

NORTH COUNTY TRANSIT DISTRICT

ORDINANCE NO. 4

**AN ORDINANCE OF THE NORTH COUNTY TRANSIT DISTRICT
ESTABLISHING A PERSONNEL MERIT SYSTEM**

The Board of Directors of the North County Transit District does ordain as follows:

Section 1:

The Board hereby adopts the revised Ordinance Establishing A Personnel Merit System, attached hereto as Exhibit A.

Section 2:

Consistent with the appointment of an in-house General Counsel by the Board of Directors pursuant to an Employment Agreement, Section 1.2 of Ordinance No. 4 is amended to specifically exclude said position from inclusion in the personnel system.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Board of Directors of the NORTH COUNTY TRANSIT DISTRICT this 21st of February, 2013.



CHAIRMAN
North County Transit District

ATTEST:



CLERK OF THE BOARD
North County Transit District

Exhibit A

NORTH COUNTY TRANSIT DISTRICT

ORDINANCE NO. 4

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SECTION 1: GENERAL

1.1 Findings.

A. The District operates a public transportation system and hires employees pursuant to its enacting legislation, Public Utilities Code section 125000, et seq.; and

B. The Board of the District is required pursuant to Public Utilities Code section 125105 to adopt an administrative code by ordinance to prescribe the powers and duties of Board officers and the method of appointment of Board employees; and

C. The Board of Directors is hereby meeting those requirements by adopting the Personnel Merit System and establishing the authority and duties of the Executive Director.

1.2 System adopted.

In order to establish an equitable and uniform procedure for dealing with personnel matters and to comply with applicable laws relating to the administration of the personnel process, the following personnel system is adopted. This system shall apply to all employees of the District, except the Executive Director and the General Counsel who are each employed directly by the Board of Directors under the terms and conditions set forth in their respective employment agreements as adopted by the Board.

1.3 Definitions.

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

SECTION 2: ADMINISTRATION

The Executive Director shall administer the District personnel system and may delegate any of the powers and duties of such administration to any officer or employee of the District or may recommend that such powers and duties be performed under contract as provided in Section 12 of this Ordinance. The Executive Director shall:

A. Act as the appointing authority for the District in accordance with this Ordinance and the Personnel Policies, and shall have the power to appoint, remove, promote and demote any and all officers and employees of the District, except elected officers and the General Counsel;

B. Administer all the provisions of this Ordinance and of the Personnel Policies and Procedures not specifically reserved to the Board of Directors;

C. Prepare or cause to be prepared Personnel Policies and Procedures and revisions. The General Counsel shall approve the legality of such policies and procedures and revisions prior to their adoption by the Executive Director and their implementation;

D. Recommend to the Board of Directors Personnel Policy issues involving financial commitments, such as employee benefit programs;

E. Prepare or cause to be prepared, a position classification plan, including class specifications and revisions of the plan. The plan and any revisions thereof shall be reviewed on an annual basis by the Board of Directors;

F. Prepare or cause to be prepared, a plan of compensation and revisions thereof, covering all classification titles for authorized District positions. The plan and any revisions thereof shall be reviewed and approved on an annual basis by the Board of Directors as part of the annual approval of the operating budget;

G. Have the authority to reorganize the workforce and create or abolish positions or classifications, within the labor budget approved by the Board of Directors, including to add positions or classifications fully funded by grants or capital projects;

H. Have the authority to discipline employees in accordance with this Ordinance and the Personnel Policies of the District;

I. Provide for the recruitment and selection of District employees in accordance with this Ordinance and the Personnel Policies of the District and perform any other duty that may be required to administer the personnel system.

J. The Executive Director or designated Human Resources personnel shall have the authority to request from the State Department of Justice a copy of the State Summary Criminal History Information for any position — regular, part-time, or volunteer — involving the care or supervision of children, minors, the elderly, the handicapped, or the mentally impaired, or for any other position with the District wherein such information is deemed important to the selection process.

SECTION 3: MERIT SERVICE

The general policy of the District is to ensure the recruitment, selection, and hiring of Regular employees in an open, competitive, and objective manner, and in a

fully documented and timely fashion. The Executive Director may establish exceptions to the competitive recruitment process. Regular Employees, shall only be disciplined for good cause, and in accordance with the Personnel Policies. However, District employees may be designated as at-will employees by the Executive Director, under appropriate circumstances.

