

## CHAPTER 6. RECRUITMENTS AND APPOINTMENTS

SECTION 6.1. RECRUITMENT PROCEDURES. The following procedures based on the six federal merit system principles (see appendix) must be followed in the recruitment of classified employees for Shasta County. The only exceptions or modifications to these procedures are those outlined in Policy Resolution 2010-02 (see appendix).

- A. The appointing authority begins recruitment by forwarding a Request to Fill Position Form or, if necessary, a REQUEST FOR CONTROLLED HIRING EXEMPTION/EXCEPTION Form, to Personnel. Personnel then determines, after consulting with the appointing authority, the type of recruitment to conduct. The three types of recruitment are: County Promotional - open only to regular Shasta County employees; Departmental Promotional - open only to regular employees within the department where the vacancy exists; and Open - which is a general recruitment open to anyone. Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification. Exceptions may apply with approval from the Director of Support Services, or his/her designee.
- B. If no eligible list exists, the job description for the position and any previous bulletin(s) will be reviewed with the appointing authority for accuracy and updated if appropriate. Personnel will update the job description under authority granted by the Board of Supervisors. However, if there are proposed changes to the title or pay of the classification, or significant proposed changes in duties, such proposals require approval of the Board of Supervisors prior to proceeding. After the job description and bulletin are approved by Personnel in consultation with the department, Personnel will decide which newspapers, job websites, professional journals or other job recruiting resources to utilize. Departments may only place additional ads after consulting with Personnel. Departments may only do large-scale mailings of the job bulletin after reviewing its content with Personnel. Personnel may initiate the process to create a new eligible list if the recruitment for the current eligible list commenced a year or more before the current request to fill. A new list may also be created for compelling reasons (based on agreement between the Department Head, or his/her designee, and the Director of Support Services, or his/her designee) if the list was created less than one (1) year before the current request to fill. Notices of recruitments are posted on bulletin boards in various county offices and sent to other local agencies and distributed consistent with equal employment opportunity laws. Notices are updated and distributed by Personnel. Current open recruitments shall also be announced on the Shasta County Website ([www.co.shasta.ca.us](http://www.co.shasta.ca.us)).
- C. If an existing eligible list is less than one year old, the top ten (10) names shall be certified to the appointing authority. Additionally, where possible, employees on recall lists will be referred first or in conjunction with the certified list. If the eligible

list is older than one year or consists of five (5) or fewer viable names, the appointing authority, in consultation with Personnel, may either select someone from the existing list or reject the list and request the development of a new list. If the department provides valid justification for the rejection of one or more applicants from the certified list, causing five (5) or fewer viable names to remain for the department to consider, the appointing authority, in consultation with Personnel, may reject the list and request the development of a new eligible list. The eligible list must be abolished if it is older than two years. If a Departmental Promotional eligible list exists and a County Promotional or Open list is subsequently developed, the department must use the departmental list until it expires.

If a unique, special-duty assignment exists within a broadly defined classification, Personnel may approve a request from an appointing authority for a specialized recruitment even if a current (general) eligible list exists, or to develop a new eligible list specific to the special assignment from the existing eligible list.

- D. A filing period will be established by Personnel, during which time applications will be accepted. If a small number of applications are received during the recruiting period, the recruitment may be extended. Only County application forms received for current recruitments will be accepted. Applications must be received by Personnel no later than 5 p.m. Pacific Standard Time (PST) on the final filing date, unless otherwise specified on the job bulletin. Supplemental questions, typing certificates, or additional required information, must be submitted by 5 p.m. (PST) on the final filing date, unless otherwise specified on the job bulletin.
- E. Department Heads are encouraged to promote employees from within their own departments, if those employees' qualifications meet the job specifications and if they successfully pass the appropriate written and/or oral examinations. Employees are encouraged to apply during Open or County Promotional Recruitments for classifications in the department where potential openings may occur because County Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification.
- F. All County employees shall be entitled to take such written and/or oral examinations as are scheduled to fill position vacancies in the various County departments, without loss of regular pay, subject to the determination of Personnel that those employees meet the requirements of the position as set forth in the class specifications.

