate to be removed from a list, ([A25-178](#)) ([A25-181](#)) ([A25-182](#)) with the possibility of being placed on an inactive list:

1. If the candidate requests to be removed from a list.
2. If a candidate cannot be located.
3. If a candidate fails to respond to a notice of certification within the specified timeframe.
4. If the candidate is appointed to a position, the candidate's name will be removed from all related lists at the same or lower salary.
5. After being certified, the candidate waives three offers of permanent appointment.
6. If a County employee resigns from County employment, the employee will be removed from all promotional lists, but may request to be placed on an open / competitive list.

**The following are reasons for a candidate to be removed from a list:**

1. A candidate may be removed from any employment list if certified to three different departments and has been designated in writing by the appointing authorities to be unacceptable. ([A25-184\(f\)](#))
2. Any reason listed under Disqualification of a candidate. ([A25-117](#)) ([A25-122](#))



# **What Happens If There Is No Employment List?**

## **How is a recruitment requested?**

If a referred (certification) list is requested through a requisition, and no eligible list currently exists, a Human Resources Analyst will be assigned the recruitment, and will contact the hiring manager to discuss the recruitment plan.

## **How can a hiring manager help in the recruitment process?**

There are many ways a hiring manager can assist in the recruitment process. Once a Human Resources Analyst is assigned the recruitment, they will contact the hiring manager to discuss the factors that may lead to the recruitment's success.

1. Become educated on the classification's employment standards. Look at the [job specification posted on the County website](#).
2. Talk to colleagues in the field in other counties and cities to find out what worked for them.
3. Talk to the Human Resources Analyst assigned to the recruitment to let them know of colleges or organizations where prospective candidates might be found.
4. Let the Human Resources Analyst know if the recruitment should be open to all or restricted to internal County candidates through a promotional recruitment. There may be enough qualified candidates within the County.
5. Consider doing informal recruiting at conferences, seminars, or workshops for specific occupations. Human Resources maintains lists of visited recruiting events and adds notes on success rates. Departments should inform their Human Resources Analyst of attendance and follow up feedback so that recruitments have a high success rate.
6. Consider the affirmative action goals for the department. Talk to the Equal Opportunity Officer to request assistance in ensuring the inclusion of underrepresented groups in the recruitment effort.

# Request a Provisional Appointment

## What is a Provisional Appointment?

A provisional appointment can be made if there is no employment list for the classification for which there is a vacancy. The Personnel Director may authorize a provisional appointment, pending establishment of an eligible list.

[\(A25-67\)](#) [\(A25-189\)](#)

An employment list may still be considered as valid, regardless of the number of names on the list. If there are questions regarding the current status of the list, contact your Human Resources Analyst.

## How does a hiring manager make a provisional appointment?

A hiring manager should contact Human Resources to verify the absence of an eligible list and receive approval for appointing a provisional employee. Anyone may be appointed as a provisional in a vacancy, whether currently a County employee or not. The appointee must meet the employment standards for the classification to be filled on a provisional basis. A provisional employee must sign an agreement with their department that clearly states their understanding of the provisional status restrictions governing their employment.

A hiring manager should include a completed Provisional Request Form, if applicable.

## FAQ'S about Provisional Appointments

### **Can anyone be appointed as a provisional appointment?**

Yes. Anyone may be appointed as provisional provided the appointee has been determined by Human Resources to meet the employment standards of the classification and has not been a provisional appointment for more than twenty-six (26) pay periods in a twenty-four (24) consecutive months. ([A25-101](#)) ([A25-189\(b-c\)](#))

### **Are there time limits for a provisional appointment?**

Yes. A person appointed provisionally cannot continue in such appointment for more than ninety days after an eligible list is established. Except, for classifications represented by Probation Peace Officers' Union Local 1587, a provisional appointment may only continue for seventy-five (75) days after the creation of the eligible list. Regardless of when the list is established, a person may only serve as provisional for a total of twenty-six (26) pay periods in any twenty-four (24) consecutive months. ([A25-189\(c\)](#))

### **Can a provisional appointee have their time extended?**

No. Provisional appointments cannot be extended beyond the time limits listed above. ([A25-189\(c\)](#))

### **What happens if the eligible list is not created before the end of the provisional appointment?**

Although this rarely happens, the provisional employee must vacate the position.

### **How does a provisional employee become eligible for permanent employment?**

The provisional employee would have to apply for the recruitment and take and pass the examination for the classification. The provisional appointee would have to score in the top ten and be selected by the hiring manager during the hiring interview process in order to be appointed as a regular employee. ([A25-73](#))

### **Is there a requirement to appoint a provisional employee as a regular employee?**

No. Even if the provisional employee takes the exam, passes the exam, and scores in the top ten, there is still no requirement for a hiring manager to appoint the provisional employee as a regular employee. ([A25-73](#)) A hiring manager should consider all candidates on the list and appoint the best qualified.

### **What if the provisional employee does not pass the exam, or score high enough to be referred to a department?**

A provisional employee may not be appointed as a regular employee unless they score high enough to be referred to the department. This is often a difficult issue, since a hiring manager has likely taken the time to train a person to do the job; however, the

competitive process under Merit System Rules must be followed, and if the provisional employee fails the examination, or the score was not in the top ten (plus ties), the provisional employee must be released.

**What happens at the conclusion of the provisional appointment?**

If the provisional employee is selected from the list, the employee will have a status change from provisional to probationary. If the provisional employee was not selected, or if the score was not high enough to be certified to the list, the appointee must be released from provisional status. If the provisional employee was not a permanent or probationary County employee prior to the provisional appointment, the employee must be released from County service. If the provisional employee was a permanent or probationary County employee with no break in service prior to the provisional appointment, there may be return rights to the former position. Check the applicable Memorandum of Understanding ([View the MOUs and MOAs on the Labor Relations webpage](#)).

**If appointing a provisional employee as a classified probationary employee, can provisional time be counted towards the probationary period?**

No. Provisional time does not count towards the probationary period of the classification. The applicable Memorandum of Understanding determines length of the probationary period ([View the MOUs and MOAs on the Labor Relations webpage](#)). ([A25-65](#)) ([A25-63](#))

# Request an Alternate List

## What is an Alternate List?

An alternate list is a list of candidates in a classification that may be issued for a vacancy in a different classification for which there is no existing list. If there is a vacancy in a classification for which there is no list, it may be possible to receive an existing list for a related classification in which employment standards are similar or higher and the examination is similar. ([A25-179](#))

## How does a hiring manager request an alternate list?

A hiring manager may contact the Human Resources Analyst to request an alternate list. The analyst will determine if there are any current eligible lists for classifications deemed comparable for the vacancy. If such a list exists, the analyst will instruct the hiring manager to submit a requisition to receive the alternate list. The requisition comments should indicate the request for an alternate list.

