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San Benito County, CA Code of Ordinances

CHAPTER 3.03: PERSONNEL

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Statutory reference:

Civil service for county employees, see Cal. Gov't Code §§ 31100 to 31115

County officers generally, see Cal. Gov't Code §§ 24000 et seq.

Employees generally, see Cal. Gov't Code §§ 31000 et seq.

§ 3.03.001 PURPOSE OF PERSONNEL SYSTEM.

(A) The following personnel system is hereby adopted in order to:

- (1) Establish an equitable and uniform procedure for dealing with personnel matters;
- (2) Attract the most competent and desirable persons available to county service;
- (3) Assure that appointment and advancement of employees are based on merit and ability;
- (4) Provide reasonable security for qualified employees; and
- (5) Comply with applicable laws relating to the administration of the personnel process.

(B) The objectives of this personnel system are to facilitate efficient and economical uninterrupted service to the public, maintain harmonious and cooperative relationships between county employees and the county, and to provide for a fair and equitable system of personnel management in the county government. These objectives are facilitated by the provisions of Cal. Gov't Code §§ 3500 *et seq.*, granting public employees of local governments the rights of organization and collective bargaining concerning the determination of terms and conditions of their employment.

(1966 Code, § 12-2) (Ord. 546, § 1(part))

§ 3.03.002 DEFINITIONS.

The terms used to administer the personnel system shall be defined in the personnel rules.

(1966 Code, § 12-3) (Ord. 546, § 1(part))

§ 3.03.003 ADMINISTRATION.

(A) The county's Administrative Officer shall administer the county personnel system and may delegate any of the powers and duties, as he or she may deem appropriate to any authorized representative, or may recommend that such powers and duties be performed under contract as provided in § 3.03.006 of this chapter.

(B) The county's Administrative Officer shall:

(1) Act as the appointing authority for the county except where the authority is conferred on other officers by the personnel rules or retained by the Board of Supervisors;

(2) Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the Board of Supervisors;

(3) Prepare and recommend to the Board of Supervisors personnel rules and revisions and amendments to such rules;

(4) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan;

(5) Have the authority to discipline employees in accordance with this chapter and the personnel rules of the county;

(6) Provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefor; the conducting and grading of tests; and the certification of a list of all persons eligible for appointment to the appropriate position in the competitive service;

(7) Serve as the county's Employee Relations Officer, with responsibility for administering the county's employer-employee relations; and

(8) Perform any other duty that may be required to administer the personnel system.

(1966 Code, § 12-4) (Ord. 546, § 1(part))

§ 3.03.004 EXEMPT EMPLOYEES.

(A) The provisions of this chapter shall apply to all offices, positions and employments in the service of the county, except:

- (1) Elective officers;
- (2) The county's Administrative Officer, Assistant to the county's Administrative Officer, Emergency Services Coordinator and any other professional or staff assistants to the county's Administrative Officer;
- (3) Department heads appointed by the Board of Supervisors and other employees in positions included in the exempt service;
- (4) Persons engaged under contract to supply expert, professional, technical or any other services;
- (5) Members of appointive boards, commissions and committees;
- (6) Volunteer personnel who are not regular, salaried employees;
- (7) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property;
- (8) Temporary or extra help employees who are not regularly employed in permanent positions as defined by the personnel rules;
- (9) Any position primarily funded under a state or federal employment program;
- (10) The Undersheriff;
- (11) The Assistant County Auditor;
- (12) The Buildings and Grounds Maintenance Superintendent;
- (13) The Migrant Camp Manager;
- (14) The Parks Manager;
- (15) Child Support Commissioner; and
- (16) Court Executive Officer.

(B) In the event any provision of this chapter, as it may apply to any employee of the county subject to Cal. Gov't Code §§ 19800 *et seq.* is determined by the state's Personnel Board to be in conflict with Local Agency Personnel Standards (*Title 2. Administration, Division 5. LAPS*), then to such extent the Local Agency Personnel Standards shall supersede and control over the provisions of this chapter.

(1966 Code, § 12-5) (Ord. 546, § 1(part); Ord. 702 § 2)

§ 3.03.005 ADOPTION AND AMENDMENT OF RULES.

(A) Personnel rules shall be adopted by resolution of the Board of Supervisors in compliance with the meet-and-confer process. The rules may establish regulations governing the personnel system, including but not limited to:

- (1) Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;

- (2) Appropriate announcement of the selection process and acceptance of applications for employment;
- (3) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
- (4) Certification and appointment of persons from employment lists, and the making of provisional appointments;
- (5) Establishment of probationary testing periods;
- (6) Evaluation of employees during the probationary testing period and thereafter;
- (7) Transfer, promotion, demotion, lay-off and reinstatement of employees in the competitive service;
- (8) Separation of employees from the county service;
- (9) The establishment and maintenance of adequate personnel records for the purposes of accounting and legal requirements;
- (10) The establishment of any necessary disciplinary procedures;
- (11) The establishment of any necessary appeal and grievance procedures;
- (12) The establishment of procedures for conducting employer-employee relations pursuant to the provisions of Cal. Gov't Code §§ 3500 *et seq.*; and
- (13) Establishment of regulations, policies and procedures pertaining to other areas of personnel administration as needed.

(B) The county's Administrative Officer may draft rules, procedures and forms necessary for the administration of the county personnel system and not in conflict with the provisions of this chapter. Employees shall comply with all rules and procedures prescribed and each department head shall enforce the rules, procedures and use of forms.

(C) Department heads are authorized to draft and enforce such further rules, policies, regulations and procedures for the governing of employees in their departments as are determined by the county's Administrative Officer and County Counsel to be consistent with county ordinances, resolutions or memoranda of understanding.