**SECTION 6.2. SCREENING OF APPLICATIONS.** Applications shall be screened by Personnel and others designated by Personnel to minimum qualifications as outlined in the job specifications. If an excessive number of applications meets minimum qualifications, or if the opening is for a specialized assignment, additional work related criteria such as skills, experience, education, and training may

be applied to limit the number of written and/or oral exams.

### SECTION 6.3. WRITTEN AND ORAL EXAMINATIONS.

- A. Eligible lists shall be compiled by Personnel based on ratings earned by applicants during oral and/or written examinations. Personnel will determine the appropriate exam process for the recruitment. Personnel may require written exams in addition to oral exams (interviews) for individuals applying for certain positions.
  - 1. The appointing authority may opt to allow applicants the ability to transfer passing written exam scores to a current recruitment. The appointing authority is responsible for determining any restrictions related to transferring passing written exam scores, such as length of time that has transpired since passing the written exam, and notifying Personnel of the determination.
- B. If ten (10) or fewer applicants are determined to be qualified as a result of the application screening process, all shall be referred to the appointing authority for interviews, thereby by passing the initial oral exam. When written and/or oral exams are scheduled, candidates will be notified by mail, email, or telephone of the date, time and place of the exam. Departments may, upon consultation with Personnel, make the initial contact with applicants via phone to set up a time for the oral exam. If initial contact is made via phone, a confirmation letter will be sent.
- C. Each oral exam panel member will be given an interview packet in order to review the materials before the interviews. An oral exam panel will ordinarily consist of three individuals selected by Personnel and the appointing authority for their knowledge and expertise regarding the position. When possible, candidates will be notified of the names of the panel members prior to being interviewed. If a candidate has a concern regarding a particular panel member, those concerns are to be made known to the Chairperson of the oral board. Additionally, a candidate may request Personnel to remove one panel member. Personnel will determine the appropriateness of the request.
- D. Candidates will be notified of the results of their exam, typically within two weeks following the exam. Upon request by the candidate, composite exam scores may be provided; the scores of the individual panel members or from individual categories will not be made available to the candidate. Specific written exam scores will not be provided to candidates for Pass/Fail tests.
- E. The oral exam panel may fail a candidate as a result of the interview based upon objective criteria that indicate that the individual is not qualified for the position. For example, the interview may reveal that the individual lacks essential knowledge, job-specific skills, necessary communication skills, a basic understanding of the

job functions, or other key qualifications typically required of the position. The board panel must document such information and review it with Personnel. This may be done on panel scoring sheets instead of separate documents. Each category must have a score, and the panel members must be able to support each score. If Personnel concurs that the individual lacks sufficient qualifications to be placed on the eligible list, the individual must be notified in writing that it was the consensus of the oral board panel that he/she did not present qualifications sufficient to be placed on the eligible list.

F. Veterans' Preference.

1. An applicant who has received a passing score on all components of an examination (up to and including oral examinations) and who is a veteran shall receive credit for an additional five points to be added to the final examination score.
2. For the purposes of this section, a veteran has the same meaning as in Government Code § 18973, as now enacted and as may hereafter be amended. As currently written, Government Code § 18973 defines a "veteran" as any person who has served full time for 30 days or more in the armed forces in time of war or 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, or during the period September 16, 1940 to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.
3. (a) An applicant who wishes to be considered for veterans' preference credit must submit a copy of his or her discharge document (DD-214 or equivalent) and information as to the type of discharge (honorable, dishonorable, etc.) with the application on or before the final filing date for the recruitment and;  
  
(b) Failure to submit the required credentials on or before the final filing date of the recruitment shall be deemed a waiver of the veterans' preference.
4. Veterans' preference shall apply only to examination scores used to create eligible lists from Open Recruitments and shall not affect recall lists, eligible lists created from County or Departmental Promotional Recruitments or by any other means, or any other employment decision.

Should an applicant claiming a veterans' preference be hired to a regular County employment position, his or her veteran's preference shall not be applied to any subsequent County recruitment, reclassification, transfer or other employment decision during the time he or she remains employed in a regular County employment position.

5. Veterans' preference shall apply only to the examination scores for classified employment positions with Shasta County.

#### SECTION 6.4. ELIGIBLE LISTS.

- A. An eligible list will be established upon the compilation of final exam scores. The top ten (10) candidates (or more if the candidates are tied with others) on the list shall be certified to the appointing authority for final consideration and interview(s) as approved vacancies occur. Should the list include eligible employees from the hiring department, Personnel will also certify the top five (5) regular full time or regular part-time if not already included in the top ten (10) candidates (or more if scores are tied). For each additional vacancy, the department will be provided one additional candidate (or more if scores are tied). The appointing authority should interview all of those certified eligible prior to making a hiring selection.
- B. Current Shasta County employees wishing to transfer from their current departments to different departments within the same classification shall be considered for such transfer by submitting an application to Personnel at any time. Assuming they are otherwise eligible, their names will be referred in addition to the top ten (10) names on an eligible list. The appointing authority may consider a transfer request by a county employee without first establishing an eligible list or using the existing eligible list. These principles also apply to employees wishing to demote into classifications in which they previously held permanent status.
- C. Before being provided names of additional candidates, the department must reasonably justify the rejection of the original candidates certified. Valid justifications for rejecting certified applicants may include, but are not limited to: the applicant did not return department's phone call after two efforts; phone disconnected, no forwarding number; scheduled interview but did not attend interview; failed a background investigation that was conducted in accordance with County procedures (i.e., something was revealed in the reference check or background investigation that caused grave concern to the Department Head regarding the applicant's work ethic, attention to duty, skills, cooperation with management or coworkers, poor performance evaluations, etc.); criminal conviction of a job related nature; or other similar substantial reasons. Personnel will determine if the justification is sufficient to bypass the applicant's name in future certifications of the eligible list.

- D. Employees on a recall list shall be certified in accordance with the County's layoff policy.

#### SECTION 6.5. CONTINUOUS RECRUITMENT.

- A. Notwithstanding the foregoing, the Director of Support Services, or his/her designee, may authorize an open, continuous recruitment for specific classifications when such classifications have a history of multiple recruitments occurring within a year's period or the positions frequently remain vacant or under filled.
- B. The process for continuous recruitments shall be as follows:
  - 1. An appointing authority may request a continuous recruitment, (reference Section 6.1), or the Director of Support Services, or his/her designee, may initiate such recruitment.
  - 2. The Director of Support Services, or his/her designee, will only authorize continuous recruitments if one of the criteria referenced in paragraph A is met.
  - 3. The position will be posted as open for continuous recruitment (reference Section 6.1.B).
  - 4. Applications will be screened on a monthly basis or more frequently as necessary (reference Section 6.2).
  - 5. Applicants who do not meet the established qualifications will be notified by mail or email.
  - 6. Qualified applicants will be scheduled for the examination(s) typically used to establish eligible lists for the class (reference Section 6.3).
  - 7. Applicants completing the examination process will be informed by mail or email that they passed or failed the examination(s) and, if passed, of their ranking on the eligible list (reference Section 6.3).
  - 8. Rankings will be based on examination(s) scores and how these scores compare to others already ranked on an established list. When individuals are notified of their ranking on the list, they will also be informed that their ranking may change in the future as new names are added or deleted from the list.
  - 9. Candidates on the list may not participate in future examinations for the

same job classification within six months of their initial placement on the list unless the list is being abolished and replaced with a new one.

10. Candidates' names will be removed from the list after one year from the date of their last placement on the list.

11. The Director of Support Services, or his/her designee, may discontinue a continuous recruitment for a classification at any time.

SECTION 6.6. MULTIPLE EMPLOYMENT. No employee, whether full time, part-time, or extra help, shall hold more than one employment with the County without prior concurrence of the appointing authorities for whom the employee will work and the approval of the Director of Support Services, or his/her designee. This provision shall not apply to employees represented by the Deputy Sheriffs Association, who, if employed in a full-time position, shall not be permitted to work for compensation for the County in any capacity other than his/her regular position.

SECTION 6.7. REINSTATEMENT. Notwithstanding anything to the contrary in this Chapter and without complying with the foregoing requirements for appointment, an appointing authority may appoint to a vacant position a former employee who separated from the County's employment in good standing within three years of separation, if the employee held permanent status in the classification to which appointment is being made. Salary step placement upon reinstatement may be to the same salary step to which the former employee was assigned at the time of separation. Upon reinstatement, the employee's vacation accrual rate, maximum vacation accumulation (per section 12.2), and seniority in the event of a layoff will be based on prior service excluding absences from County employment. In all other respects, benefits and terms of employment will be as in the case of new employment.

SECTION 6.8. OFFERS OF EMPLOYMENT AND REFERENCE CHECKING.

- A. Except as stated in Section 6.8.C.1 below, after extending a verbal or written preliminary conditional offer of County employment, the appointing authority shall conduct a background investigation (based on County policies regarding background investigations) on a prospective employee. The County must extend a conditional offer of employment prior to initiating a background investigation on the prospective employee unless a conviction history check for the job classification is required by a state, federal or local law, or the position is with a criminal justice agency within the District Attorney's Office, Sheriff's Office, or the Probation Department. Such a background investigation includes, but is not limited to, performing reference checks, obtaining the prospective employee's fingerprints for the purpose of conducting a criminal history check, and collecting other job related information. The appointing authority has the discretion to only conduct background investigations on certain applicants that the appointing authority has decided to move forward in the hiring process. A background investigation is not required of every applicant referred to the appointing authority, unless otherwise

required by state, federal, or local law.

1. The appointing authority shall not consider, distribute or disseminate any of the following while conducting a conviction background check in connection with any application for employment:
  - a. An arrest not followed by a conviction.
  - b. Referral to or participation in a pretrial or post trial diversion program.
  - c. Convictions that have been sealed, dismissed, expunged or statutorily eradicated pursuant to law.
2. If the appointing authority intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history, the appointing authority must make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position, including an assessment that considers all of the following:
  - a. The nature and gravity of the offense or conduct.
  - b. The time that has passed since the offense or conduct, as well as completion of a sentence.
  - c. The nature of the job held or sought.
3. If the appointing authority makes a preliminary decision that the applicant's conviction history disqualifies the applicant from employment, the applicant must be notified in writing of all of the following:
  - a. Notice of the disqualifying conviction(s) that are the basis for the preliminary decision to rescind the job offer.
  - b. A copy of the conviction report, if any.
  - c. An explanation of the applicant's right to respond to the notice of the preliminary decision before the decision becomes final and the deadline by which to respond. The response may include submission of evidence challenging the accuracy of the conviction history report, evidence of rehabilitation or mitigating circumstances, or both.



4. The applicant must be provided at least five business days to respond to the notice before the appointing authority can make a final decision.
  - a. If the applicant notifies the County in writing that the applicant is disputing the accuracy of the conviction history report and taking steps to obtain supporting evidence, the applicant must be given an additional five business days to respond to the notice before the appointing authority can make a final decision.
5. Any information provided by the applicant must be considered prior to making a final decision regarding employment.
6. If a final decision is made to deny the application for employment due to the applicant's conviction history (solely or in part), the applicant must be informed in writing of all of the following:
  - a. The final denial or disqualification.
  - b. Information and any existing procedure the County has for how the applicant may challenge the decision or request reconsideration.
  - c. The right to file a complaint with the California Department of Fair Employment and Housing (DFEH).
7. Certain positions are not subject to the procedures outlined in Sections 6.8.A.1 through 6.8.A.6 including:
  - a. Positions with a criminal justice agency, such as the District Attorney's Office, Sheriff's Office, or Probation Department.
  - b. Positions for which the County is required by any local, state or federal law to conduct a conviction history background check for employment purposes or to restrict employment based on criminal history.
  - c. Positions which fall under the provisions of Section 6.8.A.7.a and 6.8.A.7.b remain subject to other state and federal laws concerning use of criminal information. Applicants for those positions must be provided a copy of the criminal history information and the opportunity to complete, or challenge the accuracy if, the criminal history information prior to revocation

of a conditional offer, denying employment, or otherwise taking an adverse action.

