

**ORDINANCE NO. NS-304.137**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
AMENDING VARIOUS SECTIONS IN ARTICLES 1 AND 3 OF CHAPTER III OF  
DIVISION A25 AND ADDING SECTION A25-89 IN ARTICLE 1 OF CHAPTER III OF  
DIVISION A25 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE  
RELATING TO THE MERIT SYSTEM RULES**

**Summary**

This Ordinance amends sections of the Merit System Rules to update language related to communication methods with applicants, update language to be gender-neutral, update anti-discrimination language, and remove redundant language. This Ordinance also adds a new section relating to employees performing a not-for-profit or private function that is assumed by the County.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

SECTION 1. Section A25-50 of Article 1 of Chapter III of Division A25 of the Ordinance Code of the County of Santa Clara relating to “Director” defined is hereby amended to read as follows:

**Sec. A25-50. “Director” defined.**

As used in this Chapter, “Director” means the Director of the Employee Services Agency or their designee.

SECTION 2. Article 1 of Chapter III of Division A25 of the Ordinance Code of the County of Santa Clara relating to Merit System Generally is hereby amended to read as follows:

**Sec. A25-89. Assumption by County of not-for-profit or private function.**

- (a) This section shall prevail over conflicting provisions of this Chapter upon the assumption by the County of a not-for-profit or private function.
- (b) An employee performing a not-for-profit or private function that is assumed by the County shall be eligible for transfer to County employment, without examination, if the employee performing the function satisfies all of the following requirements:
  - (1) The employee previously qualified for the position through the not-for-profit or private employer’s hiring process; and

- (2) The employee has been employed in a full-time or part-time capacity by the not-for-profit or private employer for at least six months and there has been no break in service prior to County employment.
- (c) An employee transferring pursuant to this Section will be placed into the most comparable existing classification and, if none, the employee will be placed into a classification for which they meet the employment standards at their prior rate of pay, and shall continue to perform pre-existing job duties, until such time as a new classification is created and allocated pursuant to Chapter IV, Article 3 of this Division.
- (d) The Director of Employee Services Agency shall be responsible for the interpretation and application of this Section in accordance with the merit system provisions of this Code.

SECTION 3. Section A25-124 of Article 3 of Chapter III of Division A25 of the Ordinance Code of the County of Santa Clara relating to Discrimination prohibited is hereby amended to read as follows:

**Sec. A25-124. Discrimination prohibited.**

No person in the classified service or seeking admission thereto shall in any way be unlawfully discriminated against because of sex (including pregnancy, childbirth, or related medical conditions), race, color, gender, gender expression, transgender status, sexual stereotypes, gender identity, national origin, ethnicity, creed, religion, union activity, organizational affiliations, political opinions, age, status as a protected veteran, status as an individual with a disability, sexual orientation, or any other status protected by state or federal law.

SECTION 4. Section A25-174 of Article 5 of Chapter III of Division A25 of the Ordinance Code of the County of Santa Clara relating to Order of employment from lists is hereby amended to read as follows:

**Sec. A25-174. Order of employment from lists.**

- (a) *Re-employment lists:*
  - (1) Where a vacancy exists in a department in a classification where a re-employment list exists of permanent employees laid off, the person standing highest on such re-employment list shall be offered the appointment. Refusal on the part of the former employee to accept the appointment shall remove the employee's name from the re-employment list.
  - (2) Where a vacancy exists in a classification and in a department other than that department where the layoff occurred, the names of three persons on re-employment lists for other departments shall be certified in inverse order of the date of placement on the re-employment lists. If no such re-employment lists exist, or there are fewer than three names, additional names not to exceed a total

of three shall be certified from the eligible lists in the priority order as shown below.

(b) *Eligible lists:*

- (1) Promotional lists resulting from service-wide promotional examinations including the names of employees resulting from examinations given under the provisions of Section A25-156.
- (2) Eligible lists resulting from open-competitive examinations.

SECTION 5. Section A25-178 of Article 5 of Chapter III of Division A25 of the Ordinance Code of the County of Santa Clara relating to Removal from eligible lists is hereby amended to read as follows:

**Sec. A25-178. Removal from eligible lists.**

- (a) The Director may remove the name of an eligible for the following reasons: at the eligible's request; for failure to respond within stipulated time after notice of certification; or for other justifiable reasons provided in these rules. An appointment from an eligible list shall be the basis for removal of the eligible's name from all other related lists at the same or lower salary level.
- (b) The eligible shall be notified using the eligible's last known contact information of this action and the reasons thereof.
- (c) An eligible may be restored to the list if the eligible presents satisfactory reasons for failure to respond.

//

//

//

//

//

//

//

//

SECTION 6. Section A25-186 of Article 5 of Chapter III of Division A25 of the Ordinance Code of the County of Santa Clara relating to Notification to eligibles is hereby amended to read as follows:

**Sec. A25-186. Notification to eligibles.**

A notice of certification shall be sent to persons certified for appointment. The notice of certification shall instruct eligibles to communicate with the appointing authority or the appointing authority's designee within three working days following the date notice was provided.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on JUN 04 2024 by the following vote:

~~ARENAS, CHAVEZ, ELLENBERG~~  
AYES: LEE, SIMITIAN

NOES: ~~NONE~~


ABSENT: **ARENAS**

ABSTAIN: ~~NONE~~


  
\_\_\_\_\_  
SUSAN ELLENBERG, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

  
\_\_\_\_\_  
CURTIS BOONE  
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
MASA SHIOHIRA  
Lead Deputy County Counsel

3034676