

**ORDINANCE AMENDING
COUNTY CODE CHAPTER 27 – PERSONNEL,
ARTICLE I AND II
ORDINANCE NO. _____**

An ordinance of the County of Santa Barbara amending the existing Chapter 27, Personnel, to reflect modern practices, laws and regulations regarding personnel and civil service employment in Santa Barbara County.

WHEREAS, there have been many state and federal changes to employment law since Chapter 27 of the ordinance was passed in 1971; and

WHEREAS, the Board of Supervisors intends that local ordinance be clear, in accordance with state and federal laws, and not reference outdated practices; and

WHEREAS, the Board of Supervisors finds that the amendments set forth in this Ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15061(b)(3).

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

Section 1. Chapter 27, Personnel, is hereby amended to to read as follows:

CHAPTER 27 – PERSONNEL

Article I. - In General

Sec. 27-1. - Sick leave credit at retirement.

(a) Pursuant to Government Code section 31641.03, members of the Santa Barbara County Employees' Retirement System shall be credited for up to two thousand eighty-eight hours of sick leave accumulated as of the date of their retirement, and that sick leave credit shall be in addition to their service credit. The accumulated sick leave of shift personnel of the fire department shall be adjusted to reflect the equivalent of a forty-hour work week, and the resulting sick leave credit shall not exceed two thousand eighty-eight hours.

(b) This section shall not apply to members of the Santa Barbara County Employees' Retirement System who are employed by an independent district, unless the governing board of the district provides by resolution that this section shall apply.

Sec. 27-2. - Funds for training and orientation of supervisors-elect.

When any person elected to but not yet having assumed office as a member of the board of supervisors requests the payment of course fees, travel, per diem expenses, course materials and consultant services for training and orientation in connection with exercise of supervisory duties, the board may as it deems proper and beneficial expend such funds.

Sec. 27-3. - Additional compensation during emergencies.

During an emergency duly declared in writing by the board of supervisors, or by the county executive officer or designee, full-time employees and officers of the county, other than elected officials, appointed department heads and assistant department heads, shall be paid additional compensation for overtime work in connection with the emergency. The rate of the additional compensation and the amount and manner of its payment shall be as provided by the board of supervisors through resolution or in any applicable memorandum of understanding.

Sec. 27-4. - Payment of salaries.

Except as otherwise provided by law, the salaries of all county officers and employees shall be paid in equal biweekly installments out of the county treasury on warrants drawn by the auditor upon the treasurer. The auditor shall have the power, right, authority, and mandate to draw such warrants without further order or approval of the board of supervisors.

Sec. 27-5. - Filling vacant positions excluded from civil service.

Vacancies in positions excluded from the civil service system by section 27-25 of this Code shall be filled based on the qualifications of the candidates, including their relevant knowledge, experience, skills, and abilities, as ascertained through competitive examinations that comply with standards and procedures the human resources director shall establish.

Sec. 27-6. - Certification of time sheets.

The correctness of employee time sheets shall be certified by the employee and the department head, or the department head's designee.

Sec. 27-7. - Incompatible activities of officers and employees.

County officers and employees shall comply with:

- (a) All ethics standards applicable to their county service, and
- (b) All county rules, regulations, and written policies applicable to incompatible activities, including, but not limited to, those applicable to outside employment.

Sec. 27-8. - Political activities of officers and employees.

County officers and employees shall not:

- (a) Infringe upon the rights of any person holding or applying for county employment to register and vote as they choose, or to express their opinions on political subjects;
- (b) Attempt to coerce, command, or require any person holding or applying for county employment to give money, influence, service, or other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office; or
- (c) Engage in political activity of any kind during their working hours.

Subject to the foregoing, county officers and employees may seek appointment or election to any public position, office, or employment for which they are qualified.

Sec. 27-9. - Equal employment opportunity.

All persons holding or applying for county employment shall be afforded equal employment opportunity under the law.

CHAPTER 27 – PERSONNEL

Article II. - Civil Service System of Santa Barbara County

Sec. 27-21. - Adoption; purposes.

The Santa Barbara County civil service system was adopted pursuant to the County Civil Service Enabling Law (Gov. Code, § 31100 et seq.), and is implemented through this article and civil service rules adopted by the board of supervisors in accordance with this article.

The basic principles and objectives of the civil service system are to maintain a fair and equitable employment relationship between the county and its employees, and to promote and increase economy and efficiency in county service, including by:

- (a) Recruiting, selecting, and advancing employees based on merit and their qualifications, including their relevant knowledge, experience, skills, and abilities, as ascertained through competitive examinations;
- (b) Making county service an attractive career by providing for security of tenure and advancement, subject to good behavior, capable performance, public need for particular work, appropriation of sufficient funds, and consistent with the best interests of the county;
- (c) Providing that positions involving comparable duties and responsibilities are similarly classified and compensated;
- (d) Training employees, as needed, to assure high quality performance;
- (e) Correcting inadequate employee performance, and separating employees who cannot or will not improve their performance to meet established standards;
- (f) All dismissals, suspensions, demotions, or reductions in compensation shall be for just cause and subject to such reviews and hearings as shall guarantee due process to all employees concerned;
- (g) Protecting employees from arbitrary or capricious personnel actions, personal favoritism, and coercion for partisan political purposes;
- (h) Prohibiting employees from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office; and
- (i) Treating applicants and employees fairly and equitably in all aspects of personnel administration, and ensuring no discrimination in personnel

administration in compliance with all applicable federal, state, and local legal requirements for due process and equal employment opportunity.

Elected officers, county employees occupying supervisory positions, and the civil service commission shall perform their duties and carry out their responsibilities according to the spirit and the letter of this article, so as to give the general public of the county good, honest, efficient, and economical government.

Sec. 27-22. - Civil service commission—Composition; appointment, qualifications, etc., of members.

The civil service commission shall consist of five members appointed by the board of supervisors, one from each of the five supervisorial districts. The term of office shall be four years and until a successor is appointed and qualified. Commissioners shall be selected from among the qualified electors of the county. A person shall not be appointed if, within the preceding twelve months, they held any office or employment with the County of Santa Barbara or any political party. A commissioner shall not hold any such office or employment during their term. The board of supervisors may, by a four-fifths vote of all its members, and with good cause, remove any commissioner. The board of supervisors shall fill commission vacancies by appointment for the remainder of the unexpired term only.

Sec. 27-23. - Same—Officers; meetings; duties and powers; confidential secretary.

The commission shall perform the duties and exercise the powers provided for in the County Civil Service Enabling Law, and the additional powers and duties delegated to the commission by the board of supervisors in this article and civil service rules.

- (a) At the first meeting of the civil service commission each calendar year, the commission shall elect from its members a chair and a vice-chair, each to hold office until a successor shall be elected and qualified.
- (b) The commission shall keep minutes of its proceedings.
- (c) The commission shall hold at least one regular meeting each month on a specified date and time, and at a designated place, and special meetings when necessary. All meetings shall comply with the Ralph M. Brown Act (Gov. Code, § 54950 et. seq.).
- (d) The commission shall make an annual report to the board of supervisors.
- (e) The commission may, with good cause, investigate the administration of personnel or conditions of employment in the county service, and following such investigation shall report to the board of supervisors and county executive officer its findings, conclusions, and recommendations.

- (f) The commission shall hear appeals pursuant to sections 27-27 and 27-29 of this article.
- (g) The commission may, with the concurrence of the board of supervisors, appoint a confidential secretary to serve at the pleasure of the commission. The secretary shall not perform the duties of the human resources director.

Sec. 27-24. - Duties of human resources director.

The human resources director shall, among other duties:

- (a) Administer the civil service system;
- (b) Propose civil service rules and rule revisions as needed; provide them to the civil service commission for comment; and present them to the board of supervisors for approval;
- (c) Maintain a classification plan based upon the duties, authority, and responsibilities of each classified position;
- (d) Maintain compensation plans approved by the board of supervisors; periodically survey compensation paid by other employers for comparable work; and make recommendations to the board of supervisors regarding potential revisions to compensation plans as needed;
- (e) Maintain procedures for merit-based recruitment, selection, and evaluation of employees;
- (f) Maintain a roster of all employees; the employment records of every employee; and, for a period of at least two years, the examination records of every candidate; and
- (g) Cooperate and coordinate with, and give technical assistance to, the civil service commission.

