



# COUNTY OF SANTA CRUZ

## CIVIL SERVICE COMMISSION

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073  
(831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123

January 12, 2012

Jeffrey Smedberg  
c/o Santa Cruz County Public Works  
701 Ocean Street  
Santa Cruz, CA 95060

**Reference: Civil Service Commission Appeal: Performance Evaluation**

Dear Mr. Smedberg,

On January 4, 2012, you submitted an appeal to the Civil Service Commission regarding a performance evaluation. You submitted this appeal in your capacity as a Shop Steward on behalf of an SEIU employee.

The appeal alleges that the County failed to follow procedure in hearing the employee's appeal of his 2011 evaluation:

- 1) Personnel upheld the rating based on the previous year's evaluation.
- 2) No corrective measures were offered to appellate to improve his alleged inadequate performance.
- 3) Accepted standards were not followed in the preparation of the evaluation.

The attached Civil Service Rules (CSR 130, Section I. D. and Section X. E.) governing the scope of appeals and performance evaluation appeals demonstrates that evaluations are not appealable to the Civil Service Commission and that the appeal process ends with the Personnel Director.

The employee followed this appeal procedure and the appeal was concluded with the response from the Personnel Director, dated November 15, 2011. The decision of the Personnel Director is final.

Further, even if this matter was within the Commission's jurisdiction, this appeal is not timely. The time limit for appeals to the Commission is seven calendar days following the action or decision. The Personnel Director's decision was delivered in November and the appeal was filed in January.

Please contact me at 831-454-4041 if you have any questions or concerns.

Respectfully,

Laurie Hill

Staff to the Civil Service Commission

Cc: Arthur Mier  
Thornton Kontz, Commission Counsel  
Civil Service Commissioners  
Michael J. McDougall, Personnel Director

Attachment: Civil Service Rules  
Regarding Appeals and Evaluations

The Civil Service Rules (CSR 130, Section I. D.) governing appeals before the Commission:

1. *Scope of Appeal: Unless otherwise governed by specified procedures, any affected applicant or employee may appeal an action or decision of the Personnel Director to the Commission on the grounds of his/her failure to observe or properly apply those Sections of the Ordinance Code which comprise the Limited Civil Service System or these Civil Service Rules.*
2. *Avenue and Time Limit of Appeal: Unless otherwise governed by specified time limits, actions appealable to the Civil Service Commission must be filed on a Civil Service Commission Appeal Form which can be obtained from the Secretary to the Commission. The Appeal Form shall be filed with the Secretary to the Commission within seven (7) calendar days of the action or decision which is being appealed. The Secretary to the Commission shall forward the completed Appeal Form and the action appealed to the Civil Service Commission forthwith for scheduling a hearing. Hearings for appeals shall be scheduled in accordance with County Code Section 3.24.030.*

Civil Service Rules provide an appeal process (CSR 130, Section X. E.) for employee performance evaluations:

1. *Upon presentation of the employee performance evaluation, the employee should discuss it with the supervisor, including any rating or comments that he/she believes is improper. If still not satisfied, in addition to signing the evaluation, the employee should place an "X" in the space provided by his/her signature to indicate he/she wishes to discuss the report with the reviewing officer. The employee shall be given a copy of his/her performance evaluation at that time. The supervisor shall then notify the reviewing officer that the employee has requested a meeting.*
2. *The reviewing officer shall discuss the evaluation with the employee within ten (10) working days after the employee received his/her copy of the performance evaluation report.*
3. *If an employee wishes further consideration beyond the review by the reviewing officer (or if the reviewing officer fails to respond within the period specified above), the employee, within five (5) working days following the meeting with the reviewing officer, shall prepare a written request as follows to his/her appointing authority:
  - a. *identifies the report by stating the date of the report, the name of the rater, and the date the report was received;*
  - b. *specifies the ratings or comments which he/she believes are incorrect;*
  - c. *states the rating or comments he/she believes should be made on the report;*
  - d. *gives facts substantiating each change requested; and*
  - e. *keeps a copy of his/her written request and sends the original to the appointing authority.**
4. *Upon receiving this request, the appointing authority has ten (10) working days to either sustain or change the report of performance and notify the employee of his/her decision in writing. In case of a change in the report, a copy shall be included with the decision.*
5. *An appeal to the Personnel Director on a performance evaluation can be made only after the departmental remedies outlined above have been exhausted. Within ten (10) working days after receiving the appointing authority's decision, or within ten (10) working days after expiration of the ten day period for the appointing authority to respond and no response is received, the employee may present his/her appeal in writing to the Personnel Director. However, a report with an overall rating of "meets job standards," "exceeds job standards," or "outstanding" cannot be appealed to the Personnel Director.*
6. *The Personnel Director shall hold an informal, closed hearing to consider evaluation appeals. In considering such appeals, the Personnel Director shall be guided by the Civil Service Commission's policy "Scope of Authority - Employee's Performance Evaluations (Amended 1/20/94)." The Personnel Director's decision shall be final and binding.*