

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	June 14, 2011 - Consent	AGENDA NO.:	49
SUBJECT:	Adopt a resolution to amend Personnel Policies and Practices Resolution No. 98-394, B.16.1 Service at the Pleasure of the Appointing Authority, B.5.6 Reappointment to a Previous Class, A.1.11.2 Increases within Salary Range, and Section V Definitions.		
DEPARTMENT:	County Administrative Office-Human Resources Division		

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to amend Personnel Policies and Practices Resolution No. 98-394, B.16.1 Service at the Pleasure of the Appointing Authority, B.5.6 Reappointment to a Previous Class, A.1.11.2 Increases within Salary Range, and Section V Definitions.

SUMMARY/ DISCUSSION:

On December 18, 1990, the Board of Supervisors adopted a resolution addressing service at the pleasure of the appointing authority. The policy was implemented on January 7, 1991, and has been administered since that time. In recent months, the County Administrative Office-Human Resources has received requests for clarification regarding an At-Will employee's rights to return to a previously held classification. While researching these requests, it was determined that the current policy is silent regarding individuals who serve an elected official and ambiguous in areas pertinent to employment rights, such as reappointment to a previous class and increases within salary range.

Per Attachment A, the recommended action is designed to rectify the policy by 1) amending the language to incorporate individuals who serve an elected official, 2) provide clarification to the entitlement of At-Will employees reappointment to a previously held classification, 3) clarifying terms of increases within salary range and 4) amending various definitions to further distinguish and explain the differences between an At-Will employee and a Permanent employee.

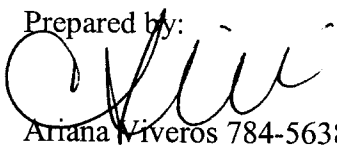
OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

The recommended action will have no financial impact.

Prepared by:

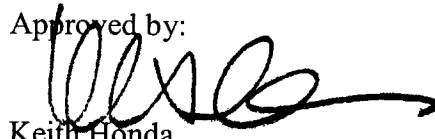


Ariana Viveros 784-5638

Associate Personnel Analyst

Dated: 6/2/11

Approved by:



Keith Honda

Assistant County Administrative Officer

Dated: 6/2/11

Att: Attachment A; Resolution

cc: Mike Miller, Auditor-Controller
All Department Heads
All Personnel Analyst

V. DEFINITIONS

The words and terms defined in this section shall have the following meanings in this resolution and in any other resolution classifying and fixing salaries, compensation and benefits or authorizing the employment of personnel in any department or office of the County of Monterey.

At –Will Employment

Employment status within the County of Monterey, which is terminable at any time by either party, as provided in Labor Code section 2922. At-will positions include designated at-will, temporary and limited term positions.

Added 08/16/2005; 05-009

Amended 6/14/11; 11-004

Contract Physician

A physician rendering services to the County pursuant to an ~~at-will~~ employment relationship in which all terms and conditions of that relationship, including but not limited to compensation, benefits, rights, duties, status, and tenure are set for the entirety in and governed by the provisions of a contract.

Amended 6/14/11; 11-004

Designated At –Will Employee

An employee who serves at the pleasure of the specified appointing authority (see PPPR section B.16) and is ineligible for employment rights granted to permanent/regular employees under the provisions of the PPPR. A designated at-will employee may fill a permanently authorized position or a temporary position and does not serve a probationary period. Designated at-will employees include temporary (with or without benefits) and limited term employees and employees who have executed at-will documents.

Added 6/14/11; 11-004

Layoff

Termination of employment without fault on the part of the employee, such as lack of work, lack of funds, or in the interests of economy. The County layoff procedure applies to permanently authorized positions and excludes designated at-will, temporary, limited term positions and those positions created under Labor Code section 2922.

Amended 6/14/11; 11-004

Limited Term Employee

An at-will, non-permanent/regular employee of the County ~~who~~ is hired for a period of time, with a planned end date, without accruing permanent status. Limited Term employees may include those who are appointed to a position that has been temporarily vacated by a permanent incumbent in the classified service. Limited Term employees shall be provided with benefits (health, retirement and paid leave benefits) but not permanency or job rights. A Limited Term employee shall not have any rights as to the position s/he fills, including seniority or layoff rights as per the County layoff procedure.

Added 08/16/2005; 05-009

Amended 6/14/11; 11-004

Permanent/Regular Employee

An employee who has been appointed, in accordance with the PPPR, to a permanently authorized position. An employee who has executed at-will documents is not a permanent/regular employee; designated at-will, temporary (with or without benefits) and limited term employees are not permanent/regular employees.

Amended 6/14/11; 11-004

Permanent Position

Any position specifically authorized by the Board in the County budget or by Board order or resolution as a permanent position which is paid from a permanent salaries line item in the budget. Any permanent position budgeted for less than forty (40) hours in a week shall be considered a permanent part-time position. A permanent position may be filled with a permanent/regular employee, a temporary employee (with or without benefits), seasonal employee, limited term employee, or a designated at-will employee.

Amended 6/14/11; 11-004

Reappointment

The appointment, without using the referral process, of a current permanent/regular employee to:

1. a class previously held as a permanent employee, or
2. a related class on a comparable level with the previously held class, or
3. a lower paid class in the same class family as the previously held class.

The reappointment procedure applies to permanently authorized positions and excludes designated at-will, temporary, limited term positions and those positions created under Labor Code section 2922.

Amended 6/14/11; 11-004

Temporary Employee

An employee appointed to a temporary position with a planned end date.

Amended 6/14/11; 11-004

Temporary Position

Any position which is of a limited duration, with a planned end date, and which is paid from the temporary employees line item of the budget.

Amended 6/14/11; 11-004

A.1.11.2 INCREASES WITHIN SALARY RANGE

An employee will be eligible for advancement to the next higher step in the salary range of his/her classification upon completion of twenty-four (24) months (4,160 hours) of continuous service in his/her classification in a full-time ~~permanent position~~ permanently authorized position. The date of eligibility for advancement of a Unit Y employee to a higher step shall be determined by the time served since the employee's most recent date of appointment to his/her current position step.

The step advancement shall be effective at the beginning of the pay period within which the employee becomes eligible for the step advancement. If the County Administrative Officer determines that an employee failed to receive a step advancement on the date on which he/she was otherwise eligible due to administrative or clerical error, the Auditor-Controller is authorized and directed to pay the employee the amount he/she would have received if the error had not been made.

*Added 12-05-2006; 06-018
Amended 9-25-2007; 07-029
Amended 6/14/11; 11-004*

B.5.6 REAPPOINTMENT TO A PREVIOUS CLASS

Upon approval of the appointing authority, a current permanent employee who has served as a permanent/regular employee in a previous class from which s/he left in good standing may be reappointed to a position in 1) the previous class, 2) a lower paid class in the same class family as the previous class. Designated at-will, temporary, limited term employees and positions established under Labor Code section 2922 are not eligible for reappointment.

*Amended 4/3/01; 01-140
Amended 6/14/11; 11-004*

B.16 SERVICE AT THE PLEASURE OF THE APPOINTING AUTHORITY

B.16.1 The following employees shall serve at the pleasure of their respective appointing authority:

- Except as provided by law, individuals in the Executive Management Unit (Monterey County employees representation Unit Y) and assistant department heads., ~~temporary employees, and employees serving their initial probationary period.~~
- Except as provided by law, temporary employees.
- Except as provided by law, employees serving their initial probationary period.
- The first-line aide(s), manager(s) or assistant(s) to elected County public officials,
- The immediate and direct clerical/secretarial staff of elected County public officials,
- First line managers receiving policy direction directly from Commissions.

Amended 6/14/11; 11-004