



# RECRUITMENT RULES AND POLICIES

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## ARTICLE I GENERAL PROVISIONS

To comply with [CA Government Code §19800](#), et seq, [CA Code of Regulations, Title 2, Division 5. Local Agency Personnel Standards](#), [Title 5 Code of Federal Regulations § 900.603](#), the County of Orange shall recruit, select, and advance employees on the basis of merit, specifically their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial employment.

Merit is the guiding principle for all County of Orange selection decisions and activities. In any situation where these Rules and Policies are silent or not specific in their application to a particular situation, the County will operate consistent with the merit principles set forth in applicable statutes, local recruitment policies and/or collective bargaining agreements,

Any person receiving a temporary promotion or a provisional appointment, or who is appointed to an extra help, limited-term or regular position, must possess the minimum qualifications for the applicable class.

### SECTION 1. Authority to Adopt and Revise Rules

Under the authority of Article I of the County of Orange Personnel and Salary Resolution, the Chief Human Resources Officer (CHRO), hereby promulgates these Rules and may revise them as necessary provided that no revision nullifies the basic principle of a merit system shall be effective unless approved by the Board of Supervisors.

The CHRO, directly or through his/her designee, bears ultimate responsibility for the appropriateness of all actions, and authority for the content, weight, pass point, administration of and modification of any and all competitive assessments in establishing the eligible list of candidates.

The CHRO has authority to overrule, modify, rescind, set practices and delegate authority as necessary to ensure that the competitive assessment is job-related, assesses candidates to ensure that the most competitive are included on eligible lists, and that the process meets business needs.

### SECTION 2. Applicability

#### A. Inclusions

Except as indicated below, these Rules shall apply to all recruitment processes for all regular and limited-term positions under the control of the Board of Supervisors.

#### B. Positions exempted from these Rules

1. Positions in the direct employ of the Board of Supervisors and other executives as identified in the Personnel and Salary Resolution.
2. Executive Secretaries excluding those in Child Support Services, the Social Services Agency and others which may be determined by the CHRO.
3. Positions to be filled by temporary promotion in accordance with the Personnel and Salary Resolution.

4. Positions filled by reassignment/transfer (as defined in the Personnel and Salary Resolution) of a qualified regular or limited term County employee who has passed probation in the classification and who was initially appointed to the same or comparable classification through a competitive process, i.e., from an eligible list. CHRO may require submission of an employment application or résumé to confirm an employee possesses minimum qualifications prior to a transfer becoming effective.
5. Positions which – as required by contractual agreements, program regulations, laws, ordinances, resolutions and other legislative actions, or as the resolution of a complaint, grievance or appeal – must be filled in a manner other than through the normal recruitment and referral procedures described in these Rules.
6. Positions to be filled by provisional appointment. The CHRO may authorize an appointing authority to make a provisional appointment to a regular or limited-term position when the CHRO, or designee, determines it is in the best interests of the County to fill a vacancy until a new eligible list can be established as provided in Article V.

No provisional appointment shall continue for more than 90 days after an appropriate eligible list has been established or for more than six months from the date of provisional appointment unless an extension is authorized by the CHRO.

7. Extra help positions.
8. Reclassified positions as provided in Article VIII, Section 2.

Note: As set forth under the General Provisions above, employees must meet the minimum qualifications to be appointed to a position including those that are exempt from these Rules.

ARTICLE II RECRUITMENT AND ANNOUNCEMENTS

SECTION 1. General Provisions

The CHRO, or designee, shall determine specific recruiting and assessment methods to be used and may limit recruitments to County employees, or to employees of a County Agency/Department, or may authorize opening recruitment to the public. The County shall not limit the number of applications to be accepted in Agency/Department or Countywide recruitments. The CHRO, or designee, may modify, postpone or cancel examinations or extend the final filing date for accepting applications.

SECTION 2. Equal Employment Opportunity

Fair and consistent treatment of applicants and employees in all aspects of human resources administration will be assured, without discrimination or disparate treatment based upon any protected category.

- A. Prohibitions against discrimination and different/disparate treatment as outlined in the County of Orange Equal Employment Opportunity Policy and Procedure (to view this document go to [www.ocgov.com/hr/eeo](http://www.ocgov.com/hr/eeo)), Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act, Age Discrimination in Employment Act, Equal Pay Act, Fair Employment and Housing Act, Uniform Guidelines on Employee Selection Procedures, and other relevant federal and state statutes, regulations and guidelines shall be established and enforced.
- B. Each Agency/Department is responsible for ensuring that its own EEO hiring and promotional goals are met. The CHRO will provide oversight in this effort.
- C. Specific to recruitment, selection and promotion, equal employment opportunity shall be developed and implemented in the following ways:
  - 1. Removal of artificial barriers to employment;
  - 2. Assessment of the County's workforce, including a comparison of its workforce composition with the Orange County geographical area workforce;
  - 3. Review of selection processes to ensure that they are based solely on job-related criteria and are free of adverse impact on protected groups and taking appropriate corrective action where adverse impact is found;
  - 4. Comply with all equal employment opportunity requirements mandated by federal and state agencies as a condition for obtaining or maintaining program funding.

SECTION 3. Recruitment Announcements

A. General Provisions

The CHRO, or designee, shall use generally accepted communications methods to ensure broad and effective communication of recruitments. Announcements will be accessible for a minimum of five working days or until the CHRO, or designee, has determined an adequate number of candidates have applied.