Any candidate not selected from a referral using an alternate list will remain active on the original eligible list until selected for the classification for which the original list was created.

# Request an Underfill

## What is an Underfill?

An underfill is a provision in the salary ordinance that allows for the filling of a vacant position with a classification other than that which has been pre-authorized in the salary ordinance. The classification used to fill the authorized class must be lower and related to the authorized class. The tasks, duties, and responsibilities required of the higher class must include those required by the related lower class. Such action must not result in the removal of an incumbent with permanent status except as provided by Charter Section 708.

An underfill will only be allowed in the event there is no eligible list for the authorized classification, or the authorized classification is to be filled at the lower level for training purposes. ([Ordinance No. Section B](#))

## How does a hiring manager request an underfill?

In order to underfill a vacant position, a hiring manager must verify either that there is no eligible list, or indicate that the lower classification is to be used for training purposes. If interested in filling a vacancy with an underfill, contact the Human Resources Analyst assigned to the department. **The Director of Employee Services Agency or their designee must approve an underfill.**

# How to Fill Behind an Authorized Leave of Absence

## Unpaid Leaves of Absence

### Substitute Provisional

An employee who is on an authorized unpaid leave of absence may have their position filled with a substitute provisional appointment. This type of appointment is made on a temporary basis to fill behind an unpaid leave of absence taken by a regular employee. Anyone can serve as a substitute provisional appointee, provided the employment standards of the classification have been met, as determined by Human Resources. The substitute provisional appointment can be made for a minimum of fourteen calendar days and up to a maximum of one year. ([A25-188](#))

If, at any time, the employee on an unpaid leave returns, or in any way vacates the position, the substitute provisional appointee must vacate the position. If the substitute provisional appointee is a permanent County employee filling behind the leave in the same department, that employee should be treated as though on leave from their previous position. The employee would have rights to return to the previous position, or a similar position in the same classification in the department.

If the substitute provisional appointee is a permanent County employee from another department, that employee may be considered on leave from the previous position, or retain reinstatement rights only, at the discretion of the former department head.

If an employee has requested an unpaid leave of absence for longer than one year, the hiring manager must make an appointment through regular certification procedures. This would enable the hiring manager to fill the position on a regular basis.

### Substitute Probationary

If an employee is on an unpaid leave of absence for longer than one year, the hiring manager must make an appointment through regular certification procedures. ([A25-188 \(a\)](#)) This would enable the hiring manager to fill the position on a regular basis.

A substitute appointee who is appointed from the top ten on a certification list would carry all rights and privileges of a regular employee. ([A25-188 \(b\)](#)) In the event the incumbent on the unpaid leave returned, layoff procedures would have to be followed.

# **Paid Leaves of Absence**

## **What are Special Leave Codes?**

An employee, who is being paid from their accrued balances while on a leave of absence may be able to be moved to a special leave code. If the employee will be on a paid leave of absence for one month or longer, the hiring manager may request to have the employee transferred to a special leave code. If there is sufficient appropriation, the creation of a special leave code may be possible, with approval of the Director of Employee Services Agency or their designee. The Human Resources Analyst can assist in this process. If there is not sufficient appropriation, the request would be treated no differently than requesting a new position. This is done by requesting additional funding for the position from the Board of Supervisors. ([A25-188 \(g\)](#))

Once there is approval for a special leave code, Human Resources will establish the position and assign it a position number. The employee on a paid leave would be moved to this position through an EPAR. The hiring manager will then fill the previous position on a substitute provisional basis, or through the regular substitute certification procedure.

Throughout this process, the status of the employee on the paid leave of absence must be carefully monitored. If the employee on a paid leave of absence returns from leave, depletes accrued balances and goes on an unpaid leave, or in any way vacates the position, the employee will be removed from the special leave code, and the special leave code will be inactivated.

A special leave code must have the approval of the Director of Employee Services Agency or their designee. The Department's Human Resources Analyst can assist in the review and approval process.



## Provisional Matrix

Provisional Appointment (PV) - 1C	Substitute Appointment (Sub-PV) (Temporary PV) – 1E	Sub Probationary - 1B (Pretend the Position is Vacant)
<p>A PV can be used when there is no current eligible list for that classification.</p> <p>The following conditions apply:</p> <ul style="list-style-type: none"> <li>• The position is vacant and there is no eligible list. <a href="#">A25-189(a)</a></li> <li>• Incumbent must meet employment standards for the classification. <a href="#">A25-189(b)</a></li> <li>• No provisional appointment shall continue for more than 90 calendar days after an eligible list is established for the classification; or for more than one year (26 pay periods) in any consecutive 24-month period. <a href="#">A25-189(c)</a>. 75 calendar days for classifications represented by Probation Peace Officer's Associate Local 1587</li> <li>• In order to be placed on the eligible list, the incumbent must apply for, and take and pass the testing process, for the recruitment. <a href="#">A25-113</a>, <a href="#">A25-150</a>, <a href="#">A25-170</a></li> <li>• In order to remain in the position, the incumbent must place in the top 10 scoring candidates, or must vacate the position. <a href="#">A25-184(a)</a>, <a href="#">A25-189(c)</a></li> <li>• The incumbent is not guaranteed the position, as the department</li> </ul>	<p>A Sub-PV can be used to fill behind an employee who is out on a leave of absence.</p> <p>The following conditions apply for an Unpaid Leave:</p> <ul style="list-style-type: none"> <li>• A Sub-PV fills behind an approved unpaid leave of absence, and is appointed for a minimum period of 14 calendar days, and limited to a maximum period of one year (26 pay periods) in a consecutive two-year period. <a href="#">A25-188(a)</a></li> </ul> <p>The following conditions apply for a Paid Leave of Absence:</p> <ul style="list-style-type: none"> <li>• If the employee is on a paid leave of absence for a period of one month or longer, a Special Leave Code must be approved by the HR Director, and created to fill with the employee on leave. (Adequate funding must be available to pay both the employee and the sub-pv). <a href="#">A25-188(g)</a></li> </ul> <p>The following conditions apply for any Sub-PV appointment:</p> <ul style="list-style-type: none"> <li>• Incumbent must meet employment standards for the classification. <a href="#">A25-101</a></li> <li>• No Sub-PV appointment shall continue for more than 1 year (26 pay periods) in any consecutive 24-month period. <a href="#">A25-188(c)</a></li> </ul>	<p>A Sub-Probationary can be used when an employee is out on a long term leave and is not expected to return.</p> <ul style="list-style-type: none"> <li>• Sub-Probationary appointments are made when an employee has been out on leave for longer than one year. The incumbent who is selected through the regular certification process, is entitled to the rights and privileges of a regular employee. <a href="#">A25-188(b)</a></li> <li>• If the employee is on a paid leave of absence, a Special Leave Code must be approved by the HR Director, and created to fill with the employee on leave. (Adequate funding must be available to pay both the employee and the sub-probationary hire). <a href="#">A25-188(g)</a></li> <li>• Position must be filled through the regular certification process (open-competitive, promotional, transfer). <a href="#">A25-188(a)</a></li> <li>• Incumbent must meet employment standards for the classification. <a href="#">A25-101</a></li> </ul>