- B. All prospective employees shall sign an Authorization and Release of Information form or other releases authorizing the County to investigate and verify the information contained on their application. Failure to sign such release(s) shall disqualify the applicant. References shall be provided by the applicant. References shall be checked only after a written release has been provided to the County.
- C. Following completion of the background investigation, which includes fingerprinting for the purpose of conducting a criminal history check, the appointing authority may extend an offer of employment conditioned on the results of a medical examination.
  - 1. The appointing authority must first complete the background investigation and evaluate all non-medical information that it reasonably could have obtained prior to extending a job offer conditioned on the results of a medical examination. The collection of non-medical information after extending a job offer conditioned on the results of a medical examination is only allowed if the appointing authority can demonstrate that the information could not reasonably have been collected prior to the offer.
  - 2. It is the department's responsibility to verify that the applicant has passed the background investigation before extending an offer conditioned on the results of a medical examination. This may be done by contacting Personnel. (See also Chapter 30, Pre-employment Drug and Alcohol Testing Policy.)
- D. The appointing authority shall notify all applicants on the certified eligible list as to their selection or rejection for employment.
- E. Employees who have access to Federal Tax Information (FTI) are subject to a background investigation prior to access to FTI data and periodically thereafter, as required by Internal Revenue Service Publication 1075 and State Policy implementing Internal Revenue Service Publication 1075. See Administrative Policy 8-520 for the County's Background Investigation Policy under Internal Revenue Service Publication 1075.

**SECTION 6.9. COLLATERAL ALLOCATION FOR THE TRAINING OF A NEW EMPLOYEE.** The Director of Support Services, or his/her designee, may create a temporary collateral allocation to provide a time period for an employee leaving County service or who has accepted a position in another County department to train a new employee. The Department Head, or his/her designee, must make the request for a collateral allocation in writing. The Director of Support Services, or his/her designee, may grant a collateral allocation for up to four weeks for a non-management position, and up to eight weeks for a management position. The department must provide to

Personnel the signed resignation or notice of retirement from the employee, or confirmation from the Department Head, or his/her designee, of the new hiring department, and provide written assurance that there is funding available for the additional expense.

SECTION 6.10. APPOINTMENTS TO CLASSIFIED SERVICE. All new and promotional appointments to a position in the classified service shall be made by the appropriate appointing authority. All appointing authorities shall appoint to positions in the classified service only from among those who are certified to them by Personnel as being eligible for the particular classification of employment. Insofar as it conforms to other County regulations or policies, each Department Head, or his/her designee, shall be permitted to choose from the top ten (10) applicants in accordance with section 6.4.A.

SECTION 6.11. DEPARTMENT HEADS.

- A. The persons lawfully holding the positions listed in this section, and such other persons as maybe designated from time to time by state law, shall be regarded as Department Heads and shall be part of the executive management of Shasta County government. The manner of their appointment is set forth in the following subsections.
- B. The following department head is appointed by and serves at the pleasure of the Board of Supervisors and may be employed by contract: County Executive Officer.
- C. The following department head is appointed to a four-year term of office by the Board of Supervisors and may be removed for cause pursuant to Government Code section 27641: County Counsel.
- D. The following Department Head is appointed to a four-year term of office by the Board of Supervisors from a list of eligible candidates prepared by the Director of Agriculture, and may be removed for cause pursuant to Food and Agricultural Code sections 2181 et seq. and Business & Professions Code section 12214: Agricultural Commissioner/Sealer of Weights & Measures.
- E. The following Department Heads are appointed by the Board of Supervisors upon the recommendation of the County Executive Officer and serve at the pleasure of the Board of Supervisors:
  - 1. Public Works Director
  - 2. Director of Resource Management
  - 3. Director of Child Support Services
  - 4. Public Defender

5. Health and Human Services Agency Director\*

6. Chief Probation Officer

\*The separate position of Director of Mental Health Services is applicable only when the HHSA Director does not possess the particular qualifications required by law for the office of Director of Mental Health Services and is not otherwise approved by the State Director of Mental Health. All other provisions and conditions for Department Heads would apply.

