



RESOLUTION NO. 2013-92

A RESOLUTION PROVIDING PROCEDURES FOR THE RECRUITMENT AND SELECTION PROCESS, ELIGIBLE LISTS, CERTIFICATION OF NAMES, APPLICANT APPEALS AND OTHER MATTERS PERTAINING TO COUNTY RECRUITMENT AND SELECTION.

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THIS DOCUMENT SUPERSEDES AND REPLACES THE RECRUITMENT AND SELECTION RESOLUTION NO. 06-121

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## **PURPOSE**

The purpose of the recruitment process is to assure that interested persons are informed and qualified persons are attracted to compete.

## **CONFIDENTIALITY**

Names of persons applying for County positions, or the evaluation of their participation in any selection process shall not be made public.

## **DISCRIMINATION**

Harassment or discrimination against an applicant or employee by supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of race, color, religion, sex (including gender, gender identity, gender expression, transgender, pregnancy and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military and veteran status, other non-merit factors, or any other protected classification pursuant to federal or state law or local ordinance will not be tolerated. However age, sex, or physical requirements may constitute a bona fide occupational qualification.

## **NEPOTISM**

A county appointing authority\* shall not employ his/her father, father in-law, mother, mother in-law, brother, brother in-law, sister, sister in-law, wife, husband, domestic partner, or child of such family member, or an individual with whom the appointing authority is not legally related but who resides with him/her within the department (or the child of such an individual). No employee shall be appointed or transferred into a department employing such a relative in a direct conflict of interest position.

For the purpose of this section, a direct conflict of interest shall mean a situation in which the employee of a relative would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, and advancement or performance evaluation.

Employees shall not be appointed to positions where they will directly supervise or be directly supervised by members of their families as cited in the paragraph above.

If any of the relationships set forth in the first paragraph above is established after employment, the individuals concerned shall decide who is to be transferred. If that decision is not made within 30 calendar days, management shall decide.

The County maintains the right to refuse to place both spouses in the same department, division, program or facility where such has the potential for creating an adverse effect on supervision, safety, security, morale, or involves potential conflicts of interest.

This policy will apply to all part-time, variable shift, Extra-help, contract and regular full time employees.

Enforcement of this policy shall be in accordance with the Merced County Human Resources Rules and Regulations, "Disciplinary Action," Paragraph C.

\*Appointing authority is defined to be the individual (department head and/or authorized designee), or quorum of a body fully empowered to make appointments to positions in County service.

## **I. RECRUITMENT AND APPLICATIONS**

Recruitments for positions in the County are open to fill vacancies and shall be open to the public and competitive for all applicants who meet the minimum qualification requirements established for the position. The hiring department will submit one requisition for each vacancy for full time and extra help. Only one candidate will be hired for each requisition submitted. If multiple positions are being requested, requisitions must be submitted to equal the number of positions being requested. An offer of employment cannot occur until a requisition has been authorized to fill by the Director of Human Resources and/or the CEO. Departments will be required to use existing eligible lists whenever possible.

### **A. TYPES OF RECRUITMENT**

1. Open Recruitment: Open recruitments will list a final filing date and time for application submittal. Applications will not be accepted for consideration after the final filing date.
2. Continuous Recruitment: Continuous recruitments do not have a final filing date and can close at any time. Continuous recruitments generally close once a sufficient number of qualified applications are received and placed on an eligible list.

### **B. POSITION ANNOUNCEMENTS**

All position announcements will be the direct responsibility of Human Resources or its designee and shall include:

1. Job Title, Job Number, Class Title, and Salary information
2. Website, Phone Number and Fax Number
3. Purpose of recruitment - "Open", "Continuous" or "Extra-Help"
4. A description of the duties and responsibilities of the position
5. Minimum qualifications
6. Application filing period (if "Open" recruitment)
7. Other information necessary to assist interested persons to understand the nature of the employment and the procedure necessary to participate in the selection process
8. A statement that the County is " Equal Opportunity Employer"

**C. JOB POSTINGS/ADVERTISING**

Job openings will be advertised to the extent possible to ensure equal employment opportunity to apply. Every recruitment will be listed on the Merced County website and will be in an accessible format appropriate to accommodate disabled applicants.

1. Merced County Job Line: Merced County maintains a recorded job line message that is updated weekly listing all vacancies.
2. Merced County Website: Merced County maintains a website that is updated daily to include all recruitments.
3. Government Jobs Website: Presently, Merced County contracts with Governmentjobs.com to include all recruitments. In the future the County may contract with a similar type of entity. This information is updated daily.
4. Additional distribution may be made to newspapers, publications, radio stations, educational institutions, professional and vocational societies, public officials, and community organizations.
5. If the recruitment is for a position vacancy designated as a management level A, B, C, or D, a search or recruitment firm or agency may be used by the County to supplement or independently conduct the recruitment and screening process. Specific requirements for recruitment and screening activities including performance testing, or use of an assessment center, or other methodology will be documented in the contract for such services.

**D. FILING OF APPLICATIONS**

All applications for employment in Merced County shall be made on an official County application form provided either on the County Website, through Governmentjobs.com, or provided by Human Resources. An original and separate application must be filed and submitted for each position applied for. All applications shall be signed unless submitted through Merced County's on-line application system. Submission of the application on-line shall certify the truth of the statements contained on the on-line application. Failure to complete the application as required will constitute failure in the initial step of the selection process. Applicants must meet the minimum qualifications as established for the classification in the job specification and as specified in the announcement as to education, training, experience, and licenses. It is the applicant's responsibility to notify Human Resources of any changes or updates such as address, name, or other pertinent information.

1. Application Disposition: Completed application forms and all additional material submitted as part of the application process shall become the

property of the County. They shall not be returned to the individual. Applications may be destroyed after a period of three (3) years.

**E. CHANGES**

It is the applicant's responsibility to notify Human Resources of any changes or updates to information submitted (i.e.: name, address or other pertinent information). Human Resources must be notified by the applicant in writing or by telephone.

**F. QUALIFICATION OF APPLICANTS**

All applicants must be qualified for the work they will be required to do. In determining whether or not an applicant is qualified, Human Resources or its designee shall apply any or all of the following processes as may be necessary.

1. Applicants must meet the minimum qualifications listed on the job description and corresponding recruitment flyer. This includes (but is not limited to) experience, education, certification, registration or licensure. Failure to meet all of the minimum qualifications will result in a disqualification from the recruitment process.
2. Successful completion of a written, performance, or oral examination, or a combination of two or more of such examinations, designed to test the applicant's knowledge, skills, and ability as related to the position for which the examination is established.
3. Applicant's willingness to accept employment in the present or a future similar position, if employment were offered.

**G. DISQUALIFICATION OF APPLICANTS**

Human Resources may disqualify applicants for any of the reasons listed below:

1. It is found that the person does not meet the minimum qualifications established for the position.
2. The person is medically disqualified and is determined by a medical examination to be unable to perform one or more essential functions for which there is no reasonable accommodation.
3. The person has made an intentionally false statement or omission of material fact in the application process.
4. The person has used or attempted to use political pressure or bribery to secure an advantage in the selection process.
5. The person has directly or indirectly obtained information regarding an examination which, as an applicant, he or she was not entitled.
6. The person has failed to submit a fully completed application within the prescribed time limits.

7. The person has taken part in the compilation, administration, or correction of the examination for which he or she is an applicant.
8. The person has a felony conviction record, which, in relation to job requirements, indicated unsuitability for a particular position.
9. The person uses alcoholic beverages, narcotics, or engages in other actions to the extent that it would be detrimental to the performance of assigned duties or who fails a drug test administered under the Merced County Drug and Alcohol Testing Policy.
10. The person has otherwise willfully violated the provisions of these rules.

All applicants shall be notified of the status of their application. Notice shall be emailed or mailed, depending upon the applicant's preference identified on the application. Disqualified applicants will have (7) seven calendar days, from the date Human Resources sends the notice, to respond, submit additional qualifying information and/or request a re-evaluation of their application.

#### **H. RECRUITMENT/MOVING REIMBURSEMENT**

Reimbursement for certain recruitment and moving expenses is available pursuant to the guidelines listed below, and subject to approval of the County Executive Officer.

1. Requests for reimbursement will be considered only for positions that are traditionally difficult to fill, or that require specialized skills or credentials that severely limit the available applicant pool.
2. Requests for reimbursement must be submitted in writing, through the hiring authority, to the County Executive Officer for approval, prior to negotiating reimbursement with the applicant. The appointing Department must have sufficient funds in the appropriate budget account to cover the reimbursement request.
3. Requests for reimbursement are limited to travel and lodging associated with the recruitment process and actual moving expenses associated with relocation after an official appointment.
4. Approved requests for reimbursement must be submitted no later than ninety (90) days following the effective date of the appointment, unless an extension is approved by the County Executive Officer.
5. Reimbursement will be accomplished through the County claim process, pursuant to procedures established by the Auditor-Controller.



## **I. RECRUITMENT AND SELECTION RECORDS**

Human Resources shall be responsible for the maintenance of all recruitment and selection records. The following records shall be deemed to be the property of Human Resources:

1. The names and scores of all applicants on each part of the process.
2. A summary of the recruitment and selection process showing the method of evaluation used or the general nature of the selection process. The weights of the various parts, the time and place each part was given, the minimum scores required, if any, and the names of people who participated in the rating process.
3. The application, attachments and materials submitted by the applicant as part of the process.
4. A record of the oral appraisal board, when used, showing the basis of rating, the rating form used, and the composition of the oral appraisal board.
5. A copy of the position announcement.
6. Recruitment and selection schedule.
7. Copy of all appropriate advertisements.
8. Department head or designee's final selection report.

## **II. THE SELECTION PROCESS**

It shall be the goal of the County to provide reasonable accommodation for disabled applicants throughout the recruitment and selection process. Disabled applicants must make their request for accommodation a minimum of three (3) working days prior to the scheduled testing to provide adequate time for accommodation.

### **A. COMPETITIVE SELECTION PROCESS**

Except as specified in subsection "Non-competitive Selection Process", the selection process will be competitive, shall be practical in nature and job related, shall be constructed to reveal the capacity of the candidate for the particular position for which he or she is competing, and shall be rated impartially. In cases where a high volume of qualified applications have been received, either Human Resources or the hiring department may screen down the number of applicants to continue in the selection process by establishing a screening criteria based upon education, experience, and desirable qualifications.

A written or oral selection device may be utilized to test the candidates' knowledge, skills, abilities, physical fitness when necessary, or any combination thereof. The competitive selection process may use assessment center techniques or performance testing.

The assessment center process may include, but is not limited to, stress interviews, written and verbal communication scenarios, role playing, in-basket exercises, budget simulations, media relations, etc. Assessment center, interview(s), performance testing or other methodology may be used as the sole evaluation instrument or they may be used in any combination or sequence to determine the most suitable applicant.

**B. CONDUCT OF WRITTEN SELECTION DEVICE**

1. Convenient Location: Examinations shall be conducted in places most convenient and accessible for applicants and practicable for administration. Reasonable accommodation will be made for disabled applicants.
2. Monitoring Examinations: Human Resources may designate proctors to take charge of examinations and make arrangements for the use of public buildings in which to conduct the examinations.

**C. ORAL APPRAISAL BOARD**

1. Composition of Oral Board: Attempts shall be made to involve community members as members of the oral appraisal panel if the position clearly involves dealing with an identifiable segment of the community. At least one member of the oral appraisal board shall be technically familiar with the character of the work in the position the applicant will be appraised.
2. County Employee Panel Members: Employees of the County may be appointed to serve as members of oral appraisal boards. Oral appraisal board members shall disclose each instance in which they know an applicant professionally or personally and must excuse themselves from rating such applicant if objectivity is affected. The candidate may also request the removal of a panel member prior to the start of the interview if they feel the panel member cannot be objective. County employees may not serve on a board for a position that would be higher ranking in classification than the position currently held by the panel member.
3. Rating of Applicants: An applicant's final rating shall be based upon a weighted average of the parts of the total selection process. All applicants for the same class of position shall be afforded uniform and equal treatment in all phases of the rating procedure. A minimum passing score may be set on each part of a multi-part selection process. Candidates may be required to attain at least a minimum score on each part to receive a passing grade and continue in the selection process.

**D. VETERAN'S PREFERENCE**

Applicants, who receive a passing score on a written or oral examination, shall be eligible to receive credit for an additional five (5) points to be added to the final examination score. Veteran's preference is allowed only on initial entrance into County service and shall not affect the order of eligibility on any other employment lists.

For the purpose of this section, a veteran is one who has received an honorable discharge from active duty, and has served:

- 1) During one of the following wartime or equivalent periods:

Sept. 11, 2001	to	End of Operation Iraqi Freedom
Aug. 2, 1990	to	Jan. 2, 1992
Jan. 31, 1955	to	Oct. 15, 1976
  
- 2) During peacetime for which service a campaign or expeditionary medal has been authorized by the Government of the United States and where discharge was under honorable conditions. This would include Lebanon, Grenada and Southwest Asia.

A copy of the discharge form (DD-214) shall be submitted to Human Resources for each position applied for, along with an application for employment requesting such preference, on or before the final filing date specified on the job announcement. Failure to submit the required credentials (DD-214) prior to the final filing date will be deemed a waiver of credits.

**E. SELECTION PROCESS**

1. Notice of Selection Process Results: Each applicant shall be notified of their status throughout the selection process.
  
2. Special Selection Process: Only in cases of a manifest error will an applicant, who has been disqualified, be allowed to participate in the entire, or a portion of, the selection process. This may consist of retaking a portion of, or all of the selection process. Any special selection process shall be constructed on a pattern similar to, and as extensive as, the original selection process. Any such special selection process shall not invalidate any certification or appointment previously made unless an error was made, which would invalidate the entire process.
  
3. Waiver of the Selection Process: Once it is determined that minimum qualifications are met, Human Resources may waive the evaluation of training and experience by a screening panel, a written selection device, or a qualification appraisal board from the selection process.

4. Non-competitive Selection Process: The non-competitive selection process will be used when any of the following circumstances occur:
  - a. An insufficient number of qualified applications are received.
  - b. Number and frequency of vacancies to be filled.
  - c. Candidates are established as qualified by public licensure or certification therefore rendering the competitive selection process meaningless.

The competitive selection process **will be waived** when any of the following circumstances occur:

1. When there is an opportunity to appoint a regular full time employee who has been notified of layoff in accordance with Merced County's procedures.
2. When it is impractical to conduct a competitive selection process.
3. When an alternate employment placement is made.
4. Flexible staffing exists within a department's allocation listing.

Such non-competitive selection processes need not comply with the provisions in these rules that pertain to the competitive selection process.

Any regular full time, or variable shift employee being laid off in accordance with County rules shall be eligible to apply for transfer to a vacant position at equal salary range, or accept a voluntarily demotion to a vacant position of a lower salary range, in any department in regular County service if the employee meets the minimum qualifications as set forth in the class specification. Eligible employees must submit an application through the reduction in force (RIF) process to Human Resources to be placed on a RIF list to be matched to current vacancies during the prescribed RIF timeframe.

Human Resources shall make every reasonable effort to facilitate such a transfer or voluntary demotion when so requested by an employee affected by a reduction in force yet remain within the guidelines as provided in the Merced County Human Resources Rules and Regulations.

Human Resources will refer a RIF list of all such interested employees to the departmental hiring authority where the vacancy exists. The hiring department must interview and consider all qualified employees from the layoff list prior to receiving a regular eligible list, or in the absence of such a list, request commencement of a regular recruitment to fill the vacancy.

In situations where an employee has become unable, through a physical or psychological condition to perform some or all of the duties of the employee's regular employment, Human Resources in conjunction with Risk Management shall attempt to locate alternate employment with Merced County for which the employee would qualify. Risk Management will advise Human Resources of

disabled applicants in an effort to place them in another job classification that is suitable. With the concurrence of the department head, the employee, and the Board of Supervisors (if applicable), the employee would be placed either in the same department or another department if their physical disabilities do not hinder them from meeting minimum requirements for the alternate position. The employee must meet the minimum qualifications for the alternate position.

**F. NON-COMPETITIVE PROMOTIONS-FLEXIBLE STAFFING**

Whenever it is indicated in the County's Position Allocation Resolution that there exists within classified service a series of classifications wherein the number of positions allocated to the series of classifications may be interchanged among levels, and the first level is considered the entrance or trainee level, the department head in whose department the series exists may recommend the promotion of an employee without further examinations to the next higher level. The employee must meet the minimum qualifications for the higher level at the time of promotion and the department head shall certify that the employee has been satisfactory in all respects on the job.

**G. VOLUNTARY TRANSFER/DEMOTION**

With prior hiring authority approval, a regular employee may voluntarily demote to any vacant position in a lower class in their current classification series within the department. Definition of a classification series shall be determined by Human Resources after consultation with the department and the appropriate employee organization. With prior hiring authority approval, a regular employee may transfer or voluntarily demote to any vacant position in a class of equal or lower salary in any department, if the employee held permanent status in that classification at any time or to any other vacant position in a lower class for which they meet the minimum qualifications.

**H. UNDER-FILL**

If there is no eligible list available to fill a vacant position, the vacancy may be under filled with an incumbent of a lower class in the same or a related class series. The incumbent need not meet the minimum qualifications of the higher class.

Human Resources shall determine whether the classes are in the same or related class series.

An under fill shall not extend beyond six (6) months, except that no incumbent shall under fill a higher classification for more than sixty (60) days after an eligible list has been established for the higher classification.

### **III. ELIGIBLE LISTS**

The Director of Human Resources or his/her designee shall be responsible for the establishment and maintenance of all appropriate eligible lists.

#### **A. REQUISITION REQUEST**

Whenever a vacancy exists, or a vacancy is anticipated, the department head or designee shall submit a Requisition to Human Resources for referrals from the appropriate eligible list, or to begin recruitment if an eligible list does not exist.

#### **B. ELIGIBLE LISTS**

Upon receipt of the authorization to fill the Requisition, Human Resources shall refer to the department the applications of the persons entitled to referral. The department can determine whether or not to re-interview an applicant who has already applied and been interviewed by that department for the same position within the last ninety (90) days. Only one applicant can be hired for each Requisition submitted.

1. Open Recruitments: When an open recruitment has been conducted and the Human Resources Department facilitates an oral panel, the top five (5) names shall be referred for each requisition unless fewer than five (5) names are on the eligible list. When more than one vacancy is to be filled from the eligible list, Human Resources shall refer a minimum of three (3) additional names for each additional vacancy to be filled, providing additional names are available. All names referred to the hiring department will be placed alphabetical order. In circumstances where an oral panel was not conducted at the Human Resources level, all names of applicants who meet the minimum qualifications and are placed on the eligible list and will be referred to the hiring department.
2. Continuous Recruitments: When a continuous recruitment has been conducted, names of all applicants who meet the minimum qualifications and are placed on the eligible list will be referred to the hiring department on a continuous basis.
3. In the case of "A" level management vacancies, it is at the discretion of the Director of Human Resources or designee to screen all candidates and refer the most qualified candidates on for continuation in the hiring process. The Board Member Appointed Committee, that includes the County Executive Officer, may interview the candidates and recommend a selection to the Board of Supervisors for final consideration.

**C. DURATION OF LISTS**

The life of an application is six (6) months from the date of submission. The life of an eligible list is six (6) months from the date of the establishment of such list. An eligible list may be exhausted early or extended by the Director of Human Resources when it appears to be in the best interest of the County.

**D. REMOVAL OF NAMES FROM THE ELIGIBLE LIST**

1. Reasons for Removal: Human Resources may, after reviewing all necessary evidence, remove the name of an applicant from an eligible list:
  - a. For any of the causes stipulated in the section entitled, "Disqualification of Applicants".
  - b. On evidence that the applicant cannot be located by telephone, postal authorities, or if the applicant has failed to respond within seven (7) calendar days to a letter of inquiry regarding availability for appointment.
  - c. On receipt of a statement from the applicant stating that he/she no longer desires consideration for a position in that class.
  - d. If two (2) offers of employment are declined by the applicant for the class/position which the applicant applied.
  - e. When an applicant is hired in the job classification for which the eligible list was established.
  - f. For failure of the applicant to appear for an interview with the hiring authority after a good faith effort has been made by the hiring authority to contact the applicant.
2. An applicant may, by written request, cause their name to become inactive for an indefinite period during the life of the list. They may also reactivate their name by written request during the life of the list.

**E. EXHAUSTION OF ELIGIBLE LIST**

A list that has not reached its expiration date can be considered to be “exhausted” for the following reasons:

1. If there are not a sufficient number of qualified applicants remaining on an eligible list.
2. If the recruitment is for a specific location and there are not enough applicants willing to work in that location.
3. If there are bilingual requirements that cannot be met from the current eligible list.

If the Director of Human Resources makes the determination to “exhaust” a list prior to six (6) months, the remaining active applicants are sent a letter advising that a new recruitment is necessary and they need to reapply.

**F. RE-INSTATEMENT LISTS**

In accordance with Merced County's procedures, any employee who has been laid off **or** demoted in lieu of layoff from their classification, shall be entitled to have his/her name placed on the Reinstatement List. The reinstatement list shall remain active for eighteen (18) months from the effective date of layoff. Reinstatement will be determined by order of seniority and will provide automatic reinstatement of the employee to their original classification within the department they were in at time of layoff.

**G. RE-EMPLOYMENT LISTS**

In accordance with Merced County's procedures, any employee who has been laid off **or** demoted in lieu of layoff and has provided Human Resources with the required reduction in force (RIF) application, will have their name placed on a reemployment list. The reemployment list is for consideration for any approved openings within the County. The employee must meet the minimum qualifications for the position and the salary range must be equal to or less than the employee's range at time of layoff. No employee may receive a promotion through the reemployment process. Eligibility to remain on the reemployment list shall expire after eighteen (18) months from the effective date of layoff. During such period, the reemployment list shall have precedence over any other list in existence or established for the job classification for approved opening.

**IV APPOINTMENTS**

All appointments to positions shall be promptly reported by the department head or designee to Human Resources on forms prescribed by Human Resources and signed by the hiring authority.

**A. FINGERPRINTS (LIVESCAN) AND MEDICAL EXAMINATIONS**

Employees in certain regular or extra help classifications may be live scanned (fingerprinted) in accordance with Merced County Rules and Regulations, Section 2. B. 8 – 12 and may be required to undergo a Health Examination conducted by a designated medical authority in accordance with procedures established in the Health Examination Resolution and the Merced County Rules and Regulations. No disabled applicant will be refused a job appointment without the application of reasonable accommodation efforts on the job site.

**B. TYPES OF APPOINTMENTS**

All vacancies in classified service, (department heads are not a part of the classified service) except as specifically authorized in this section, that are not filled by transfer, promotion, demotion or through special consideration given to employees



in lieu of layoff/reduction in force, shall be filled by either a regular appointment, emergency appointment, provisional appointment, limited term appointment, reinstatement, temporary promotion, or an under fill.

1. Regular Appointments: Appointments made to regular positions, in which the competitive selection process has taken place, shall be made from the eligible list certified by Human Resources. No hiring authority may appoint more employees to a position than authorized by the Board of Supervisors.
2. Reemployment/Reinstatement after Layoff/Reduction in Force: The appointment or reinstatement of an applicant to a regular position from a reemployment or reinstatement list shall not be considered a probationary appointment.
3. Emergency Appointments: The appointment of an employee without regard to the other requirements of these rules, when in the judgment of competent authority, immediate service in the position is required to prevent stoppage of essential public business, shall be considered an emergency appointment. An emergency appointment may not exceed sixty (60) working days in a twelve-month period.
4. Provisional Appointment
  - a. Conditions of Appointment: When it is essential to fill a vacancy and Human Resources is unable to certify applicants for such vacancy because there is no existing appropriate list, or because there are an insufficient number of persons on the appropriate list who are willing to accept appointment, the vacancy may be filled by means of provisional appointment.
  - b. Qualifications for Appointment: The prospective appointee must file an application with Human Resources and meet the minimum qualifications, as determined for the County job class specification involved.
  - c. Duration of Appointment: A provisional appointment shall expire six (6) months from the date of such appointment, except that no person shall serve in a provisional appointment for more than sixty (60) days after an eligible list has been established for the classification.
5. Limited Term Appointment:
  - a. Limited term appointments may be made by a department to fill regular positions that are temporarily vacant as a result of an incumbent's leave of absence, extended sick leave, or a pending appointment of another person to that position. All candidates for appointment will be certified by Human Resources from the