Provisional Appointment (PV) - 1C	Substitute Appointment (Sub-PV) (Temporary PV) – 1E	Sub Probationary - 1B (Pretend the Position is Vacant)
<p>may select any one of the candidates referred. <a href="#">A25-184(a)</a></p> <ul style="list-style-type: none"> <li>Hours worked provisionally do not count toward probationary time, as the probationary period starts following appointment from an eligible list to a position in the classified service. <a href="#">A25-65</a></li> </ul>	<ul style="list-style-type: none"> <li>Upon return of the regular employee, the Sub-PV has the right to return to their former position in their previous department, or to a similar position in the same class in the department. <a href="#">A25-188(a)</a></li> <li>Employees Sub-PVing to a different department may, at the discretion of the former department head, either be put on leave or may retain only reinstatement privileges. <a href="#">A25-188(a)</a></li> </ul>	<ul style="list-style-type: none"> <li>If the employee on leave returns from leave, layoff provisions would apply. <a href="#">A25-188(a)</a></li> </ul>

## Is Work Out of Classification (WOOC) allowable to fill behind a paid leave of absence?

Yes, WOOC is an option that may benefit a hiring manager after careful review of the applicable Memorandum of Understanding. There are many different provisions and requirements that must be followed, depending on factors indicated in the applicable Memorandum of Understanding. ([View the MOUs and MOAs on the Labor Relations webpage](#). [View the Departmental Agreements](#))

[See FAQ'S about Work Out of Classification for additional information.](#)

## Acting executive management

For a vacancy in an executive management position caused by an approved leave of absence with pay, the County Executive may designate a county officer or employee as acting manager for a period not to exceed one (1) year. Such person shall retain their prior position, but shall have the authority and responsibility of the acting position during the period so designated by the County Executive. ([A25-669](#))

If interested in filling a position with an acting executive manager, please contact Employee Services Agency Executive Services at (408) 299-5852 for assistance.

# What Is Reclassification?

Classification is based on the principle that positions will be allocated to the same classification when the duties and responsibilities are sufficiently similar to justify the same descriptive title, definition of duties, responsibilities, and employment standards. Reclassification is a request by an eligible employee during the annual reclassification window, or by departmental executive leadership, for a review and study of the appropriateness of the allocation. ([A25-35](#)) ([A25-44](#)) ([A25-45](#)) ([A25-97](#)) ([A25-103](#))

(See related policies: [Classification Principles Policy](#), [Executive Management Initiated Classification Study Request Acceptance Policy](#))

## FAQ'S about Reclassification

### **When can a classification study be beneficial?**

The reclassification process allows for the establishment of new classifications for new programs or new functions/duties. If duties have changed substantially, a reclassification may be warranted on a position filled by an incumbent. If there are major organizational changes envisioned, a reclassification may offer solutions.

### **What are the limitations of reclassification?**

The most obvious limitation on a reclassification request is the amount of time it takes to complete the classification study. It may also require a great deal of time to resolve differences among all parties involved (Human Resources, the department, and the applicable bargaining unit).

### **What is the typical timeline for a Reclassification Study?**

A classification study can take anywhere from three months to more than a year. The timeline depends on many factors, such as the number and complexity of issues, number of incumbents, the amount of time it takes to resolve issues with the department and involved bargaining units, and the number of competing priorities for all parties involved.

### **What is the general classification study process?**

A study may be requested by an eligible employee through the annual reclassification window or by executive leadership in a department. Human Resources may also initiate a study of a specific position or an entire classification. Studies are requested or initiated based on a substantial change of duties and responsibilities that would warrant a change of classification.

Human Resources will review the request and notify the department and/or employee whether or not the position warrants a study.

### **What kinds of materials are reviewed in classification studies?**

The Human Resources staff conducting the study will review the Position Classification Questionnaire (PCQ), which is completed by the incumbent, the immediate supervisor, and an executive manager. Human Resources will review other County classifications and will gather information from other comparable counties for comparison studies. Often, there are also interviews with the incumbents about their duties. These desk audits generally take about an hour to complete.

### **What is an expedited classification study?**

Human Resources may conduct an expedited classification review in which the study requests are evaluated from the material submitted. The department and union are notified that Human Resources agrees/disagrees with the requested classification. An

interview with the employee is not conducted. Because of the expedited nature of this method, any contested study requiring meetings with the affected bargaining unit is pulled out of this process and handled as a normal classification study.

### **How can a department accelerate the classification study timelines?**

Departments can help accelerate the study process in several ways:

1. Have a complete statement from the department describing changes in the organization that might have triggered the study, rather than simply saying they believe that the position warrants a study.
2. Have clear, logical reasons for reorganization. Managers must be very clear in their logic on why they choose to reorganize, particularly if it involves changes in employees' classifications.
3. Identify the problem. Often classification studies are requested to solve a problem. When requesting a study, the department must clearly identify the problem and provide Human Resources with documentation. For example, if the current employment standards are obsolete, it may be difficult to recruit qualified candidates for vacancies. If there is a high turnover rate, Human Resources will analyze the actual number of employees who have left County employment in that classification. Providing as much information as possible will help expedite the study.
4. Provide current organizational charts identifying both positions by classification and the positions under study. Providing actual job titles instead of working titles will also help Human Resources understand the organizational structure.
5. If it is a large study involving many employees, it is advisable to have a hiring manager act as a liaison to coordinate the logistics of the study and assist Human Resources staff in scheduling and coordinating employee interviews.
6. Use contacts in other comparable agencies. Human Resources will contact other comparable counties and governmental agencies to collect salary information, staffing patterns, classification specifications, etc. However, if the department has specific contacts in other counties or agencies, it is helpful to provide this information to the Human Resources Analyst assigned to the study.