Sec. 27-25. - Persons deemed exempt from provisions of this article.

- (a) All employees of the county shall be included in the civil service system except the following:
 - (1) Elected county officers;
 - (2) Persons serving without compensation;
 - (3) Public members of boards and commissions;

- (4) The county executive officer, assistant county executive officers, and deputy county executive officers;
- (5) Appointed department heads, and appointed assistant department heads other than those specified in subdivision (a)(4) of this section; however, appointed department heads and assistant department heads shall remain subject to the provisions relative to recruiting and selection;
- (6) Persons performing work: (a) pursuant to Government Code section 25359, or any similar statute or ordinance; (b) in lieu of incarceration, or in exchange for a reduced period of incarceration; (c) pursuant to a sheriff's work release program; (d) pursuant to a post-conviction sentence or court order; or (e) as a condition of probation;
- (7) Persons rendering professional, scientific, technical, or expert service of a temporary nature;
- (8) Persons employed under contract;
- (9) Temporary, seasonal, extra help, and limited term employees;
- (10) Staff assistants to members of the board of supervisors;
- (11) Persons appointed to an enterprise leader position, unless the board of supervisors has determined the position should be included in the civil service system; and
- (12) In accordance with the intent and purposes of this article, any other person appointed to a position the board of supervisors has determined should not be included in the civil service system.

Sec. 27-26. - Recommendation of civil service rules.

The commission and the human resources director each may recommend to the board of supervisors civil service rules that support the basic principles of the civil service system. The civil service rules shall have the force and effect of law, and shall among other things provide for:

- (a) Classification of all positions in the civil service system;
- (b) Recruitment, selection, and promotion procedures designed to achieve equal employment opportunity and merit-based employment decisions;

- (c) Public announcement of all examinations, with adequate publicity and a reasonable time for filing applications;
- (d) Examination of all applicants who meet the minimum standards and qualifications, and rejection or disqualification of any applicants who do not;
- (e) Open competitive examinations to test the relative fitness of applicants for entry into the classified service, and competitive examinations for promotions;
- (f) Filling of vacancies in the classified service by promotion whenever practicable;
- (g) Establishment or abolition of eligible lists, including lists resulting from competitive, promotional, and open examinations, and from layoffs; and granting reemployment privileges. Such lists shall remain in force for not less than three months nor more than four years;
- (h) A veteran's preference credit program applicable to all eligible candidates who have earned the minimum qualifying score in a competitive, open examination;
- (i) A probationary period of one year for newly-hired employees in each class, except as otherwise provided in the Civil Service Rules, during which the probationer shall serve "at will" and may be rejected without any right to hearing or appeal. A rejected promotional probationer shall be reinstated to the position from which he or she was promoted;
- (j) Written evaluation of employee performance during the probationary period, and periodically thereafter;
- (k) Permanent status after completion of the probationary period, subject to dismissal, suspension, or demotion in accordance with this article, the Civil Service Rules, and just cause;
- (l) Appointment to permanent positions on a provisional basis; temporary or limited-term positions appointments; and special procedures for appointments in emergency situations;
- (m) Transfers, leaves of absences, separations, and reemployment privileges;
- (n) Layoff procedures to be followed whenever the board of supervisors in good faith finds it necessary and for the welfare of the county to discontinue, temporarily or permanently, any position in the classified service; which procedures shall provide, among other things, for layoff

eligibility and reinstatement of the laid-off employee when such position is reactivated;

- (o) Open hearings on the approval of rules and amendments to rules, and on other matters as required by law; and
- (p) Employee training.

Sec. 27-27. - Dismissal, suspension, demotion, or reduction in compensation.