Recruitment announcements will include information such as the general duties of the class; minimum and/or desirable qualifications; salary range; assessment methods; type of eligible list to be established; and, if applicable, the number of applications to be accepted, and the final filing

date of applications. Access to this information may be provided via online links or by providing the Internet address where applicants can readily access relevant information.

B. Modifications

When a recruitment procedure is modified, postponed or canceled, applicants shall be notified.

SECTION 4. Types of Recruitment

A. Agency/Departmental

Limited to the employees of one County Agency/Department and persons who were laid off from that Agency/Department within the preceding two years who possess the applicable minimum qualifications.

B. Countywide

Limited to current employees of the County of Orange and persons who were laid off from County employment within the preceding two years who possess the applicable minimum qualifications.

C. Open

Open to any person possessing the applicable minimum qualifications; however, the County may limit applications to Inter-Jurisdictional Transfer applicants including but not limited to Deputy Sheriff or Clinical Social Worker laterals from other counties.

## ARTICLE III JOB APPLICATIONS

### SECTION 1. Filing of Applications

- A. All applications must be submitted and received on or before the final filing date and time specified.
- B. A separate and complete application is required for each recruitment unless otherwise specified in the announcement.
- C. An applicant may, at any time, request in writing that his/her application be rendered inactive and that he/she not be given any further consideration in a given recruitment procedure.
- D. Upon submission of an application, the applicant is certifying the truth of statements contained therein.
- E. Applicants may specify their Agency/Department, schedule and location preferences. The CHRO, or designee, may refer applicants only to those Agencies/Departments to which the applicants have indicated specifically, or by exception, they wish to be referred.

### SECTION 2. Qualifications of Applicants

- A. At any stage of the recruitment process before job offers are extended, the CHRO, or designee, shall determine if the applicant meets the minimum qualifications. Applicants may be required to submit evidence of required education, training, licensure, service in the armed forces or required special qualifications.
- B. Applicants must meet the minimum qualifications by the final filing date stated on the announcement. Another date may apply in some recruitment procedures. Such date will be clearly stated in the announcement.
- C. At the discretion of the CHRO or designee, depending on factors such as the business needs of the County, number of positions anticipated to be filled, and the volume and quality of the applicant pool, only those applicants who appear to possess the desirable qualifications may be considered and advanced to the next step in the competitive process.
- D. Applicants will be notified of their status in a recruitment including whether or not they will be advanced to the next step in the competitive process.

### SECTION 3. Veterans Preference

Veterans, as defined in Section 18540.4 and 18541 of the Government Code, who apply for County employment and who wish to claim veterans' status shall so indicate in the appropriate place on the application. If applicable, verification of veterans' status will be required upon appointment. Applications of active duty veterans who intend to claim veterans' status will be accepted only within 90 days of a pending discharge.

Veterans will be credited five percentage points and Disabled Veterans will be credited ten percentage points to a passing score on a written examination in an open recruitment where the test results will be a factor in determining score group placement.



SECTION 4. Disqualification of Applicants

Any of the following actions or deficiencies may constitute sufficient grounds for the disqualification of an applicant.

- A. Actual or attempted use of any method to obtain an advantage to which he/she is not rightfully entitled in an examination or appointment.
- B. Obtaining unauthorized knowledge of test content, or participation in compiling, administering, scoring or correction of the examination.
- C. Failure to meet the requirements prescribed for participation in the examination as announced in the public notice.
- D. Failure to file the application correctly or within the prescribed time limits.
- E. False statements of material facts or attempted deception in the application or examination.
- F. Conviction of any crime which renders the person unsuitable for a position in the class.
- G. Dismissal from prior employment for a cause rendering the applicant unfit for any position.
- H. Use or attempted use of political pressure or bribery to secure an advantage in an examination or appointment.
- I. Any other action of the applicant that renders the applicant unsuitable for employment.

## ARTICLE IV COMPETITIVE SKILLS ASSESSMENTS

### SECTION 1. Use of Candidate Assessment

Competitive assessment of applicants' qualifications and/or competencies shall be used to determine the eligibility of applicants and the relative score group placement on eligible lists. Competitive assessment will be used to place candidates on an eligible list, except when exempt by the CHRO or designee.

### SECTION 2. Competitive Assessments

#### A. General Provisions

1. The County will recruit, select, and advance employees on the basis of their ability to perform essential job duties. The ultimate authority regarding which assessments will be used resides with the CHRO or designee.

#### B. Assessment Requirements

1. Candidates must meet minimum qualifications in order to compete in a recruitment and any specific parameters noted in the job announcement. Depending on the needs of the County, only applicants who appear to meet or exceed desirable or ideal qualifications may be invited to participate in assessments.
2. Assessments include but are not limited to application appraisal, written or online examinations designed to measure job-related skills and/or behavioral competencies, job simulations, performance and/or oral interviews/examinations.
3. For assessments requiring raters (e.g., application appraisal or oral examination), panels will consist of at least two people who are Subject Matter Experts (SME); at least one of the raters must be in a higher, related classification.
4. A person may not rate, score, or otherwise influence his or her own assessment evaluation or that of a relative as defined in the County's Employment of Relatives Policy. Whenever practicable, panel members who have a close personal relationship with a candidate should be recused and replaced with an alternate rater. On a three person panel, the "absent rater formula" may be used.

### SECTION 4. Notification of Applicants

- A. Applicants shall be notified in advance of the date, time and place of any required assessment.
- B. Applicants shall be notified of their status in the competition.
- C. Applicants who are placed on an eligible list shall be notified of their final score group.

### SECTION 5. Assessment Records

- A. Assessment records including applicant information shall be processed confidentially.
- B. Unless otherwise authorized by the CHRO, or designee, the names of eligibles referred to the hiring authority for hiring consideration shall appear within their designated score groups. Neither an applicant's final numerical scores nor ranking shall be available to the appointing authority or the applicant unless specifically authorized by the CHRO or designee.

Any appointing authority requesting such information shall clearly state how this information would be used and how it would assist in making a selection. When an applicant's score is made available to the appointing authority, the affected applicant shall be notified of the following:

His/her score.

The appointing authority to whom the score was made available.

The reason the score was made available.

ARTICLE V ELIGIBLE LISTS

SECTION 1. Retention of Records

The CHRO, or designee, shall preserve records used in the promulgation of eligible lists for at least two years or until the final resolution of any appeal filed in connection with a recruitment procedure, whichever is longer.

SECTION 2. Order of Eligibles

Applicants who qualify in a competitive assessment shall have their names placed upon an appropriate eligible list, by score group. The CHRO, or designee, may consult with hiring authorities or other appropriate Agency/Department representatives on establishing score groupings, but will retain the confidentiality of eligibles' individual scores.

SECTION 3. Effective Date of Eligible Lists

Eligible lists shall be in effect from the date on which established and will supersede any eligible list for the same job class, recruitment type and if applicable, specialty.

SECTION 4. Duration of Eligible Lists

Open, Countywide and Agency/Department eligible lists shall be established, merged, extended or abolished as determined by the CHRO or designee.

SECTION 5. Removal of Names from Eligible Lists

The CHRO, or designee, may remove candidates from eligible lists for any of the reasons cited in Article III, Section 4. or any eligible who:

- A. Requests in writing to have his/her name temporarily or permanently removed from the list or states in writing that he/she is not interested in employment in that class. No person shall cause or attempt to cause an eligible to waive these rights.
- B. Is appointed to a regular position in the class for which his/her name was on the eligible list. This restriction does not apply to an eligible who is appointed to a limited-term or extra help position or who receives a temporary promotion to a position in the class.
- C. Has a disability that precludes the applicant from performing the essential functions of any position in the class based on an interactive process or as declared by the applicant.
- D. Indicates no interest to three (3) offers of employment or to three (3) inquiries sent by the appointing authority to determine interest in employment.
- E. Terminates employment with the County of Orange. Such eligibles shall be considered as having relinquished the right to be considered for promotion, and the person's name shall be removed from any Agency/Department or Countywide eligible list on which it appears.
- F. Fails to respond to a notice of referral within the prescribed time period.
- G. Is discharged from County employment for cause.

SECTION 6. Types of Eligible Lists and Precedence

The following types of eligible lists may be established:

A. Agency/Department Eligible List

The names of employees successful in Agency/Departmental recruitment procedures shall be placed on Agency/Department Eligible Lists for the applicable classes. When the number of names on an Agency/Department Eligible List is less than the number to be referred as provided in Article VI, Section 2.C., the appointing authority may request that additional names be referred from a co-existing eligible list.

B. Countywide Eligible List

The names of employees successful in Countywide recruitment procedures shall be placed on a Countywide Eligible List. When the number of names on a Countywide List is less than the number to be referred as provided in Article VI, Section 2.C., the appointing authority may request that additional names be referred from a co-existing eligible list.

C. Open Eligible List

The names of applicants successful in open recruitment procedures shall be placed on Open Eligible Lists or Open Specialty Assignment Eligible Lists. When the number of names on an Open Eligible List or Open Specialty Assignment Eligible List is less than the number to be referred as provided in Article VI, Section 2.C., the appointing authority may request that additional names be referred from a co-existing eligible list.

D. Specialty Assignment Eligible List

Special qualifications such as a specific skill or knowledge areas may be prescribed by the CHRO, or designee, for specific positions within the class.

When such special qualifications are needed, an appraisal of an eligible' s application or other form of additional testing will be made as to the special skill or knowledge area, and only applicants who possess such special qualifications will be referred for vacancies in positions requiring them.

## ARTICLE VI REFERRAL OF ELIGIBLES

### SECTION 1. Request to Fill a position

#### A. Requests for Referral of Eligibles

Whenever a vacancy is to be filled, the appointing authority may submit a requisition to the CHRO, or designee, requesting referral of applicants from an eligible list and/or of qualified County employees who are eligible for transfer.

Except as may be modified by the CHRO, or designee, all eligibles on a Referral List shall be invited to participate in the post-referral procedure(s), for example, an interview or job-related skills test. After all referred candidates have had the opportunity to waive or participate in the initial post-referral assessment, candidates may be narrowed to a smaller number, e.g., the group of candidates may be narrowed to the best three to five to invite for a final interview.

#### B. Requests for Selective Referral (for a Required Job-Related Knowledge or Skill)

An appointing authority shall submit a request for selective referral clearly describing the specialized skill, knowledge or ability or the business condition that will enhance efficiency or promote better public service.

#### C. Requests for Dual Referral

1. If separate eligible lists exist for two classes, one of which is an Automatic Temporary Classification (Temporary Fill) for the other, the appointing authority may request simultaneous referral from both eligible lists on the Request to Fill.
2. If a Dual referral is approved by the CHRO, or designee, the total number of eligibles referred shall be the number which could have been referred had referral been from only one eligible list.

#### D. Requests for Reactivation

1. An appointing authority may request that an eligible(s) previously referred to that Agency/Department be activated for additional vacancies in the same class. Such requests shall be made on a requisition and may be granted if the same eligible list is still active or if there is compelling business need.
2. If reactivation is approved by the CHRO, or designee, reactivated eligibles will be included as a part of, not in addition to, the number to be referred, based on the number of vacancies.

### SECTION 2. Method of Referral from Eligible List

Following receipt of a requisition, the CHRO, or designee, shall determine from which eligible list(s) a referral is to be made and shall refer eligibles' names in the manner indicated below.

#### A. Agency/Department Reinstatement Lists

Employees who have been laid off shall be reinstated for reemployment as defined in the applicable Memorandum of Understanding.

#### B. County Preferred Eligible Lists

Employees who have been laid off shall be referred for reemployment as defined in the applicable Memorandum of Understanding.

C. Agency/Department, Countywide and Open Eligible Lists

Eligibles shall be referred to the appointing authority by one of the methods outlined below in C.1., 2., or 3. Additional eligibles may be referred to replace referred candidates who were not selected, waived consideration, rejected an offer of appointment, failed to respond to a notice of referral, failed the pre-employment conditions, or refused to sign a waiver.

1. Referring By Score Group

Eligibles in this method are referred by banded score groups. The appointing authority may consider all eligibles in the highest score group.

The disposition(s) must be determined before referring additional names from a supplemental list.

2. Referring By Formula

Candidates shall be randomly processed for referral from the highest score group(s) for each vacancy. Depending on the needs<sup>1</sup> of the appointing authority, up to 15 eligible candidates may be referred but no less than five per vacant position.

The disposition(s) must be determined before referring additional names from a supplemental list.

3. Selective Referral (For Required Job-Related Knowledge or Skills)

The CHRO, or designee, may authorize a specified number of referrals which are determined by the selective criteria (per Article VI, Section 1. B.)

The disposition(s) must be determined before referring additional names from a supplemental list.

Selective referrals may be limited to current County employees, Re-employment eligible candidates, and/or Transfer Eligibles.

D. Referral of Special Category Eligibles

The combined total of Special Category Eligibles appearing on any referred list in accordance with these Rules shall be referred by the method described in Article VI Section 2.C.1., 2. or 3.

E. Referral from Alternate Eligible Lists

The CHRO, or designee, may refer names to vacancies from the eligible lists for related classes, provided that the required qualifications of the related classes are at least equivalent to those of the class in which the vacancy exists. The names of the persons thus referred shall remain on the eligible lists on which their names were originally placed.

SECTION 3. Referral Notification

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<sup>1</sup> For example, agencies/departments that require extensive background checks often result in candidates falling out of the process due to time involved to conduct a comprehensive background check or candidates not passing the background to the satisfaction of the agency/department.

When referred, applicants will be notified:

- A. That a selection interview will take place along with any specific instructions.

OR

- B. The hiring decision will be based on a review of the referred eligibles' applications and other available written records, when the CHRO, or designee, determines such other records are appropriate. Note: "Review of Written Record" is typically only appropriate when referred eligibles are current County employees.



## ARTICLE VII SPECIAL REFERRAL QUALIFICATIONS

### SECTION 1. Reassignment and Reduction Qualifications

#### A. Within an Agency/Department

The Human Resources Director may, upon request of the appointing authority, approve the reassignment or reduction of a regular or limited-term employee from one position to another within the same Agency/Department, provided the employee was previously appointed through the normal recruitment and referral procedures and provided the employee meets the minimum qualifications for the class to which reassigned or reduced.

#### B. Between Agencies/Departments

Any employee who has passed probation, is in good standing and holds regular or limited-term status, may request to be reassigned or reduced to position(s) in a class outside of his/her present Agency/Department by application to the CHRO. An employee who is on probation may request such a reassignment or reduction only with the approval of the CHRO. Extra help employees are not eligible for reassignments or reductions. The requesting employee must meet the minimum qualifications for the class to which the reassignment or reduction is requested. If the CHRO approves a request for reassignment or reduction between Agencies/Departments, the employee shall be placed on an eligible list for the approved class and referred in the manner provided for the referral of Special Category Eligibles in Article VI, Section 2.D.

### SECTION 2. Reemployment Qualifications

This section shall apply to a former or present County employee wishing to return to a class from which he/she was reduced for reasons other than failure of probation, return from temporary promotion or disciplinary action. An employee who has successfully passed new or promotional probation and left his/her former class in good standing, may request to have his/her name placed on any existing Open or Agency/Department or Countywide eligible list for any class in which he/she held status or any lower class in the same occupational series.

The request must be made within two (2) years after leaving the classification, not including any time spent on military duty. The requesting employee must possess the current minimum qualifications of the applicable class(es) and submit a separate employment application for each class. Employees who meet the qualifications for reemployment shall be placed on the applicable eligible list(s) and referred to Agencies/Departments in the manner provided for the referral of Special Category Eligibles in Article VI, Section 2.C. 1., 2., & 3.

### SECTION 3. Requests to Transfer

The County will administer a process for regular and limited-term employees who have passed probation and are in good standing to request consideration for transfer to another Agency or Department. Applicants must meet the minimum qualifications and demonstrate possession of the technical skills and competencies required for the specific position. The employee's request to transfer may be denied by the CHRO. When the CHRO approves a request for a transfer, the employee may be referred in the manner provided for the referral of Special Category Eligibles in Article VI, Section 2.C.1., 2. & 3.