### **What are circumstances that classification studies will not address?**

Classification studies are not meant to solve performance problems, bypass Merit System Rules, or reward high performing employees. Studies are meant to address changes in the duties and responsibilities, required training and experience, levels of contacts and management responsibilities, and decision making assigned to a position.

**Can a position be reclassified downward?**

A classification study is meant to review current job duties and responsibilities of a position to determine if it is allocated appropriately. A position may be reclassified upward to a higher classification, or downward to a lower classification.

**How is an employee or a department notified of the results of a classification study?**

Once a classification study has been completed, a classification report is sent to the Department Head, which means the head of the budget unit. It is up to the Department Head to share the classification study recommendations with their leadership team, as necessary. The classification study recommendations may NOT be shared with incumbents in the study or others not authorized. Human Resources will resolve any differences with the department at that point. Once differences are resolved with the department(s), the classification report is sent to the affected bargaining unit. It is the responsibility of the bargaining unit to share the study recommendations with incumbents. This is the employee's first opportunity to review Human Resources' recommendations.

**What is the bargaining unit's involvement in the reclassification?**

If requested by the bargaining unit representative, Human Resources will hold discussion sessions to review the report recommendations. After all outstanding issues are resolved with the bargaining unit, the report goes to the Board of Supervisors for final approval. Occasionally, the union and the County do not resolve all outstanding issues. In this case, Human Resources schedules the study for Board of Supervisors' approval, informing the Board of the inability to reach an agreement with the union. The Board may act on the item or send it back to Human Resources to continue to attempt to resolve the study with the bargaining unit.

**What appeal rights are there, if any?**

If no change is recommended, the process will end. There are no appeal rights for classification studies.

**Would the employee be placed on probation if their position is reclassified?**

An employee is most often placed on probation when reclassified to a different classification. The applicable Memorandum of Understanding determines the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-63](#)) ([A25-65](#))

**What is the effect on an employee's salary?**

If a position is reclassified, the incumbent shall be promoted or demoted to the new classification and salary placement would be determined based on such promotion or demotion. Salary placement is addressed in an employee's Memorandum of Understanding, or Personnel Practices. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-103 \(a\)](#)) ([A25-661](#))



# What is Reallocation?

The reallocation process was a provision of the Master Agreement between SEIU Local 521 and the County. It had allowed an eligible employee the right to have their position reviewed and considered for allocation to an existing higher-level classification. The Reallocation Window was replaced by the Classification Study Window. ([View the MOUs and MOAs on the Labor Relations webpage](#))



# What is the Classification Study Window?

The Classification Study Window (Window) allows eligible employees to submit a request for classification study. Provisions for the Classification Study Window are detailed in Section 2.7 of the Memorandum of Agreement (MOA) between the County and County Employees Management Association (CEMA), and Article 20 - Classification of the MOA between the County and Service Employees International Union, Local 521 (SEIU Local 521) for certain SEIU Local 521 represented employees.

The Window is limited to CEMA represented employees, eligible SEIU Local 521 represented employees (Local 521 Administrative, Professional, and Technical (APT), Blue Collar, Clerical, Probation Counselor Safety, Public Health Nursing, Social Services, and Supervisory Bargaining Units), Confidential Clerical, and Confidential Administrative employees. Employees represented by SEIU Local 521 – Environmental Health Unit are not eligible for this Window. ([View the MOUs and MOAs on the Labor Relations webpage](#))

Following the close of the submission window, ESA-HR will meet with representatives from the applicable union. The labor-management committees will determine those requests that are accepted for study as outlined in the respective MOU sections. Once the determinations are made, employees will be notified within three (3) months following the first labor-management committee meeting if the studies are accepted, deferred, or denied.

## FAQ'S about the Classification Study Window

### **What are the benefits of requesting a classification study through the Classification Study Window?**

An eligible employee has the right to have their position reviewed and considered for classification study. The reviews could include an individual study, study of a group, job specification revision, and/or salary survey.

### **What are the limitations of the Classification Study Window?**

Only SEIU Local 521 members covered by the Master Agreement, Confidential Clerical Employees, CEMA members, or Administrative Confidential employees are eligible to participate. The procedures of the Window are detailed in Section 2.7 of the Memorandum of Agreement (MOA) between the County and County Employees Management Association (CEMA), and Article 20 - Classification of the MOA between the County and Service Employees International Union, Local 521 (SEIU Local 521) ([View the MOUs and MOAs on the Labor Relations webpage](#))

### **What is the typical timeline of a study accepted in the Classification Study Window?**

The timelines for study are designated in the Local 521 contract in Article 20 – Classification and in the CEMA contract Section 2.7. ([View the MOUs and MOAs on the Labor Relations webpage](#))

### **What is the general classification study process?**

Each request for classification study must be filed according to the timeline designated in the applicable contract. ([View the MOUs and MOAs on the Labor Relations webpage](#)) The packet includes forms for the employee, immediate supervisor, and Department/Agency Head to complete. Each request is reviewed by the labor-management committees to determine those requests that are accepted for study as outlined in the respective MOU sections. Once the determinations are made, employees will be notified within three (3) months following the first labor-management committee meeting.

### **What is the department's role?**

Unlike an executive initiated classification study, the department does not submit requests in the Classification Study Window. Window requests involve only the employee, the Union, and Human Resources. The department will be asked to complete a confidential statement as part of the classification study request packet, and it is in this statement that a department has an opportunity to support an employee's request, if the supervisor feels the request is justified. It is helpful to review the classification specification for the employee's current classification and the requested classification, if applicable.

### **Can managers provide support to their employee?**

While it is true that managers know the type of work that the employees perform, generally they have not seen the breadth of employees in classifications Countywide. Unfortunately, sometimes a manager may promise full support for the request or add higher-level duties in order to support the classification study request. However, if the request is denied, the employee may feel exploited.

**How does work out of classification come into play?**

If it is determined that the hiring manager has assigned higher-level duties, there is the option of removing the higher-level duties within twenty working days from the receipt of the request. The employee will then be paid work out of classification pay from the period of twenty working days prior to the receipt of the request. If a hiring manager is considering this option, the Human Resources Analyst must be contacted immediately, as these cases are evaluated individually.

