

COUNTY OF VENTURA
MEMORANDUM
HUMAN RESOURCES DIVISION

Date: March 13, 1998

TO: Honorable Charles Campbell
Presiding Judge of the Superior Court

FROM: Barbara A. Journet, Director-Human Resources *BAJ*

SUBJECT: Response to Recommendations Regarding Hiring Practices

This memorandum is written in response to the report and recommendations made by the Grand Jury regarding hiring practices. Specifically, concern was expressed on the complexity of the certification and selection processes as well as the designation of confidential job classifications. Responses to the recommendations are provided below:

Recommendation

The Human Resources Department (HRD) should define very clearly the priorities of the eligibility lists as stated in the Personnel Rules and Regulations.

Response

The priority order for certifying eligible lists already is clearly defined in the Personnel Rules and Regulations. Article 7, Section 706 - Priority of Lists states the following:

"The order of priority of eligible lists for certification to an appointing authority shall be:

Classification Reinstatement List;
Re-employment List;
Agency/Department Promotional List;
Countywide Promotional List;
County Service Reinstatement List;
Open List."

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Each list is also defined in Article 7 (see Attachment I). In addition to the eligible lists listed above, a transfer list may also be certified to an appointing authority. Again, this process is clearly defined and very straight forward in its intent. If an eligible list does not exist, or an existing list has been exhausted, Article 8, Section 806 - Certification from Alternate Lists can be enacted to allow the certification of other related lists (see Attachment II).

The process described above is utilized on a regular basis. The Personnel Rules and Regulations are public information and available upon request. Applicants and employees may also meet with professional staff members to obtain additional information and have their questions answered.

Recommendation

The HRD should clarify that confidential status is determined solely at the discretion of the selecting agency.

Response

The determination of whether or not a position is "confidential" is not at the sole discretion of the selecting agency. Positions are allocated in the budget and approved by the Board of Supervisors. Currently, confidential classifications are primarily allocated to the Chief Administrative Office and County Counsel. Please note that Human Resources is now a division of the Chief Administrative Office.

Confidential positions are assigned specific salary and benefits levels. Agencies and departments do not have the authority to arbitrarily assign the confidential status to any position.

Recommendation

The HRD should reveal these little known and vague rules and regulations which may be open to interpretation. Employees may be passed over in the selection process and not understand why.

Response

As previously stated, the Personnel Rules and Regulations are public information and the professional staff, as well as I, are available to answer questions from applicants and employees. In the instant case, we received no inquiries. Had the

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applicant(s) contacted us, we could have explained the process using their individual case(s) as a(n) example(s). We do not believe that the rules and regulations are vague and they are consistently applied in the certification and selection processes.

If there are additional questions or a need for other information, please contact me at 654-2561.

c: Dr. Donald W. Thibeault, Foreman-Grand Jury

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employee's medical condition is believed to hamper his ability to perform his normal duties or where impairment may be hazardous to him or his fellow employees.

- Sec. 611 **DISMISSAL:** If the Director of Employee Health Services determines that an employee does not meet the medical standards for his position, he shall notify the Personnel Director and the appointing authority who may, at their discretion, dismiss, demote, transfer or place said employee on leave of absence. The employee shall be given every consideration to transfer to another position for which he is qualified. The employee shall also be subject to the provisions of the Ventura County Retirement Act and the Workers' Compensation Insurance Act, when applicable.

ARTICLE 7 ELIGIBLE LISTS

- Sec. 701 **PURPOSE:** To establish a record of the best qualified applicants and to specify the types and priority of lists.
- Sec. 702 **ORDER OF ELIGIBLES:** Eligibles on open, Countywide promotional, and agency/departmental promotional lists shall be ranked in order of their final examination scores.
- Sec. 703 **EFFECTIVE DATE OF ELIGIBLE LISTS:** Upon completion of the examination, the Personnel Director shall establish an eligible list composed of the applicants passing the examination. The date that the eligible list is established is the date that it becomes effective. Certification to a department or agency shall be made immediately upon request for such certification.
- Sec. 704 **ABOLISHING OF LISTS:** Any eligible list may be abolished in accordance with the following:
- A. On the date a new examination is announced if a different test is administered. Any person whose names remains on the list shall be notified of such abolishment and of the new examination. Eligibles on a promotional Eligible List shall be sent a copy of the announcement for the new examination.