Nothing in this section prohibits the County Executive Officer or designee from transferring a qualified employee from one agency or department to another.

### SECTION 4. Inter Jurisdictional Transfer Qualifications

The CHRO, or designee, may, upon request of the Agency/Department approve the inter-jurisdictional transfer of employees from other public agencies. As deemed appropriate by the County such employees must have held permanent employment status with their jurisdiction and shall be allowed an inter-jurisdictional transfer only to comparable County classes. The requesting Agency/Department shall be responsible for verifying the qualifications of interagency transfer employees. When the CHRO, or designee, approves an inter jurisdictional transfer, the inter jurisdictional transfer employee's name shall be placed on an eligible list for the appropriate class and referred in the manner provided for the referral of Special Category Eligibles in Article VI, Section 2.D.

## ARTICLE VIII APPOINTMENTS TO POSITIONS

### SECTION 1. General Conditions

An appointment to any position shall be made only from eligibles referred by the CHRO, or designee, or as otherwise provided in these Rules. Except as may be modified by the CHRO, or designee, the appointing authority must apply the same post-referral assessment. After consideration of the names of referred eligibles, the appointing authority shall report to the CHRO, or designee, on the referral list, regarding the appointment, non-consideration, non-selection, rejection of offer of an appointment, waiver of consideration, failure to respond, or any alternative disposition of each referred eligible.

### SECTION 2. Appointment to a Reclassified Position

- A. When an occupied position is reclassified, the CHRO may waive the normal recruitment and referral procedures and permit the incumbent to remain in the position or limit competition to the employees of a portion of an Agency/Department. To determine whether this waiver or limitation is warranted, the CHRO may consider:
1. Length of time that the incumbent has performed the duties cited as the basis for the reclassification.
  2. Whether the reclassified position has been filled by rotating incumbents for the purpose of training in higher level duties.
  3. Availability of current eligibles or current or potential competitors for the reclassified position.
  4. Availability of other vacant positions to which the incumbent could be reassigned.
- B. The CHRO may waive the normal recruitment and referral procedures and permit the incumbent to remain in a position which is being reclassified or restored upward after being temporarily classified to a lower level for training purposes.
- C. When the CHRO does permit an incumbent to remain in a position which is reclassified upward, the incumbent must serve a promotional probation period as required by the Personnel and Salary Resolution or applicable Memorandum of Understanding.

### SECTION 3. Appointment of Extra Help and Limited-Term Employees

- A. An extra help or limited-term employee shall only be appointed to a regular or limited-term position through the normal recruitment and referral procedures provided in these Rules, except as provided below.
- B. If requested by the appointing authority, extra help and limited-term employees may be appointed to a regular or limited-term position if all of the following conditions are met:
1. Both the extra help and/or limited-term and/or regular positions are in the same class and within the same Agency/Department, **and**
  2. The employee was appointed to the extra help or limited-term position through the competitive process provided in these Rules, **and**
  3. The appointing authority has determined that the employee has satisfactorily performed the duties of the extra help or limited-term position.

SECTION 4. Temporary Promotion Appointments

- A. A regular, probationary or limited-term employee who has been temporarily promoted to a higher level class, may be appointed to the higher class for regular or limited-term status, through the normal recruitment and referral procedures provided in these Rules.

SECTION 6. Appointment of Reemployment Eligibles

The appointing authority may appoint without referral a former employee of that Agency/Department by selecting the employee from a previous active eligible list, providing the former employee meets all the reemployment requirements of Article VII, Section 2.

SECTION 7. Appointment from Prior Referral Lists

An appointing authority may appoint to an additional vacancy an eligible(s) referred to that Agency/Department for a previous vacancy in the same class, provided the same eligible list is still active, and the eligible(s) is available and eligible for referral.

ARTICLE IX RECRUITMENT APPEALS PROCEDURE

SECTION 1. Scope

- A. A recruitment appeal may be filed only if an alleged act of discrimination (as defined herein) or a misapplication of these Rules has adversely effected an applicant's status in a recruitment procedure.
- B. Specifically excluded from this Recruitment Appeals Procedure are:
1. Content of:
    - a. Recruitment Rules
    - b. Minimum qualifications
    - c. Recruitment procedures
  2. All matters expressly within the discretion of the CHRO as stated in these Recruitment Rules.
  3. All recruitment matters subject to resolution through a County grievance procedure.

SECTION 2. Recruitment Complaints

- A. An applicant may file a recruitment complaint with the CHRO. Such a recruitment complaint must be received by the CHRO:
- Within fourteen (14) calendar days from the occurrence which gave rise to the problem
- Or
- Within fourteen (14) calendar days of the date the applicant was mailed notification of his/her status in a portion of the recruitment procedure including any disqualification.
- B. If an applicant does not file his/her recruitment complaint within the prescribed time limit, the matter shall be considered resolved.
- C. The recruitment complaint shall be in writing, signed by the applicant and shall be submitted on the official form provided by the Human Resources Department. The recruitment complaint shall contain:
- The full name, address, email address and telephone number of the applicant.
  - The specific Article/Section/Paragraph/Sub-paragraph of the Recruitment Rules which was allegedly misapplied.
  - A plain and concise statement of the facts constituting the alleged Recruitment Rules violation.
  - What adverse effect the alleged violation had on the applicant's status in the recruitment procedure.