(D) All county employees shall hold their positions subject to the rules and regulations which may be established by resolution of the Board of Supervisors.

(1966 Code, § 12-6) (Ord. 546, § 1(part))

§ 3.03.006 CONTRACTS FOR SPECIAL SERVICE.

(A) The county's Administrative Officer shall consider and make recommendations to the Board of Supervisors regarding the extent to which the county should contract for the performance of technical services in connection with the establishment or operation of the personnel system.

(B) The Board of Supervisors may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by ordinance:

- (1) The preparation of personnel rules and subsequent revisions and amendments;

- (2) The preparation of a position classification plan and subsequent amendments;
- (3) The preparation, conduct and grading of competitive tests;
- (4) The conduct of employee training programs; and
- (5) Special and technical services of an advisory or informational character on matters relating to personnel administration.

(1966 Code, § 12-7) (Ord. 546, § 1(part))

§ 3.03.007 APPOINTMENT.

(A) Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance test, physical agility tests, evaluation of daily work performance, work samples or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as a part of any examination.

(B) The appointing authority of employees in the competitive service is the county's Administrative Officer or other officer designated in the personnel rules.

(C) Appointments to the following positions shall be made as provided elsewhere by statute or ordinance:

- (1) All elected officials;
- (2) Chief Administrative Officer;
- (3) County Counsel;
- (4) Agricultural Commissioner/Sealer of Weights and Measures;
- (5) Chief Probation Officer;
- (6) Child Support Commissioner;
- (7) Court Executive Officer; and
- (8) County Surveyor.

(D) All other department heads shall be appointed by the County Administrative Officer. Department head positions shall be established by resolution of the Board of Supervisors.

(E) The position of Undersheriff for the County of San Benito shall be a position serving at the pleasure of the Sheriff, subject to dismissal without cause. The Sheriff shall be the appointing authority.

(F) In the event that an employee in the competitive service is appointed to a position in the exempt service and subsequently is removed or resigns from the exempt service, the employee shall have the right, if not terminated for cause, to be reinstated to the competitive service in their former classification and department without loss of any rights or privileges and upon the same conditions as if he or she had remained in that classification; provided, that a vacancy exists in the former classification and department.

(1966 Code, § 12-8) (Ord. 546, § 1(part); Ord. 691, § 1; Ord. 702, § 1; Ord. 728, § 1; Ord. 982, § 2, 2019)

§ 3.03.008 COMPENSATION.

(A) (1) Except as otherwise provided by law, officers and employees shall receive the compensation provided in salary schedule adopted by the Board of Supervisors by ordinance or resolution for the respective classifications of positions in which they are employed in accordance with the personnel rules and memoranda of understanding.

(2) Salaries shall be paid to officers and employees on the last working day of each calendar month for service rendered during that month. The County Auditor shall review monthly time/attendance records to determine that the employees listed have been appointed, employed, promoted, demoted or their salaries increased or decreased in accordance with the provisions of this chapter and the personnel rules before any salaries are paid.

(B) (1) However, all compensation of officers and employees, which has been fixed by ordinance before the effective date of the ordinance codified in this chapter, shall continue to be in effect until changed by resolution of the Board of Supervisors as provided in division (A) of this section.

(2) Copies of all salary resolutions shall be kept on file in the office of the County Clerk and shall be available for public inspection.

(C) All fees and commissions allowed by law from whatever source, received or collected by any officer or employee in the course of his or her duties, excepting those of the constable, shall belong to the county and shall be paid into the county treasury unless specifically provided otherwise in this chapter or a resolution adopted by the Board of Supervisors. All jury fees, except mileage reimbursements, received by any officer or employee of the county shall belong to the county and be paid into the county treasury.

(1966 Code, § 12-9) (Ord. 546, § 1(part); Ord. 548, § 1)

§ 3.03.009 PROBATIONARY PERIOD.

All regular appointments, including promotional appointments shall be for a probationary period of not less than six months as set forth in the personnel rules adopted pursuant to this chapter. The appointing authority may not extend the probationary period under any circumstances. During the probationary period, the employee may be rejected at any time without the right of appeal, hearing or any grievance procedure.

(1966 Code, § 12-10) (Ord. 546, § 1(part))

§ 3.03.010 DISCIPLINARY ACTIONS.

The county administrative authority or any appointing power shall have the authority to demote, discharge, reprimand, reduce in pay or suspend any regular employee for cause in accordance with procedures included in the personnel rules.

(1966 Code, § 12-11) (Ord. 546, § 1(part))

§ 3.03.011 RIGHT OF APPEAL.

(A) Any employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension or discharge for disciplinary or medical reasons, except in those instances where the right of appeal is specifically prohibited by this chapter or the personnel rules.

(B) All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this chapter.

(1966 Code, § 12-12) (Ord. 546, § 1(part))

§ 3.03.012 LAY-OFF AND RE-EMPLOYMENT.

Lay-off and re-employment actions shall follow the process outlined in the personnel rules.

(1966 Code, § 12-13) (Ord. 546, § 1(part))

§ 3.03.013 POLITICAL ACTIVITY.

The political activities of county employees shall conform to pertinent provisions of state law and any local provisions adopted pursuant to state law.

(1966 Code, § 12-14) (Ord. 546, § 1(part))

§ 3.03.014 MEMORANDA OF UNDERSTANDING.

Provisions of memoranda of understanding approved by the Board of Supervisors shall become operative on the dates set forth in such memoranda, notwithstanding the fact that some sections may conflict with provisions of ordinances or resolutions in effect at the time of approval of the memoranda. Pending amendment of any such conflicting ordinance or resolution sections, the provisions of memoranda of understanding shall govern the administration of matters of wages, hours and terms and conditions of employment.

(1966 Code, § 12-15) (Ord. 546, § 1(part))