- B. If fewer than three names remain on the eligible list, the appointing authority may request the establishment of a new list.
- C. Whenever the list is one year old and without any other consideration. The eligibles shall be so notified.
- D. In no case shall an eligible list be maintained for longer than two years.
- E. If the same or alternate form examination is administered, the names remaining on the list shall be integrated by score and the persons so notified. Such integration may be effected twice for any given examination.

Sec. 705 ELIGIBLE LIST CONFIDENTIAL: Eligible lists are confidential and the relative position of any eligible on a list or a score shall not be made available except to the eligible, his designated representative or the authorized representative of the department or agency to whom the person has been certified.

Sec. 706 PRIORITY OF LISTS: The order of priority of eligible lists for certification to an appointing authority shall be:

- Classification Reinstatement List;
- Re-employment List;
- Agency/Department Promotional List
- Countywide Promotional List
- County Service Reinstatement List;
- Open List.

Sec. 707 CLASSIFICATION REINSTATEMENT LIST: All persons who have been demoted to a lower classification as a result of a reduction in workforce shall have their names placed on a Classification Reinstatement List for the classification from which they were demoted. There shall be two classification reinstatement lists: one which includes only the names of the demoted employees within a department or agency, and the other which has the names of all other County employees who were demoted from the specific classification. The department/agency classification reinstatement list shall have priority over the Countywide classification reinstatement list. Eligibles on the Classification Reinstatement List shall be ranked in reverse order of the order of their demotions. Each person's name may remain on such list for a period of two years following the date that

their name was placed on such eligible list, or until they have been reinstated to the classification from which they were demoted, or until their name has been removed from the eligible list in accordance with the provisions of Section 717, whichever occurs first. To remain on a Classification Reinstatement List, a person must maintain status as a County employee.

Sec. 708 RE-EMPLOYMENT LIST: All persons who have been laid off as a result of a reduction in workforce shall have their names placed on a Reemployment Eligible List for the classification in which they were employed immediately prior to being laid off and for all classifications in which they previously held permanent status prior to being laid off. There shall be two Reemployment Eligible Lists: one which includes only the names of the laid off employees within a department or agency, and the other which has the names of all other County employees who were laid off. The department/agency reemployment eligible list shall have priority over the Countywide reemployment list. Eligibles on the reemployment list shall be ranked in reverse order of the order of layoff. Each persons' name shall remain on such list for a period of two years following the date that their name was placed on such eligible list, or until they have been re-employed, or until their name has been removed from the eligible list in accordance with the provisions of Section 717, whichever occurs first.

Sec. 709 AGENCY/DEPARTMENT PROMOTIONAL LIST: An eligible list for a classification composed of all applicants who passed an agency/departmental promotional examination. To remain on the agency/departmental list, a person must hold status within the County service. For persons on an agency/departmental eligible list who do not currently hold status in the agency/department, such person shall have their name certified for selection only if the regular position to be filled is vacant.

Sec. 710 COUNTY-WIDE PROMOTIONAL LIST: An eligible list for a classification composed of all applicants who passed a Countywide promotional examination. To remain on the Countywide list, a person must hold status within the County Service.

Sec. 711 OPEN LIST: An eligible list composed of all applicants who passed an examination for a classification.

Sec. 712 COUNTY SERVICE REINSTATEMENT LIST: As an alternative to appointment from an eligible list, other than a classification reinstatement or reemployment list, a position may be filled by

reinstatement. All persons who are eligible for County service reinstatement in accordance with Article 15, Section 1502 of these rules shall have their names placed on a County Service Reinstatement List. Each person's name shall remain on such list for a period of one year following the date that their name was placed on such eligible list or until they have been reinstated to the County service, whichever occurs first, or until their name has been removed from the eligible list in accordance with the provisions of Section 717.