- The specific remedy requested.
- D. The complaint shall fail if it lacks the information needed to provide a clear understanding of the issue(s). In such event, the complaint shall be returned to the applicant, by mail to the applicant's last known address, stating the reasons for the rejection. The applicant may then resubmit the complaint with clarifying information. Such a clarified complaint must be received by the CHRO within fourteen (14) calendar days from the date the rejection was mailed.
- If, after revision, the complaint still lacks the information needed to provide a clear understanding of the issue(s), the complaint shall fail and the CHRO shall so notify the applicant by mail to the applicant's last known address.
- E. If the recruitment complaint contains an allegation of discrimination, it shall first be referred to the Equal Employment Opportunity Office whose investigation may include:
1. Consulting with the applicant.
  2. Advising of rights.
  3. Making necessary inquiries.
  4. Seeking informal resolution of problems.
  5. Reporting to the CHRO regarding findings and recommendations for adjustment.
- F. Within fourteen (14) calendar days after receipt of the recruitment complaint, the CHRO shall notify the applicant whether or not the recruitment complaint falls within the Scope of the Recruitment Appeals Procedure.
- G. Within twenty-one (21) calendar days after receipt of the recruitment complaint, (within thirty-seven (37) calendar days if the complaint contains an allegation of discrimination), the CHRO shall notify the applicant by mail to the applicant's last known address, regarding the following:
1. If applicable, the findings and recommendation regarding the merits of the recruitment complaint and, when appropriate, the corrective action or remedy required. If the recruitment complaint is not within the Scope of this procedure, and the CHRO determines that corrective action is required, he/she shall have the authority to initiate corrective action and/or to prescribe any of the remedies provided in Article IX, Section 7 of these Rules.
  2. If the CHRO does not render a decision to the applicant within the time limitations set out in Article IX, Section 2.G. above, and the applicant has not agreed to a waiver of time to resolve the complaint, the applicant may file a recruitment appeal as provided in Article IX, Section 3.B. Such an appeal must be received by the CHRO within seven (7) calendar days after the last date on which the CHRO's decision could be rendered.

### SECTION 3. Recruitment Appeals

- A. An appeal may be filed by an applicant whose complaint is within the Scope of this Procedure whose complaint was denied or unresolved by the CHRO's recommendation regarding the merits of the complaint. Such an appeal must be received by the CHRO within fourteen (14) calendar days from the date the CHRO's recommendation is mailed.

- B. The applicant shall submit a written request to have the appeal heard by an Appeals Officer and the request shall contain the full name, address and telephone number of the appellant and shall be signed and dated by the appellant.
- C. If the applicant does not request an Appeals Hearing within the prescribed time limits, the CHRO's recommendation regarding the merits of the recruitment complaint shall be final.
- D. If the applicant requests a Recruitment Appeals Hearing, the CHRO shall, within seven (7) calendar days from the date the recruitment appeal is received, arrange for the matter to be heard by an impartial Appeals Officer. The Recruitment Appeals Hearing shall be held as soon as practicable thereafter, with written notification of such hearing to be sent by mail to the appellant's last known address.
- E. Prior to conducting a Recruitment Appeals Hearing involving a regular or limited-term County employee, the parties may agree to a non-binding mediation meeting conducted by a third party neutral mediator in an attempt to resolve the issue(s).
- F. Remedies in mediation shall be limited to correcting the misapplication of the Rules and making corresponding adjustments to the appellant's and/or other affected applicants' status in subsequent portions of the recruitment procedure. Such corrective action may include, but is not limited to, revoking that portion of the recruitment procedure which included the alleged misapplication and, where appropriate, subsequent portions of the recruitment procedure; and re-administering any such portions of the recruitment procedure which were revoked. Mediation remedies shall not include appointing an applicant to a position or removing an incumbent from a position.

#### SECTION 4. Basic Rules

- A. Within the scope of this Recruitment Appeals Procedure, an applicant shall have the right to file an appeal and to have his/her appeal heard by an impartial Appeals Officer.
- B. If any two (2) or more applicants have essentially the same complaint, the County may combine their cases for presentation before an Appeals Officer.
- C. If the appellants are a group of more than three (3) applicants, the group shall, at the request of the County, appoint one (1) or two (2) applicants to present the case before an Appeals Officer.
- D. Upon written consent of the parties, i.e., the CHRO and the applicant or his/her representative, the time limitations may be extended at any step in the Recruitment Appeals Procedure.
- E. Applicants may be represented at the Recruitment Appeals Hearing by a person of their choice.
- F. In all cases when an applicant is represented by a labor organization the cost of the Appeals Officer or Third-Party Mediator shall be shared equally by the County and the appealing party. Each applicant shall bear all costs associated with the presentation of his/her case except when the appealing party alleges discrimination or is not represented by a labor organization, in which case the County shall bear the full cost.
- G. A County employee who has filed a recruitment appeal or is participating in mediation shall be given reasonable time off without loss of pay to present his/her case before an Appeals Officer/Mediator.

- H. A recruitment appeal shall not automatically compel the delay of the normal process of selection and referral.
- I. An appellant may be permitted to continue to compete in the recruitment procedure pending resolution of the appeal.
- J. If an appeal is filed, the CHRO may extend the new or promotional probationary periods of incumbents appointed as the result of a recruitment procedure which is appealed. Such probationary periods may be extended no longer than sixty (60) calendar days from the date on which the County of Orange received the Appeals Officer's findings and decision.
- K. No incumbent shall obtain a vested right to a position until he/she has completed probation as may be modified by Article IX, Section 4.J., above.
- L. In the event that an incumbent's probationary period is extended by the provisions of Article IX, Section 4.J., and such an incumbent has served a probationary period which is longer than the probationary period normally prescribed for new or promotional probation, such an incumbent may fail probation during the extended period only upon the recommendation of the Appeals Officer and final determination by the CHRO in accordance with the provisions of Article IX, Section 7.F.