**Where would an employee get advice on filing a classification study request?**

If an employee asks advice or assistance in completing a classification study request, the employee should be referred to a union representative. ([View the MOUs and MOAs on the Labor Relations webpage](#))

**What kinds of materials are reviewed in classification studies?**

Human Resources staff conducting the study will review the Position Classification Questionnaire (PCQ), which is completed by the incumbent, with sections completed by the immediate supervisor and an executive manager.

**Can a position be reclassified downward?**

Yes. It is possible for a position to be reclassified downward.

**What is the effect on an incumbent's salary if reclassified?**

If a position is reclassified, the incumbent shall be promoted or demoted to the new classification, and salary placement would be determined based on such promotion or demotion. Salary placement is addressed in an employee's Memorandum of Understanding or Personnel Practices. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#))

**Would an incumbent be placed on probation if the position were reclassified?**

Yes. Anytime an employee is reclassified to a different classification, the employee is placed on probation. The applicable Memorandum of Understanding addresses the length of the probationary period. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-63](#)) ([A25-65](#))

# What is an Add and Delete (Add/Delete) Action?

An Add/Delete action is the County's method of changing a vacant position to another existing classification without going through a classification study. An Add/Delete action may be preferred because of its simplicity and speed. In the case of an Add/Delete action, the old vacant position is deleted and a new vacant position is subsequently created.

A department must provide documentation that the function of the position has changed sufficiently to require a different job classification. Factors in making a determination may include:

- The training and experience necessary to do the job has changed;
- The decision making required of the position has increased or decreased;
- Management responsibility of the position has changed (for example, a full supervisor is now needed, whereas before a lead worker sufficed);
- The department requires different duties to be performed.

Factors that would not warrant a classification change may include:

- Increase in workload
- High turnover rate of incumbents

# **Formal Add/Delete**

A formal Add/Delete action is one that must go through full approval by the Board of Supervisors. Both the Employee Services Agency and the Office of Budget and Analysis first review the request. The legislative file should indicate whether the Employee Services Agency supports the recommended action. The legislative file should also state whether the affected position requires a change in union, and whether union notification and concurrence has been obtained.

Once the department has completed the required notifications and created the legislative file, the Employee Services Agency will prepare and attach the Salary Ordinance Amendment document to the Board legislative file. Unless presented as an Urgency Ordinance Amendment, a salary ordinance requires two (2) readings and, if approved, will be implemented the pay period after the second reading.

# **Administrative Add/Delete**

The Board of Supervisors delegated Add and Delete actions under certain circumstances to the County Executive. A proposed action to add a position, with a corresponding position deletion may be approved administratively by the County Executive if the following criteria are met:

- The position to be deleted is vacant
- The position to be added exists in the current classification plan
- There is no increase in the total number of positions
- The added position remains in the same budget unit as the deleted position
- The added position remains in the same bargaining unit as the deleted position
- The change of positions does not require an additional appropriation in the current fiscal year
- The change of positions will not generate an ongoing cost in the next fiscal year in excess of 10% (aggregate by cost center)
- The position change does not involve executive management positions
- Depending on the union, the union concurs with the recommended action

Approved administrative Add and Delete actions will be implemented the pay period following approval.



## FAQ'S about Add/Delete Actions

### **When can an Add/Delete action be done?**

An Add and Delete may be done on a vacant position, when there has been a significant change in duties and responsibilities, training and experience, or scope of responsibility.

### **How is an Add/Delete action undertaken?**

If the department has a vacant position for which the function and duties have significantly changed, outline the new function and duties of the job. Try to determine if the present classification can fit with the new functions. Job classifications within the County often have much broader ranges of responsibilities than most managers realize.

If what the hiring manager believes is an appropriate classification belongs to a higher paid class than the existing position, the department will need to contact a Budget Analyst in the County Executive's Office to determine whether there are available funds to pay for this increase.

Contact a Human Resources Analyst for more information.

### **What should a hiring manager do if they are unsure of what class to add?**

Contact the department's Human Resources Analyst for assistance.

### **What paperwork will need to be submitted and to whom?**

#### **1. Add/Delete Request Form**

(Forms can be found at <https://employeeservices.sccgov.org/human-resources-forms>)

The add/delete form includes the number of positions and types of classifications being added and deleted. This form also contains the planned Board agenda date and other pertinent information.

#### **2. Legislative File to Board of Supervisors (Formal) or Memo to the County Executive (Administrative)**

These documents should indicate what the recommended action, the background, and the fiscal impact of such an action.

#### **3. Existing and Proposed Organization Charts**

These charts must show specific classifications for each position and all related positions in the supervisory structure.

#### **4. Duty Statement**

The duties statement must describe the new functions and duties of the position to be added. Do not send just a job specification. Human Resources will review for how these duties will fit within your specific program or service.



# How Are Employees Compensated?

## What is the Basic Salary Plan?

The Basic Salary Plan consists of salary ranges and the assignment of classes to such ranges as provided for in the salary ordinance, or applicable Memorandum of Understanding. Each employee shall be paid within the range for their class accordingly, unless otherwise indicated in the salary ordinance, or applicable Memorandum of Understanding. ([View the MOUs and MOAs on the Labor Relations webpage](#)) (A25-660)

## What are Salary Steps?

Many classifications in the County are paid according to salary steps, with progression from step to step depended upon successful completion of the prerequisite period of time in each step. ([View the MOUs and MOAs on the Labor Relations webpage](#)) (A25-660)

### Step One

The first step in each range is the minimum rate, and shall normally be the hiring rate for the classification. In order to hire at any step other than step one, the procedures for Ingrades must be followed. All salary step adjustments are made on the first day of the pay period in which the required accumulation of months of service occurs.

### Step Two

The second step of the range is paid after the accumulation of six months of competent service at the first step.

### Step Three

The third step of the range shall be paid after the accumulation of twelve months of competent service at the second step.

### Step Four

The fourth step of the range shall be paid after the accumulation of twelve months of competent service at the third step.

### Step Five

The fifth step of the range shall be paid after the accumulation of twelve months of competent service at the fourth step.

## What is Longevity pay?

Certain classifications are eligible for longevity pay, which establishes two additional salary steps (steps 6 & 7), each approximately five percent above the previous step.

([View the MOUs and MOAs on the Labor Relations webpage](#))

### Step Six

The sixth step shall be paid after the accumulation of thirty-six months of competent service at the fifth step.