- Sec. 713 TRANSFER: As an alternative to appointment from an eligible list, a position may be filled by transfer. All transfers must have the written approval of the appointing authorities concerned and the Personnel Director. Transfer is a change from one public agency to another or from one department to another in the same or similar classifications. It is also a change from one class to a similar class within a department or agency. A person so transferred must meet the employment standards for the classification. The releasing appointing authority shall release the transferee within thirty days after being accepted by the accepting appointing authority.
- Sec. 714 DISABILITY REASSIGNMENT: As an alternative to appointment from an eligible list, a position may be filled by reassignment of a permanent or probationary employee to another position upon his request with the consent of the appointing authorities involved and the Personnel Director, if he has become unable to perform the responsibilities of his position because of accident or disability. An employee so incapacitated may be reassigned to a classification if it is determined that he is qualified to perform the new responsibilities.
- Sec. 715 PROVISIONAL APPOINTMENTS: If the appointing authority believes that there are compelling reasons for filling a vacancy and there is no eligible list, he may temporarily employ any person who meets the minimum requirements for the class to fill the vacancy pending the establishment of an eligible list.
- Sec. 716 REMOVAL OF NAMES FROM ELIGIBLE LIST: The name of an eligible may be removed from any eligible list by the Personnel Director whenever:
- A. The eligible submits a written notice waiving certification; or
 - B. The eligible fails to respond to the written certification notice;
or

- C. Upon presentation of written, satisfactory information verified by the Personnel Director that there is sufficient reason for not employing the eligible; or
- D. The eligible refuses an offer of employment three times; or
- E. The eligible is determined to be unacceptable and is disqualified for appointment by three appointing authorities after certification from the eligible list; or
- F. The eligible has practiced or attempted to practice any deception or fraud in any matter materially related to securing eligibility or appointment.

The eligible shall be notified in writing by the Personnel Director of his removal from the eligible list.

Sec. 717 RESTORATION TO ELIGIBLE LIST: The Personnel Director, upon recommendation of the appointing authority, may restore a separated probationary employee to an eligible list from which he was appointed for future certification if the circumstances of his separation, in the opinion of the Personnel Director, warrants such action.

ARTICLE 8 CERTIFICATION

Sec. 801 PURPOSE: To refer for each vacancy the best qualified persons available.

Sec. 802 REQUISITIONS: Each appointing authority shall notify the Personnel Director in writing of his personnel requirements as far in advance as possible in order that sufficient time will be available to establish eligible lists for certification.

Sec. 803 CERTIFICATIONS: The Personnel Director is responsible for certifying eligible candidates for selection by the appointing authority in the following manner:

A. the Personnel Director shall certify no more than ten names for one vacancy and three additional names for each additional vacancy. Such names shall be certified according to highest ranking. Whenever two or more applicant have the same final grade, priority shall be by random selection.

- Sec. 804 **SELECTIVE CERTIFICATION:** For certain classifications an eligible may request, at the time of examination, selective certification to a specific agency/department and/or geographic location. For purposes of a bona fide occupational qualification of bilingual skill or sex, names can be selectively certified from the eligible list, upon request of the agency/department. An employee who has not been certified on the basis of a bona fide occupational qualification may, within twelve (12) days of the certification in question, file an appeal in the same manner as provided for examination appeals by these rules and regulations. All other rules concerning certification shall apply as appropriate.
- Sec. 805 **ADDITIONAL NAMES:** Whenever an appointing authority has presented sufficient written reasons for not appointing from the eligibles certified to him, he may request the Personnel Director to certify additional eligibles.
- Sec. 806 **CERTIFICATION FROM ALTERNATE LISTS:** Whenever a vacancy exists for a class for which there is no eligible list, the Personnel Director may authorize certification of all persons in a standing from an eligible list for a higher level class in the same classification series. If there is no appropriate lists in the same classification series, certifications may be made from a list for a closely related class for which employment standards, job duties and examinations are similar to or higher than those required for the class in which the vacancy exists.
- Sec. 807 **NOTIFICATION OF ELIGIBLES:** Whenever the name of an eligible is certified, the appointing authority shall send a written notice to his address as it appears on the eligible list. The notice shall state the fact of certification, the title of the position, the starting and maximum rates of pay for the classification, the organization unit, and the name and business address of the appointing authority or his delegated representative. It is the responsibility of the eligible to notify the Personnel Department in writing of any change in address.
- Sec. 808 **TIME FOR REPLYING TO CERTIFICATION:** Such notification shall state that within ten (10) calendar days of the date that the eligible was certified, the eligible must communicate with the appointing