appropriate eligible list and will be appointed under the same provisions as are applicable to regular employees. Limited term appointments to regular positions shall not continue beyond the probationary period allocated to said classification, unless otherwise approved by the Board of Supervisors.

- b. Limited Term employment may be credited as part of the probationary period when such employment is immediately followed by regular appointment to the same class within the same department.
6. Temporary Promotion: As per Merced County's Human Resources Rules and Regulations, a regular County employee may be promoted on a temporary basis to fill a vacant position, as a result of a leave of absence or extended sick leave of the incumbent of the position, or pending appointment of another person to that position, if that employee meets the minimum qualifications of the higher class. The selection process need not be competitive, nor is an eligible list required.
7. Transfer: Any regular employee who desires to initiate a transfer to the same classification in another County department shall be given consideration. There must be a current opening in the desired department. This policy does not apply to or restrict employees in matters of promotion, voluntary demotion or transfers between positions within the same department. Salary on transfer shall be in accordance with Merced County Human Resources Rules and Regulations.
  - a. Current county employees may submit a Merced County application for consideration in another department for a current recruitment, in the same classification they currently hold. (Example: A current Office Assistant III may apply for a lateral transfer to an Office Assistant III in a different department.)
8. Employment At-Will: Employment At-Will status shall apply, except as provided by law, to all "A" level managers and unrepresented management in the positions of Asst BHRS Director, Assistant Director Public Health, Assistant Public Works Director, County Health Officer, Deputy County Librarian, Deputy Dir – Economic Development, Deputy Dir Workforce Investment, Director of Environmental Health, Forensic Pathologist, BHRS Medical Director, Staff Psychiatrist, Undersheriff of Merced County, Chief Deputy District Attorney and Chief DA Investigator. Incumbents in these positions serve at the pleasure of the department appointing authority as an Employment At-Will unrepresented management employee. Effective September 17, 2019 all other "B" level unrepresented management classifications not listed above will be converted to At-Will Status upon vacancy. Employees appointed to Employment At-Will status may be

dismissed or disciplined without notice, hearing, or cause, at the discretion of the appointing authority.

**V. APPEALS**

**A. APPEALABLE ACTIONS**

Job applicants have the right to appeal any action in the recruitment and selection process that may have an adverse impact on their employment in Merced County.

Applicants - Job applicants may appeal to the Director of Human Resources. Outlined below are appeal procedures for applicants who have participated in the selection process.

1. Application Disqualification: Any applicant whose application for admission to a competitive examination has been rejected may contact Human Resources to discuss the reasons for the disqualification or file within (7) seven calendar days, from the date of the notice, a written request with the Director of Human Resources for reconsideration of his/her qualifications prior to the scheduled date of the examination. The Director of Human Resources shall attempt to resolve the issue and provide a written reply prior to the scheduled date of the examination. The Director of Human Resources' findings and decision shall be final.
2. Written and Skills Tests: Any applicant who has taken a written or skills test may appeal to the Director of Human Resources for review of their rating in any part of the examination to assure that uniform rating procedures have been equitably applied. Such appeal must be filed in writing within ten (10) calendar days after the date on which the notification of the results of the examination was mailed to the applicant. The Director of Human Resources shall attempt to resolve the issue and provide a written reply within ten (10) calendar days of receiving the appeal. The Director of Human Resources' findings and decision shall be final.
3. Bias or Fraud: Any applicant alleging bias or fraud in the conduct of an interview, rating, or other procedure may appeal in writing to the Director of Human Resources within ten (10) calendar days after the date on which the procedure results were mailed. The Director of Human Resources shall attempt to resolve the issue and to provide a written response within ten (10) calendar days of receiving the appeal. If not resolved in the mind of the applicant, such applicant may appeal in writing within five (5) calendar days of receiving the Director of Human Resources' response to the County Executive Officer. The County Executive Officer will provide a written response within ten (10) calendar days. The Executive Officer's decision shall be final.