F. The following Department Heads are appointed by the County Executive Officer and serve at his/her pleasure:

1. Director of Support Services
2. Chief Information Officer
3. Director of Housing and Community Action Programs
4. Veterans Service Officer

G. The following Department Heads are appointed by authorities other than the Board of Supervisors, as indicated, and serve at the pleasure of their appointing authorities:

1. Fire Warden (appointed by the California Department of Forestry - receives no county pay)
2. Farm Advisor (appointed by the University of California - receives no county pay)

H. The following Department Heads make up the elective service:

1. Assessor/Recorder
2. Auditor-Controller
3. County Clerk
4. District Attorney
5. Sheriff-Coroner

## 6. Treasurer-Tax Collector/Public Administrator

- I. The Department Heads listed in subsections B through G shall be subject to termination upon 30 days prior written notice, except where another method of removal is required by contract, ordinance or state law. Upon such Department Heads giving notice of resignation, the County Executive Officer may, for good cause and upon a determination that the best interests of the County would be served, authorize a maximum of 30 days leave with pay pending the effective date of that resignation.

SECTION 6.12. MERIT PRINCIPLES APPLY. It is the policy of the Board that appointments to positions listed in section 6.11, will be made in accordance with the federal merit principles (see appendix) and that the services of Personnel will be utilized in recruiting and in determining the qualifications of candidates for these positions.

SECTION 6.13. USE OF FORMS. All appointments to positions in the classified and unclassified service shall be made in writing using the methods prescribed by Personnel. A copy of the appointment signed by the appointing authority or his/her authorized designee shall be delivered to Personnel for approval before the proposed appointee begins work or the proposed promotion takes effect. The appointment must be processed by Personnel before payment can be made to the appointee by the County Auditor.

### SECTION 6.14. APPOINTMENT OF RELATIVES

- A. Appointing authorities are prohibited from appointing relatives to positions in County service. An appointing authority shall insure that within his/her department, a supervisory person shall not have a relative under his/her supervision, regardless of the departmental budget unit to which the position occupied by such relative is allocated. Such supervision may be direct, i.e., immediate supervision, or indirect by any number of organizational levels within the department.
- B. For the purposes of this section, relative shall include brother, sister, child, parent, uncle, aunt, niece, nephew, spouse, Registered Domestic Partner, or spouses' or Registered Domestic Partners' brother, sister, parent, uncle, aunt, niece or nephew. Step-relatives of the same relationships are also included.

SECTION 6.15. INITIAL PROBATION. Upon initial appointment in classified service, all employees (except those otherwise specified in memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be dismissed without cause or right of appeal. While on initial probation, an employee may not promote to another classification (except in an unusual circumstance after approval by the Director of Support Services, or his/her designee).

SECTION 6.16. PROMOTIONAL PROBATION. Upon promotion to a classification in classified

service with a higher salary schedule, an employee (except those otherwise restricted by specific memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be returned to his/her previous classification without cause or right of appeal, provided the employee had successfully attained permanent status in the previous class.

SECTION 6.17. PROBATION ON TRANSFER OR DEMOTION. For good cause shown, a Department Head, or his/her designee, may require a 12 month probationary period (full-time equivalent) as a condition of appointment in cases of lateral transfer or demotion, voluntary or otherwise, from another department. During such probationary period, the employee may be dismissed without cause or right of appeal. The employee has no right to return to his/her previous position.

SECTION 6.18. EXTENSION OF PROBATIONARY PERIOD. Any accumulated time absent during the probationary period for a period of more than five working days shall serve to extend the employee's probationary period for the total period of absence. Probation shall not be extended for any other reason.

SECTION 6.19. REJECTION FROM PROBATION. Rejection during a probation period is not a disciplinary action.

SECTION 6.20. LEAVE OF ABSENCE WHILE ON PROBATION. An employee in the initial probationary period may be granted a leave of absence without pay, but the period of leave shall not exceed four months unless otherwise required by law. An employee in any probationary status shall have his/her probationary period extended an amount of time equal to the period of leave.

SECTION 6.21. PROBATION ON RECLASSIFICATION. An appointing authority may require a probationary period of six months on reclassification when the incumbent employee has been performing the assigned duties for less than six months. Should a reclassified position be filled by recruitment, promotional probationary rules shall apply.