SECTION 5. Conduct of Hearing

- A. The hearing shall be conducted in the following manner:
  - 1. Appeal Hearings shall be private.
  - 2. Oral evidence shall be taken only on oath or affirmation.
  - 3. Each party shall have the right to call and examine witnesses on any matter relevant to the issue, even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut any evidence against him or her.
  - 4. If the appellant does not testify on his/her behalf, he/she may be called and examined on a cross examination.
  - 5. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted and the Appeals Officer will determine its standing in relation to the issues presented.
  - 6. The Appeals Officer shall have the authority to decide any procedural issues or questions not covered by the rules of this Recruitment Appeals Procedure.

SECTION 6. Disclosure of Evidence

- A. At least twenty (20) calendar days prior to the scheduled hearing date, either party may submit a written request for copies of all documentary evidence to be used by the other party at the hearing. Such evidence shall be provided no later than ten (10) calendar days prior to the scheduled hearing date.
- B. Any evidence not so provided may not be admitted or offered as evidence at the hearing except when the evidence was discovered after a request for copies, but not soon enough to comply with the above time limits. In such circumstances the evidence copies will be provided as soon as practicable.



- C. Nothing contained herein shall prevent either party from presenting additional documents by way of rebuttal.

SECTION 7. Findings, Decisions, and Remedies

Within thirty (30) calendar days after completion of the Recruitment Appeals Hearing, the Appeals Officer shall render a decision which shall include the findings upon which the decision is based and, when appropriate, the remedy required. This decision shall be communicated in writing to the County and the appellant.

- A. The Appeals Officer may find in favor of the appellant and prescribe a remedy only if the appellant can demonstrate to the Appeals Officer's satisfaction that:
  - 1. Discrimination and/or a misapplication of these Rules was committed in the conduct of the recruitment procedure within the Scope of this Recruitment Appeals Procedure; and
  - 2. Such discrimination and/or misapplication had an adverse effect on the appellant with respect to his/her standing in the recruitment procedure.
- B. Remedies shall be limited to correcting the misapplication of the Rules and making corresponding adjustments to the appellant's and/or other affected applicants' status in subsequent portions of the recruitment procedure. Such corrective action may include revoking that portion of the recruitment procedure which included the alleged misapplication and, where appropriate, subsequent portions of the recruitment procedure; and re-administering any such portions of the recruitment procedure which were revoked.
- C. The Appeals Officer shall not have the authority to appoint an applicant to a position or to remove an incumbent from a position except that the Appeals Officer may recommend the appointment of an applicant where the Appeals Officer determines that an applicant obtained appointment by fraud rather than merit.
- D. Upon a finding of discrimination, remedies shall not include orders that would require legislative action by the County Board of Supervisors, fines, Equal Employment Opportunity timetables or goals. Remedies shall be limited solely to the appellant(s) except as provided in Article IX, Section 7.B. above.
- E. The Appeals Officer's decision, under the authority invested in him/her in Article IX Section 7.A., B., C. and D. above, shall be binding. In the event of a mistake or error in the award by the Appeals Officer, the Appeals Officer may reopen the hearing to correct such mistake or error upon petition from either party or by the Appeals Officer's own motion within thirty (30) calendar days after the award is served upon the parties.
- F. The Appeals Officer may also make an advisory recommendation to the CHRO recommending that an incumbent's appointment be revoked when in the Appeals Officer's judgment such a recommendation is required to properly remedy a finding of discrimination and/or a misapplication of the Orange County Merit Recruitment Rules. In such an instance, the CHRO shall make the final determination.

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## DEFINITIONS

The following definitions shall apply to terms used in the Orange County Recruitment Rules and Policies.

**AGENCY/DEPARTMENT ELIGIBLE LIST:** An eligible list for a classification comprised of all applicants who competed in an agency/departmental recruitment. To remain on the agency/departmental list, a person must be an employee within the Agency/Department.

**ANNOUNCEMENT:** A notice of an employment opportunity containing a description of the class and/or position requirements, salary, instructions for applicants, selection procedure, filing deadlines and any other pertinent information.

**APPLICANT:** Any person who applies for a recruitment.

**APPLICATION:** Official record and any supplemental information required by the Chief Human Resources Officer, or designee, for employment/promotion application purposes.

**APPOINTMENT:** An eligible selected to fill a position as a new hire, promotion, transfer or reassignment.

**APPOINTING AUTHORITY:** The Board of Supervisors or an Agency/Department Head or the Agency/Department Head's designated representative empowered to appoint personnel.

**ASSESSMENT:** The measurement of an individual's job related qualifications or competencies including but not limited to, written examinations, performance based tests, interviews, evaluations of training and experience, reference checks, background checks, and medical evaluations.

**BUSINESS CONDITIONS:** The established organizational need, historical recruiting data and/or the role of the position that justifies a specific business need. This may include but is not limited to work location, employment status, turnover, no-show rate, language requirements, shift, environmental conditions, and pre-employment conditions.