### Step Seven

The seventh step shall be paid after the accumulation of one hundred and thirty two months of competent service after attainment of step five of the current classification.

## What Other Pay Practices Exist?

Certain classification within Engineers and Scientists of California are eligible for additional salary steps (steps 6-9) unless otherwise provided in the salary ordinance.

View the MOU and MOAs on the Labor Relations webpage. ([View the MOUs and MOAs on the Labor Relations webpage](#))

### Step Six

The sixth step is set at 5% above Step 5 after accumulation of 36 months at the fifth step.

### Step Seven

The seventh step is set at 5% above Step 6 after accumulation of 36 months at the sixth step, or 72 months of competent service at the fifth step, or at least after 10 years of service with the County according to Days of Accrued Service as reported on the employee's paycheck; ex. 261 days = 1 year.

### Step Eight

The eighth step is set at 2.5% above Step 7 after 4 years at Step 7, or at

least after 15 years of service with the County according to Days of Accrued Service as reported on the employee's paycheck; ex. 261 days = 1 year.

## Step Nine

The ninth step is established and set at 2.5% above Step 8, after 5 years at Step 8, or at least after 20 years of service with the County according to Days of Accrued Service as reported on the employee's paycheck; ex. 261 days = 1 year.

## What is a Salary Anniversary Date?

The Salary Anniversary Date is the date at which an employee receives a step increase. Because the step adjustment is given on the first day of the pay period in which the required accumulation of months of service occurs, the specific day of the year may vary slightly. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-660 \(f\)](#))

Some personnel transactions could affect the salary anniversary date. Any leave without pay could delay the salary anniversary date. If an employee has specific questions about salary anniversary dates, the employee should contact the Departmental Service Center.

## What is a Broad Range classification?

Some classifications are designated in [Salary Ordinance Footnote #81](#) to be paid within a specific range. The salary upon appointment, and any future adjustments, are made within that range at the recommendation of the appointing authority. Automatic salary increases do not apply to these classifications. An employee's individual pay is based on a complete review and evaluation of the employee. All increases are subject to the approval of the County Executive, with the exception of those positions in the Board of Supervisor's Offices.

Movement of a current County employee in a classification that has salary steps to a Broad Range classification will be according to Personnel Practices ([A25-661](#)), with all subsequent increases based on the appointing authority's recommendation and evaluation.

## What are Differentials?

A Differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classifications. Differentials are typically initiated through the collective bargaining process but may also be the result of a classification study. Creating and issuing a Differential may be needed in order to recognize:

- Recruitment and retention difficulties
- Special professional or educational certification(s)
- Undesirable work location(s) or shift assignment(s)
- Performance of atypical duties
- Recognition of special but temporary responsibilities

- Acquisition or possession of special licenses, skills, or training
- Incentive-based pay
- Other special considerations that impact a classification or subgroup within a given classification

Differentials are paid according to a negotiated amount, as indicated in a Memorandum of Understanding, or as a footnote in the [Salary Ordinance](#). ([View the MOUs and MOAs on the Labor Relations webpage](#)) Work requiring differential pay must be approved before assigned. Differentials are effective in the pay period approved and are not paid retroactively. Differential payment does not count towards an employee's base wages, is not to be used when calculating transfer eligibility, or step placement. Check with the Departmental Service Center for more information.

# What is an Ingrade?

In classifications that are paid through salary steps, Step One is normally the hiring rate for the classification. ([A25-660 \(a\)\(g\)](#))

An ingrade is a request to hire a new employee at a step above Step One. For details regarding how to request an ingrade, see the ingrade policy at <https://www.sccgov.org/sites/esa/employment/hr/Pages/Ingrade-Appointment.aspx>.

An ingrade may not be requested after an employee has started employment.



# How do Personnel Transactions affect Salaries?

To determine how personnel transactions affect salaries, an employee would follow the pay practices in the applicable Memorandum of Understanding. If the Memorandum of Understanding does not address pay practices, the employee would follow the pay practices as listed in the Merit System Rules in Personnel Practices ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661](#))

## Promotion

For a promotion of less than ten (10) percent, the salary shall be adjusted to the step in the new range that provides for a corresponding percentage increase in salary.

For a promotion of ten (10) percent or more, the salary shall be adjusted to the step in the new range that provides for a ten (10) percent increase in salary, or to the first step in the new range, whichever is greater. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661 \(a\)](#))

## Demotion

For a demotion of an employee with **permanent status** in their current class, the salary shall be adjusted to the highest step in the new class, not exceeding the salary received in the higher class. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661 \(b\)](#))

## Transfer

Upon transfer, the salary shall remain unchanged, or be adjusted in accordance with the rules for promotion, based on the percentage transfer as outlined in the Memorandum of Understanding, if the salary level of the class to which the employee is transferring is higher. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661 \(c\)](#))

## Reinstatement

Upon reinstatement, an employee may be placed in a vacant position in the same or a lower classification at any salary step that does not exceed the salary step of the employee upon resignation. ([A25-177 \(b\)](#))

## Reclassification & Reallocation

If an occupied position is reclassified or reallocated, the incumbent shall be promoted, demoted, or transferred to the new classification. ([A25-103 \(a\)](#)) Salary placement would be determined according to such promotion, demotion, or transfer. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661\(a\) \(b\) \(c\)](#))

## Voluntary demotion due to work related injury or illness

In the event of a voluntary demotion required by a work-connected illness or injury and a resulting disability, the salary of the employee shall be placed at the step in the salary range which corresponds most closely to the salary received by the employee as of the time of injury.

In the event that such voluntary demotion would result in a salary loss of more than ten (10) percent, the employee's new salary shall be set at the rate closest to, but not less than, ten (10) percent below their salary as of the time of injury. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-661\(e\)](#))

## Acting executive management

For a vacancy in an executive management position caused by separation from service or by an approved leave of absence, the designated acting executive manager shall be paid the first step of the higher salary range or two (2) steps above their current salary, whichever is higher, during such service. ([A25-669](#))

## What is the effect of Leave Without Pay on Salary Increases?

Leave without pay can sometimes affect time spent in a salary step when computing eligibility of the employee for future increases. All time during suspension will be deducted from time spent in a salary step when computing eligibility of the employee for further salary increases. Check the applicable Memorandum of Understanding for specific rules for each employee. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-660 \(f\)](#)) ([A25-667](#))

## Part-time salaries

The salary ranges provided in the Salary Ordinance are for full time service, in full time positions, and are listed in dollars per the number of working days in a biweekly pay period. If any position is established on any other time basis, the compensation for such position will be adjusted accordingly. ([A25-662](#)) [Salary Ordinance Section 56](#)

# **What is a Retroactive Request?**

A retroactive request is a late request from a hiring manager for processing a personnel transaction. Many actions within personnel, such as promotions, transfers, certain additional pay, and salary placement, such as ingrades, must be pre-approved by Human Resources. This is to ensure the employee meets the employment standards of the classification, is eligible for certain transactions, and is able to be placed at the requested salary.