- (a) This section shall apply only to officers and employees who, by their permanent status in the classified civil service, have the right to appeal disciplinary action to the civil service commission.
- (b) Any officer or employee may be dismissed, suspended, demoted, or reduced in compensation by the appointing authority for just cause, after appointment or promotion is complete, by a written order stating specifically the reasons for the action. The order shall be filed with the county human resources director and a copy thereof shall be served upon the officer or employee.
- (c) Within ten working days after receiving the order, the officer or employee may reply to it in writing. The reply shall be directed to the county human resources director. Such reply shall constitute an appeal to the order, and the county human resources director shall forthwith transmit the order and appeal to the civil service commission for hearing.
- (d) Within twenty days from the filing of the appeal the commission shall commence a hearing, and following the hearing shall either affirm, modify or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing. Failure to commence a hearing within the time specified in this subsection shall not affect the jurisdiction of the commission.
- (e) The commission shall have the power to issue subpoenas and subpoenas duces tecum, and compensate persons subpoenaed. This power shall be exercised and enforced in the same manner as the similar power granted to the board of supervisors in Government Code sections 25170 et seq.; except that: (1) such power shall extend only to matters within the commission's lawful jurisdiction; (2) committees of the commission shall not have this power; and (3) civil service rules may provide for reasonable fees or expenses, or both, for any or all such witnesses, regardless of which party subpoenaed them. Subpoenas shall be signed by the commission chair or secretary. Any commissioner, or any person otherwise so empowered, may administer oaths to, or take affirmations from, witnesses before the commission.

- (f) The commission may employ a hearing officer to act as the presiding officer. The procedure and rules of evidence at the hearing shall be relatively informal, but shall conform to the provisions of the Administrative Procedure Act (Gov. Code, § 11370 et seq.) except as otherwise provided in this article or the civil service rules.
- (g) Following the hearing, the commission shall issue a written decision affirming, revoking, or modifying the order of the appointing authority. If the commission modifies the order, the modification shall not increase the disciplinary action ordered by the appointing authority. The decision shall state with specificity the evidence relied upon and the reasons for each finding.
- (h) If the commission revokes or modifies an order discharging, demoting, or reducing the pay grade of an appellant, the commission may direct the appointing authority to reinstate the appellant to the appellant's previous position and pay grade, and must award the appellant appropriate back pay. For purposes of this section, "back pay" has the same definition as in the regulations implementing the California State Civil Service Act (2 CCR 51.2, subd. (i)), except that overtime pay may be included in a back pay award if the overtime pay is pensionable under current law.
- (i) The findings and decision of the commission shall be certified to, and forthwith enforced and followed by, the appointing authority. The decision of the commission shall be final, except as otherwise provided by law.

Sec. 27-28. - Equal employment opportunity.

All persons in the classified service or seeking admission thereto shall be afforded equal employment opportunity under the law. Permanent employees in the classified service who allege unlawful employment discrimination, unlawful harassment, or unlawful retaliation may appeal to the civil service commission as provided by the civil service rules.

Sec. 27-29. - Amendment and repeal.

No amendment repealing this article in its entirety, or nullifying any basic principles or objectives of the civil service system stated in section 27-21 of this article, shall be effective unless such a proposition of its repeal or amendment shall first have been submitted to a vote of the qualified electors of the county at a general or special election and shall have received the affirmative vote of a majority of the electors voting on the proposition. In all other respects, this article may be amended from time to time by a four-fifths vote of the board of supervisors, provided, however that any amendment exempting a position or positions from the classified service shall be made only in

connection with structural reorganization of county government or a department thereof undertaken in the interest of efficiency and economy.

Sec. 27-30. - Compensation and expenses of commissioners.

For each commission meeting attended, a commissioner shall receive one hundred dollars per day, in addition to mileage reimbursement at a reasonable rate for traveling from their place of residence to the meeting and return, provided that mileage reimbursement shall not be paid for any meeting outside the county. For purposes of this section, "meeting" includes commission hearings.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By: _____

SUPERVISOR BOB NELSON
CHAIR, BOARD OF SUPERVISORS

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____

Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____

Deputy County Counsel

APPROVED:
MARIA ELENA DE GUEVARA
DIRECTOR
HUMAN RESOURCES DEPARTMENT

By:  _____

Director