**CLASS:** All positions with the same official title and salary range or pay grade.

**CLASSIFICATION:** The allocation of a position to a class.

**COUNTYWIDE ELIGIBLE LIST:** An eligible list for a classification comprised of all applicants who competed in a countywide recruitment. To remain on the Countywide Eligible List, a person must be an employee within one of the agencies/departments of the County of Orange.

**DISCRIMINATION:** As used herein, refers to any act which constitutes unlawful different treatment in the administration of these Selection Rules because of physical handicap or medical condition (as defined under the Fair Employment Practices Act) or race, religion, color, sex, age, marital status, national origin or ancestry.

**ELIGIBLE:** Any person whose name appears on an eligible list.

**ELIGIBLE LIST:** A list, in order of score or score groups, of applicants who meet or exceed the qualifications of the position being filled. Placement on an eligibility list does not guarantee an individual shall be selected for a position.



**EQUAL EMPLOYMENT OPPORTUNITY:** Providing equal access to jobs, work assignments, training and other employment related opportunities to all job applicants, candidates, and employees regardless of political affiliation, race, ethnicity, color, ancestry, national origin, religion, gender, sexual orientation, age, marital status, medical condition, or mental or physical disability.

**EXTRA HELP EMPLOYEE:** An employee employed in an extra help position. An extra help employee serves at the pleasure of the County in an extra help position.

**EXTRA HELP POSITION:** Refer to the applicable memorandum of understanding.

**FILING PERIOD:** A period of time designated by the Human Resources Director, or designee, during which applications may be filed for a selection procedure.

**FINAL FILING DATE:** The last date and hour designated by the Human Resources Director, or designee, for receiving applications for a selection procedure.

**CHIEF HUMAN RESOURCES OFFICER:** The person delegated the authority and responsibility by the Board of Supervisors to make decisions concerning Human Resources matters on behalf of the County.

**LIMITED-TERM EMPLOYEE:** An employee employed in a limited-term position except where a regular position is converted to a limited-term position, the incumbent shall retain his or her former status. As an exception to this definition, a limited-term employee may also be used to fill a regular position when the incumbent employee is on Official Leave of Absence.

**LIMITED-TERM POSITION:** Refer to the applicable memorandum of understanding.

**MINIMUM QUALIFICATIONS:** The knowledge, skills, abilities, education level, experience and licenses listed as minimum qualifications on a class specification or included on a selection procedure announcement.

**PANEL:** An assessment conducted by a team of two or more which would include at least one subject matter expert.

**PASS POINT:** A minimum qualifying score.

**REQUEST TO FILL:** A form to be used by an appointing authority to request the referral of eligibles to fill a current or anticipated vacancy.

**PROMOTION:** Refer to the applicable memorandum of understanding.

**PROVISIONAL APPOINTMENT:** Provisional appointment shall mean an appointment of a qualified person, who is not a regular, probationary or limited-term employee of the County of Orange, to a regular or limited-term position on a temporary basis until the Human Resources Director, or designee, determines that an appropriate eligible list has been established and a regular appointment can be made.

**RANDOM PROCESSING:** Use of a number series in random order to determine which applicants will participate in an assessment or the referral process. A predetermined formula is applied to the number sequences found.

**REASSIGNMENT:** The movement of a regular, limited-term or probationary employee from one (1) class to another class on the same salary range or to a class where the maximum step on the new salary range is less than one (1) full step higher or lower than the maximum step of the old salary range.

**RECRUITMENT:** The process used to attract qualified persons to apply for employment or promotion.

- A. Agency/Department Recruitment - A recruitment open only to those persons who are an employee in the agency/department for which the recruitment is being conducted and persons who were laid off from that agency/department within the preceding two years who possess the applicable minimum qualifications.
- B. Countywide Recruitment - A recruitment which is open only to persons who are an employee of the County and persons who were laid off from County employment within the preceding two years who possess the applicable minimum qualifications.
- C. Open Recruitment - A recruitment open to the public.

**REDUCTION:** The movement of a regular, limited-term or probationary employee from one (1) class to another class where the maximum step of the new salary range is at least one (1) full step lower than the maximum step of the old salary range.

**REFERRAL:** The submission by Human Resources of names of eligibles to an appointing authority in accordance with these Rules. The appointing authority may make an appointment only from such a list of eligibles or as otherwise provided in these Rules.

**REGULAR EMPLOYEE:** An employee who is not on probation and is employed in a regular or limited-term position.

**REGULAR POSITION:** Refer to the applicable memorandum of understanding.

**SCORE GROUP:** Group of scores that is considered to indicate an essentially equivalent level of competence of the persons scored. Equivalency may be determined by various numerical or statistical measures.

**SELECTION PROCEDURE:** A competitive assessment or series of assessments used to measure applicants' ability to perform the duties of a class or position.

**SELECTIVE REFERRAL:** Referral based on special knowledge, skills or abilities and/or unique business needs.

**SPECIAL CATEGORY ELIGIBLES:** Those persons eligible for referral on the basis of reemployment, transfer, reduction or reassignment.

**SPECIAL QUALIFICATION:** A knowledge, skill, ability or competency which is required for a specific position because of a specialized characteristic of the assignment, but normally is not included in the minimum qualifications for the class.

**SUBJECT MATTER EXPERT (SME):** An individual who has expertise in a business process or specific job related area and maintains confidentiality in the recruitment process.

**TERMINATION:** Any separation of an employee from County service.

**TRANSFER:** Movement of an employee to another agency/department to a position in the same class.