Positions and salary placement should not be promised to an employee prior to Human Resources and management approval. If, for example, a hiring manager has offered a position to an employee by means of transfer, but has not verified with Human Resources the employee meets the employment standards prior to appointment, the hiring manager will be required to request the transaction be approved retroactively.

A request for retroactive approval must be made when the effective date of the transaction is determined prior to appropriate approval. All requests for retroactive approval must contain proposed corrective action, so as to avoid the need for a retroactive request in the future.

A retroactive request form should be submitted with all late paperwork to the Human Resources Analyst. The Personnel Director or their designee, prior to processing, must approve this request.

# What are the Causes for Disciplinary Action?

Merit System Rules includes causes that may be used as a guide to both managers/supervisors and employees as to what may constitute the basis for disciplinary actions. ([A25-301](#)) It should be noted that this is a guide, and not an all-inclusive list, in that the appointing authority may institute disciplinary action for any other activity for which there is just cause for action.

Additional information may be found in Merit System Rules ([A25-300](#)) ([A25-301](#)) ([A25-302](#)) ([A25-303-309](#)) and Santa Clara County Charter, [Section 708](#).

Determining the degree of seriousness of the offense, and whether to initiate any disciplinary process that may result in a loss of pay to an employee, should not be undertaken without the guidance of an Employee Services Agency Labor Relations Representative. Managers and supervisors may also contact a Labor Relations Representative if the disciplinary action will not result in a loss of pay to an employee.

# What are the County's Layoff Provisions?

Layoff rules and procedures are generally governed by the labor contracts or Memoranda of Understanding for the various bargaining units. If there is no layoff language in an applicable Memorandum of Understanding, then the County Ordinance Code – Personnel Practices must be followed. ([View the MOUs and MOAs on the Labor Relations webpage](#)) ([A25-620](#)) ([A25-621](#)) ([A25-622](#)) ([A25-623](#)) ([A25-624](#)) ([A25-625](#)) ([A25-626](#)) ([A25-627](#)) ([A25-628](#)) ([A25-629](#)) ([A25-630](#)) ([A25-631](#))

As a general guideline, the following may be considered as layoff for coded-classified positions:

- Involuntary move to another agency/department due to position reductions
- Involuntary return to former classification due to position reductions
- Involuntary reduction in code status (full time to part time) due to position reductions
- Inplacement

# **What happens upon Resignation/Separation/Retirement from County Service?**

Resignation means the voluntary action of an employee that separates the employee from County Service. Separation can be any termination of employment. ([A25-76](#)) ([A25-77](#))

If an employee is separating from County service, it is appropriate for the employee to give at least two weeks written notice. ([A25-176 \(a\)](#)) A separating employee should also check with the Departmental Service Center regarding the termination date of health, dental, and vision insurance; any optional insurances; the cost of continuing insurance coverage; deferred compensation requirements; balance payoffs; and to make arrangements for the mailing or pick up of the final pay check.

Employees who are retiring should submit a retirement application with the California Public Employees' Retirement System (CalPERS). <http://www.calpers.ca.gov> Employees who are retiring should also contact the Employee Services Agency Employee Benefits Department thirty (30) days before the date of retirement to arrange for a retiree exit interview, which is necessary to continue medical coverage after retirement. More information is available on the Employee Benefits webpage: <https://www.sccgov.org/sites/esa/ebenefits/retirement/pages/home.aspx>.

# **Additional Information and Resources**

## **Employee Services Agency**

The Employee Services Agency (ESA) supports the Board of Supervisors and County Executive in achieving the County's missions and goals by providing services related to the needs of the County workforce.

### **Employee Services Agency Mission**

The mission of the Employee Services Agency is to support County departments by recruiting, training, and retaining a productive, skilled, dedicated, and diverse workforce; by building relationships with departments and employee organizations based on mutual respect and trust; and by meeting the changing needs of County employees and their dependents.



# Labor Relations Department

The Labor Relations Department has responsibilities related to County employees and employee organizations in negotiations, contract administration and interpretation, grievance and discipline matters, hearings and arbitrations, County ordinance code provisions, new legislation, and the County's Employee Drug and Alcohol Testing.

Location: 70 West Hedding Street, 8<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

Phone: (408) 970-2100  
Fax: (408) 286-4813  
Email: [Labor.Relations@esa.sccgov.org](mailto:Labor.Relations@esa.sccgov.org)  
Website: [Labor Relations - Employee Services Agency - County of Santa Clara \(sccgov.org\)](https://www.sccgov.org/Labor-Relations)

# Employee Benefits Department

The department administers the full range of benefit programs from hire through retirement for employees, their families, and retirees. It also acts as the Service Center for all budget units without a Departmental Service Center. See Departmental Service Centers for more information.

Phone: (408) 885-5450  
Toll Free: (800) 541-7749  
Fax: (408) 293-1516  
Email: [Benefits@esa.sccgov.org](mailto:Benefits@esa.sccgov.org)  
Website: [Employee Benefits - Employee Services Agency - County of Santa Clara \(sccgov.org\)](https://www.sccgov.org/Employee-Benefits)

# Human Resources Department

The primary functions of the Human Resources Department include recruitment, classification, and compensation.

## Recruiting and Classification

Location: 70 West Hedding Street, 8<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

Phone: (408) 299-6816  
Fax: (408) 295-3065

Website: [www.sccjobs.org](http://www.sccjobs.org)  
Connect Website: [Human Resources – Employee Services Agency – County of Santa Clara](#)

These websites provide information about:

- Current job opportunities (open-competitive, promotional, and transfers)
- Job specifications
- Merit System Rules
- Salary Ordinance
- Basic Salary Plan
- Memoranda of Understanding
- HR Policies and Procedures
- HR related forms

### **Bilingual Testing Coordinator**

Phone: (408) 299-6816  
Email: [ESA-HR-Bilingual@esa.sccgov.org](mailto:ESA-HR-Bilingual@esa.sccgov.org)

### **Student Intern Coordinator**

Phone: (408) 299-6816

### **H1B Visa Coordinator**

Phone: (408) 299-6816

## **Executive Services**

Executive Services provides the full range of personnel services in support of County executive leadership.