4. Erroneous Interpretation: Any applicant alleging erroneous interpretation and application of their attributes, qualities and traits considered to be essential for satisfactory performance in the position for which the applicant is being examined may appeal in writing to the Director of Human Resources within ten (10) calendar days after the date on which the examination results were mailed. The Director of Human Resources shall attempt to resolve the issue and to provide a written response within ten (10) calendar days of receiving the appeal. The Director of Human Resources' findings and decision shall be final.
  
5. Discrimination: Individuals regardless of employment status who allege discrimination in any of the selection process shall informally discuss the complaint with the Director of Human Resources within thirty (30) calendar days of the alleged discriminatory action. The informal discussion should occur prior to filing a formal complaint. The Director of Human Resources shall: Consult with the complainant; advise the complainant of all rights, including the right of appeal with other appropriate agencies; make necessary inquiries and investigations; review findings; counsel the complainant on issues of the case; seek informal resolution of problems through negotiation or conciliation; present findings and recommendations for adjustment to the hiring authority; and keep a record of all activities. Time frames may be adjusted by mutual agreement of the parties involved. Informal resolution of complaints, through conciliation and negotiations, must be reached within thirty (30) calendar days of the complaint being brought to the Director of Human Resource's attention. When circumstances so require, the number of days available for informal resolution may be increased by the Director of Human Resources. Extensions or delays must have mutual agreement of the Director of Human Resources and the complainant. If informal resolution occurs, the Director of Human Resources shall formalize its terms and make it part of the complaint file providing copies to the complainant and other appropriate parties. Any informal settlement that results in the County taking corrective measures on behalf of the complainant must have the concurrence of appropriate County officials. If informal resolution does not occur, the Director of Human Resources shall compile all pertinent materials in the case and submit a letter outlining details and recommendations of the case. A letter shall also be written to advise the complainant of the decision and findings and of the right to file in writing with the County Executive Officer no later than ten (10) calendar days from the date of the complainant's receipt of the letter from the Director of Human Resources. The County Executive Officer shall have ten (10) working days from the receipt of the complainant's letter to issue a final written decision that shall be final and binding upon the complainant and/or the County. Copies of the decision shall be provided to the appropriate County officials and the complainant.

**B. PROMULGATION OF ELIGIBLE LISTS AND APPOINTMENTS**

No such appeal, whether it be in regards to application disqualification, selection process, removal from eligible list, or discrimination, shall stay or prevent promulgation of an eligible list or an appointment by a hiring authority.

**VI. STATE MERIT SYSTEM RULES AND REGULATIONS**

Employees who are subject to State Merit System Rules and Regulations shall be governed by those rules and regulations regarding merit selection and promotion procedures and these regulations as is applicable.

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I, JAMES L. BROWN, Clerk of the Board of Supervisors of the County of Merced, do hereby certify that the foregoing resolution was regularly introduced, passed and adopted by said Board at a regular meeting thereof held on July 7, 2015, by the following vote:

Supervisors

AYES:

NOES:

ABSENT:

Witness my hand and the Seal of this Board this 7th day of July 2015.

JAMES L. BROWN, Clerk

By: \_\_\_\_\_  
Deputy

## **CHANGE SHEET**

1. Updated Discrimination paragraph to include all protected categories. Added classifications to At-Will Section. (HR147 07/07/15).
2. Added Chief DA Investigator to IV. B.8. Employment At-Will. (HR 186 BAI 2/27/18).
3. Added Asst BHRS Director, Assistant Director Public Health, Assistant Public Works Director, Deputy County Librarian, Deputy Dir – Economic Development, Deputy Dir Workforce Investment, Director of Environmental Health and updated BHRS Medical Director title in IV. B.8. Employment At-Will (BAI HR 206, 6/18/19).
4. Updated At-Will Appointment type to include B level upon vacancy language. (HR 221 BAI, 9.17.19)