SECTION 4: PERSONNEL POLICIES—ADOPTION AND AMENDMENT

Personnel Policies shall be prepared and adopted by the Executive Director and may be amended from time to time by the Executive Director, subject to review by the Board of Directors. Any policy matters involving the commitment of financial resources shall be recommended and must be approved by the Board of Directors prior to implementation. The policies shall govern the personnel system, including but not limited to:

- A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;
 - B. Preparation, revision and administration of a plan of compensation;
 - C. Open and promotional recruitments to fill regular positions;
 - D. The making of temporary and emergency appointments;
 - E. Establishment of probationary testing periods;
 - F. Transfer, promotion, demotion and reinstatement of employees;
 - G. Evaluation of the job performance of employees;
 - H. Separation of employees from the District service;
 - I. Content, maintenance and use of personnel records and forms;
- and,
- J. The establishment of any necessary appeal procedures.

SECTION 5: APPOINTMENTS

A. Appointments to Regular positions shall be made in accordance with the Personnel Policies. Appointments and promotions shall be based on merit and fitness. Examinations may be used in and conducted to aid in the selection of qualified employees and may consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests and other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combination of these tests. The probation period shall be considered an extension of the examination process. Physical, medical

and psychological tests may be given as part of any examination, in accordance with applicable law.

B. The appointing authority of District employees, except the General Counsel, the Executive Director, and any members of appointive boards, commissions and committees, is the Executive Director. The Executive Director may delegate the appointing authority to any other officer or employee of the District.

SECTION 6: PROBATIONARY PERIOD

All regular appointments, including promotional appointments, shall be for a probationary period in accordance with applicable provisions of the Personnel Policies. Determinations as to satisfactory completion or extension of said period, and/or rejection of an employee during said period, shall also be consistent with the applicable provisions of the Personnel Policies.

SECTION 7: STATUS OF PRESENT EMPLOYEES

A. Any person holding a position in the classified service who, on the effective date of this Ordinance, shall have served continuously in such position or in some other position in the classified service for a period equal to the probationary period prescribed in the Personnel Policies for his or her class, shall retain regular status in the position held on such effective date without qualifying test and shall thereafter be subject in all respects to the provisions of this Ordinance and the Personnel Policies and Procedures.

B. Any other persons holding positions in the classified service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the Personnel Policies and Procedures before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

C. Any persons hired as at-will employees, will remain at-will employees, but will be subject to the remaining provisions of this Ordinance and the Personnel Policies and Procedures not inconsistent with at-will employment status.

SECTION 8: DEMOTION, DISMISSAL, REDUCTION IN PAY, SUSPENSION AND REPRIMAND

The Executive Director or any appointing authority shall have the authority to demote, discharge, reprimand, reduce in pay or suspend any regular employee for cause in accordance with procedures included in the Personnel Policies.

SECTION 9: RIGHT OF APPEAL

Employees shall have the right to appeal a demotion, reduction in pay, suspension exceeding five (5) days or discharge for disciplinary reasons, except in those instances where the right of appeal is specifically prohibited by this Ordinance or

the policies and procedures adopted thereunder, and for those designated as at-will employees. All appeals shall be processed in accordance with the requirements and the procedures as set forth in the Personnel Policies adopted pursuant to this Ordinance.

SECTION 10: LAYOFF AND REEMPLOYMENT

Layoff and reemployment actions shall follow the process outlined in the Personnel Policies.

SECTION 11: POLITICAL ACTIVITY

The political activities of District employees shall conform to the pertinent provisions of State law and any local provision adopted pursuant to State law.

SECTION 12: CONTRACT FOR SPECIAL SERVICES

The District may contract with any qualified person or public or private agency for the performance of all or any of the responsibilities and duties imposed by this Ordinance.

SECTION 13: ABOLITION OF POSITION

Whenever in the judgment of the Executive Director it becomes necessary in the interests of economy or because the necessity for the position involved no longer exists, the Executive Director may abolish any position or employment in the classified service and layoff, demote or transfer the employee or officer holding such position or employment.

SECTION 14: APPROPRIATION OF FUNDS

The Board of Directors shall appropriate such funds as are necessary to carry out the provisions of this Ordinance.