Phone: (408) 299-5852  
Fax: (408) 279-5764  
Website: [Executive Services - Employee Services Agency - County of Santa Clara \(sccgov.org\)](#)

# Departmental Service Centers

Departmental Service Centers are often the first information resource for County employees and managers. The Service Centers may provide employees with information on personnel issues, benefits, and payroll. The Departmental Service Centers have responsibility for processing personnel transactions and maintaining departmental employee job history records to ensure compliance with departmental/agency procedures and policies, and Merit System Rules.

## **District Attorney Departmental Service Center**

Location: 70 West Hedding Street, West Wing  
San Jose, CA 95110

Phone: (408) 792-2686

Fax: (408) 792-2800

## **Employee Services Agency Departmental Service Center**

Location: 400 Race Street, Suite 201  
San Jose, CA 95126

Phone: (408) 970-2600

Fax: (408) 277-0318

## **Health and Hospital System Departmental Service Center (VMC)**

Location: 2325 Enborg Lane #1H105  
San Jose, CA 95128

Phone: (408) 885-5450

Job Line: (408) 885-5471

Fax: (408) 885-6455

## **Health and Hospital System Departmental Service Center (St. Louise)**

Location: 9400 No Name Uno  
Gilroy, CA 95020

Phone: (408) 848-8687

Fax: (408) 848-4920

### **Health and Hospital System Departmental Service Center (O'Connor)**

Location: 2105 Forest Ave, Bldg 53, 4<sup>th</sup> Floor  
San Jose, CA 95128

Email: ESA-OCHHumanResources@esa.sccgov.org  
Phone: (408) 947-2509  
Fax: (408) 947-2991

### **Office of the Sheriff Departmental Service Center**

Location: 55 West Younger Avenue  
San Jose, CA 95110

Phone: (408) 808-4610  
Fax: (408) 808-4620

### **Social Services Agency Departmental Service Center**

Location: 353 West Julian Street, 2<sup>nd</sup> Floor  
San Jose, CA 95110

Phone: (408) 755-7130  
Fax: (408) 755-7908

# Miscellaneous Resources

## Equal Opportunity Division and Learning and Employee Development

Equal Opportunity Division and Learning and Employee Development are divisions of the Office of the County Executive, which together provide educational services, programs, and interventions that promote a work environment where every employee can perform effectively and grow professionally.

### Equal Opportunity Division

The Equal Opportunity Division provides comprehensive equal opportunity and diversity services to the County organization. The Equal Opportunity Division administers a discrimination/harassment complaint process for employees and candidates for employment and conducts outreach to disadvantaged businesses to enhance participation in County contracting opportunities.

Location: 2310 North 1st Street, 1st Floor, Suite 101  
San Jose, CA 95131

Phone: (408) 993-4840  
Fax: (408) 437-3024  
Email: EOD@ceo.sccgov.org

### Learning and Employee Development

Learning and Employee Development (LED) serves as a resource for County training opportunities and conducts countywide training programs. LED provides a variety of training programs and activities for employee development, such as Tuition Reimbursement, retirement and financial seminars, management and supervisory skills enhancement, and work process improvement.

Location: 2310 North 1st Street, 1st Floor, Suite 102  
San Jose, CA 95131

Phone: (408) 993-4837  
Fax: (408) 993-4839  
Email: LED@ceo.sccgov.org

## Risk Management Division

Risk Management is a division of the Office of the County Executive that provides management, fiscal review, administration support, and policy direction in the areas of workers' compensation, liability/property claims and insurance, and occupational safety and environmental compliance.

### **Workers' Compensation**

The Workers' Compensation Division administers the Workers' Compensation Program, providing payment of medical expenses, disability benefits and rehabilitation of County employees injured in the course of their employment.

Location:

2310 North 1st Street 1st Floor, Suite 205  
San Jose, CA 95131

Phone: (408) 441-4300

Fax: (408) 441-4230

## Other

### **Deferred Compensation Program**

The Deferred Compensation Plan is a defined contribution retirement savings plan that allows employees to set aside compensation and defer payment of applicable federal and state taxes until retirement. Contact the Department's Service Center or visit the website at <https://nb.fidelity.com/public/nb/santaclara/home>.

Phone: (408) 299-5895

### **Unemployment Insurance**

Unemployment Insurance minimizes the County's unemployment insurance costs by proactively managing claims and returning claimants to County employment whenever possible.

Location: 1735 North First Street, Suite 245  
San Jose, CA 95112

Phone: (408) 441-4370

Fax: (408) 441-7469

## **Employee Wellness**

Employee Wellness provides services and activities that promote the health and well-being of County employees.

Location: 2460 North First Street  
San Jose, CA 95131

Phone: (408) 678-2310  
Fax: (408) 938-4519  
E-mail: [wellness@ewd.sccgov.org](mailto:wellness@ewd.sccgov.org)

## **Concern: Employee Assistance Program (EAP)**

Location: 1885 The Alameda, Suite 211 & 214  
San Jose, CA 95126

EAP Phone: (408) 241-7772  
EAP Email: [bhsdhimroi@hhs.sccgov.org](mailto:bhsdhimroi@hhs.sccgov.org)  
EAP Web: <https://eap.sccgov.org/home>  
Concern Phone: (800) 344-4222  
Concern E-mail: [counseling.eap@hhs.sccgov.org](mailto:counseling.eap@hhs.sccgov.org)  
Concern Web: [employees.concernhealth.com](https://employees.concernhealth.com)

## **California Public Employees Retirement System (CalPERS)**

Location: Mountain View Regional Office  
650 Castro Street, Suite 240  
Mountain View, CA 94041

Phone: (888) Cal-PERS  
(888) 225-7377

Website: <http://www.calpers.ca.gov>

## **Fidelity (Deferred Compensation)**

Phone: (844) 722-4572  
Website: <https://nb.fidelity.com/public/nb/santaclara/home>

## **Santa Clara County Federal Credit Union, San Jose Main Office**

Location: 70 West Hedding, Lower Level  
San Jose, CA 95110

Phone: (408) 282-0700

**Employment Development Department – State Disability Insurance**

Phone: (800) 480-3287

TTY: (800) 563-2441

E-mail: <http://www.edd.cahwnet.gov>