

ORDINANCE NO. 2017- _____
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING REVISION
OF MARIN COUNTY PERSONNEL MANAGEMENT REGULATIONS (PMR) No. 34 –
APPOINTMENT AND ORIENTATIONS

The Board of Supervisors of the County of Marin ordains as follows:

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34.1 Appointment

- A. Offers of appointments will be made in writing. The appointing authority will notify the candidate of his/her decision to appoint and will reach an agreement as to a starting date. The offer will be made consistent with PMR 33.
- B. When employees are appointed from a transfer list or on a promotional basis, agreement should be reached with the department from which the candidate is leaving as to the length of time expected for release of the employee. Normally, two to four weeks would be a reasonable length of time, and preferably the employee will begin the new position at the start of a biweekly pay period.

34.2 Types of Appointment

- A. At Will Appointment. Appointment of an employee to a position excluded from the Merit System, pursuant to PMR 1.2, employees in probationary status, employees appointed to a provisional appointment or contingent appointment (short term, special appointment, emergency, seasonal, intermittent, essential services and paid intern employees) serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal.
- B. Regular Appointment. Appointment of an employee who has successfully competed for and passed the initial probationary period in an allocated budgeted position in the Merit System. A regular appointment may be full-time when the employee is appointed to work in a full-time capacity, as defined by the

classification. A regular appointment may be part-time when the employee is appointed to work at least 25% of a full-time position, but less than 100% of a full-time position.

- C. Regular, Fixed Term Appointment. Appointment of an employee who has successfully competed for an allocated, budgeted, fixed term position. To become a regular fixed term employee, the employee must also pass the probation period for the position. Fixed term appointments may apply to a specific body of work with a pre-determined duration, grant funded positions, positions tied to a limited funding source or may be used in order to temporarily dual fill a regular position where the regular employee is on an extended leave of at least 6 months. This category of appointment is limited to 3 years from the date of hire, but may be extended for up to another 2 years or less.

Employees appointed to regular, fixed term grant-funded positions are not subject to reduction in force regulations. Regular fixed term positions that are not grant-funded are subject to reduction in force regulations.

Employees in regular hire appointments may fill a fixed term position and, if pre-approved by the appointing authority, they shall retain their status as a regular hire employee during the term of the fixed term appointment, with all rights provided by the County's Personnel Management Regulations and applicable memoranda of agreements.

- D. Provisional Appointment. The appointment to a regular position of an employee hired without participation in the examination process who meets the minimum qualifications for the job when no eligible list exists or when no one is available from the eligible list. Appointment is for no more than four (4) months, which may be extended for four (4) additional months with the recommendation of the Director of Human Resources and County Administrator approval. Provisional Appointment employees receive benefits consistent with regular appointment employees, except that Provisional Appointment employees serve at will and may be removed at any time without cause and without right of appeal.

- E. Contingent (Temporary) Appointment.
In a Contingent Appointment, an employee who meets all minimum qualifications (except as identified in 34.2 E3) is hired to work for a temporary period without participation in an examination process and with the condition that the employee serves "at will" and may be removed at any time without cause and without right of appeal. An employee in a Contingent Appointment does not receive County provided benefits except as provided by law, memorandum of agreement, or Personnel Management Regulation.

The appropriate uses of Contingent Appointments are 1) to perform a temporary body or project-related body of work; 2) to temporarily cover a body of work performed by a regular hire employee on an extended leave of absence; 3) to temporarily augment regular staff during peaks in workload; or 4.) to back-fill for a vacant position while recruitment and/or selection for a regular position is in process.

Contingent Appointments must be identified under one of the following categories:

- 1) **Short-Term Appointment-** Appointment of an employee to perform a regular body of work while a recruitment for the position is in process, to back-fill for a regular hire employee who is on leave for a period of time that is expected to be less than six months or to perform special projects. This type of appointment is limited to 1,040 hours (975 hours for classifications designated as 37.5 hours per week) during a 12-month period and may be extended for up to another 1,040 hours (975 hours for classifications designated as 37.5 hours per week) provided that a staffing plan is in place. Annual reoccurring use for the same or similar body of work is not permitted, unless the employee is working night and weekend hours.
- 2) **Special Appointment-** Appointment of an employee to perform work outside of an existing County classification for which a County classification does not exist. This type of appointment is limited to 1040 hours (975 for classifications designated as 37.5 hours per week) during a 12-month period and may be extended for up to 1,040 hours (975 for classifications designated as 37.5 hours per week), provided that an appropriate classification is in development. These appointments shall not perform a body of work that corresponds to a regular classification. Annual reoccurring use for the same or similar body of work is not permitted.
- 3) **Emergency Appointment-** Appointment of an employee without examination as necessary to prevent stoppage of public business, loss of life, or damage to persons or property, or when qualified personnel cannot be readily obtained due to emergency conditions. An employee appointed does not need to meet the minimum qualifications of the job. This type of appointment is limited to 1,040 hours (975 for classifications designated as 37.5 hours per week) during a 12-month period, which may not extend beyond this limit. Annual reoccurring use for this same or similar body of work is not permitted.
- 4) **Seasonal Appointment-** Appointment of an employee into a pre-designated classification to work a pre-determined season(s)/month(s) based upon the assignment. In no case shall an employee in a seasonal appointment work beyond nine (9) months during a 12-month period, except that if a fire season is extended or begins early, the Fire Chief may request an extension from the CAO. Annual reoccurring use for the same or similar body of work is permitted.
- 5) **Intermittent Appointment-** Appointment of an employee to work special events that are non-seasonal or to work an assignment that requires 10 or fewer hours of work per week. This type of appointment is limited to 520 hours during a 12-month period and may be extended for another 520 hours. Annual reoccurring use for the same or similar body of work is permitted.
- 6) **Essential Services Appointment-** Appointment of an employee who participates in an on-call pool. This appointment type is used in pre-determined classifications to ensure mandatory staffing levels are met in 24/7 operations. Employees in these appointments should not be scheduled regularly unless back-filling for a regular hire position that is on leave. This type of appointment is limited to 1,800 hours during a 12-month calendar

period and may not be extended. Annual reoccurring use for the same or similar body of work is permitted.

- 7) **Paid Intern Appointment (High School, Undergraduate/Graduate/Post-graduate)** - Appointment of an employee who is a student or recent graduate (within one year of graduation) to perform an assignment directly tied to the student's curriculum or to perform an assignment that enhances the student's education and provides work/career experience. This type of appointment is only available when it is determined exclusively by the appointing authority that funding is available. A paid intern shall not be used in lieu of a regular or fixed term appointment.
 - 8) **Retired Annuitant**- Appointment of an employee who is retired from County service. This type of appointment is limited to 960 hours per fiscal year. Annual reoccurring use for the same or similar body of work is permitted. Retired Annuitants shall not be used in lieu of a regular or fixed term appointment.
- F. Additional Appointment. A Department may increase the hours of a part-time regular hire employee in a regular appointment in the same or similar job class without further examination, so long as the employee meets the minimum qualifications.
- G. At Will Appointment of Merit System Employee. Any appointed department head, at will assistant department head or chief deputy to an elected official, who is appointed from a position that is subject to the provisions of the Merit System will, upon termination of tenure as such department head, at will assistant department head or chief deputy to an elected official, revert to that person's former position if the former position is in the same department as he/she is currently serving. This reversion will not occur if the reasons for release as such department head, at will assistant department head or chief deputy of an elected official are such as to justify dismissal from county service.

34.3 Report of Appointments

- A. All appointments to positions in the County service will be reported promptly to the Director of Human Resources by the appointing authority.
- B. Upon a candidate's acceptance of a letter of offer and successful completion of the pre-employment physical, a Personnel Action Form will be prepared on the individual appointed by the appointing authority and forwarded to the Human Resources Department, along with all required documents, including authorization to work in the United States.

34.4 County Orientations

- A. County Benefits Orientation. The Human Resources Department will schedule new employee benefits orientation sessions, including requirements of union membership (if applicable), on a regular basis, at least once biweekly. Department heads will be responsible for ensuring that all at will, regular and provisional new employees attend County new employee orientations by the

Human Resources Department regarding fringe benefits, general County practices and policies, and requirements of union membership, if applicable.

- B. County Values and Organization Orientation. All newly hired employees, in regular, at will, provisional, and fixed term appointments, will attend an orientation conducted by the Human Resources Department regarding County of Marin values, disaster service worker designation, organization and policies including training requirements, and opportunities.
- C. Mandated Training. The Board of Supervisors and/or County Administrator mandates training for all County employees as deemed necessary. These mandates include, but are not limited to, non-discrimination training and training as a disaster service worker.

34.5 Department Orientation

Immediately upon reporting for duty in a position, each new employee will be given an explanation (preferably in writing) of the purpose, duties and responsibilities, and health and safety requirements of the position, including employee's role as a disaster worker, building evacuation procedures, and such other matters as are necessary for the employee's understanding of the duties as well as the applicable responsibilities, rights, and privileges of his or her County employment.

FORMS AND OTHER ATTACHMENTS

Not applicable.

EFFECTIVE DATE AND PUBLICATION:

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

VOTE:

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ___th day of _____ 2017 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK