

At-Will Notice

Name of Employee	
Title of Position	

This serves as notice that your employment relationship with the County of Yolo is at-will subject to the provisions of Section 2-6.47.2 (or Section 2-6.47.3 for non department heads). A copy of this County Code section is attached for your reference.

It is important for you to understand that you do not have, nor can you attain, any rights in regular or permanent employment with the County of Yolo. Your appointment to your position is at-will and you serve at the pleasure of the appointing authority. You may be terminated at any time subject to the applicable County Code provision.

The provisions of Section 2-6.28.3 of the Yolo County Code provides employees in good standing who are appointed to an at-will position may have a right to return provided certain conditions are met. A copy of this County Code section is attached for your reference.

The purpose of this Notice is to ensure that you have been fully informed of the significance of your at-will appointment. If you completely understand the significance of your at-will appointment and agree to accept employment under the terms described above, please sign below. If you have any questions regarding your at-will appointment, please contact the Personnel Analyst assigned to your department.

The original of this Notice will be placed in your Official Personnel File and a copy will be placed in your departmental personnel file.

I understand and agree to all of the above

Signature of Employee

Date

11/8/05

Yolo County Code

Sec. 2-6.47.2. Disciplinary action: Department Heads.

(a) The provisions of Section 2-6.47 of this chapter shall not apply to department heads except as provided in this section. The discipline of department heads shall be as provided for in this section.

(b) Except as otherwise provided by State law or subsection (c) of this section, department heads shall serve at the pleasure of the appointing authority.

(c) The discipline of certain department heads is provided for by State law or other provisions of this Code as follows:

(1) Elected department heads are governed by the provisions of Section 25303 of the Government Code of the State.

(2) The Agricultural Commissioner and Sealer of Weights and Measures shall be governed by the provisions of Article 2 of Chapter 2 of Division 2 of the Food and Agricultural Code of the State (commencing with Section 2121).

(3) The County Counsel shall be governed by the provisions of Section 2-5.203 of Article 2 of Chapter 5 of this title and Section 27641 of the Government Code of the State.

(4) The County Administrative Officer shall be governed by the provisions of Article 3 of Chapter 5 of Title 2 of this Code.

(5) The Clerk of the Municipal Court/Administrator shall be governed by the provisions of Section 74963 of the Government Code of the State.

(6) The Probation Officer shall be governed by the provisions of subsections (a) and (b) of Section 2-6.47 of this chapter. Any disciplinary proceeding shall be governed by subsections (d) and (e) of this section.

(7) The Public Defender shall be governed by the provisions of Section 27703 of the Government Code of the State.

(8) The Public Guardian shall be governed by the provisions of Section 2-5.901 of Article 9 of Chapter 5 of this title and Sections 8000 and 8001 of the Welfare and Institutions Code of the State.

(9) Deleted.

(10) The Director of Social Services shall be governed by the provisions of Section 10801 of the Welfare and Institutions Code of the state, subsection (a) of Section 17035 of Title 2 of the California Administrative Code.

(d) Before an appointing authority subjects a department head to disciplinary action for which the law mandated prior notice and an opportunity for a hearing, the County Administrative Officer shall give the department head notice of the proposed action, the reasons for the proposed action, a copy of the charges and materials upon which the proposed action is based, and the right to respond, either orally or in writing. A department head who has exercised the right to respond may appeal such disciplinary action to the Board of Supervisors. A written demand for an appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) days after the service of the order of disciplinary action. The Board of Supervisors may appoint a hearing officer to hear the matter and make a recommended decision to the Board. The Board of Supervisors may adopt a recommended decision, after argument, correct errors of law, or refer the matter for, or conduct, a rehearing on the merits in whole or in part.

(e) Within five (5) days following an order subjecting a department head to disciplinary action for which the law mandates an opportunity for a hearing after the order of disciplinary action, the department head may request a limited hearing by the appointing authority. Within ten (10) days following the receipt of the written request, the appointing authority shall apprise the department head of the action taken and the reasons therefor, provide for a copy of the charges, including the materials, upon which the action is based, and afford the right to respond orally or in writing. After the conclusion of the limited hearing, the appointing authority shall make an order affirming, reversing, or modifying the disciplinary action. (§ 7, Ord. 905, eff. March 19, 1981, as amended by § 3, Ord. 1205, eff. January 13, 1997, § 3, Ord. 1206, eff. February 27, 1997, and § 1, Ord. 1224, eff. May 21, 1998)

Sec. 2-6.47.3. Disciplinary action: Certain employees.

(a) This section shall govern employees in the classifications set forth in subsection (8) of subsection (c) of Section 2-6.26 of this chapter; provided, however, this section shall not govern employees appointed to the classification of Master Calendar/Arbitration Administrator before October 4, 1988.

(b) The provisions of Section 2-6.47 of this chapter shall not apply to employees governed by this section.

(c) Employees governed by this section shall serve at the pleasure of the appointing authority.

(d) Before an appointing authority shall subject an employee governed by this section to action for which the law mandates prior notice and an opportunity for a hearing, the appointing authority shall give the

employee notice of the proposed action, the reasons for the proposed action, a copy of the charges and materials upon which the proposed action is based, and a right to respond, either orally or in writing. Unless otherwise mandated by law, any action thereon shall be final and shall not be subject to review by the board of Supervisors or any administrative tribunal of the County.

(e) Where an administrative appeal or hearing is mandated by law as to action taken as to an employee governed by this section, and also the employee has exercised a right to respond (if such right has been afforded to the employee), the employee may appeal the action to the Labor Relations Panel. A written demand for an appeal shall be filed with the Personnel Director within ten (10) days after the service upon the employee of notice of the action taken. No action shall be taken on a demand for appeal unless it is filed within the time set forth in this section. Any action taken on the appeal shall be final and shall not be subject to review by the Board of Supervisors or any other administrative tribunal of the County. (§ 2, Ord. 943, eff. January 6, 1983, as amended by § 2, Ord. 1001, eff. March 21, 1985, § 2, Ord. 1060, eff. October 29, 1987, § 2, Ord. 1064, eff. December 10, 1987, and § 2, Ord. 1103, eff. April 26, 1990)

Sec. 2-6.28.3. Appointments: Return of At-Will Employees.

(a) Any employee appointed to an at-will position which is not a department head position and such employee has completed an initial probationary period prior to the appointment that employee shall have the right to return to the position in the same department from which appointed if the position is vacant.

(1) If no vacant position exists in the department where the employee came from, then such employee shall have the right of return to any other vacant position in that department which is not an at-will position and for which the employee qualifies at the same or higher salary and benefit level for the classification from which appointed to the at-will position.

(2) In the event that the returning employee's former position is no longer vacant and there are no vacant positions in that department which are not at-will positions, a position of the same classification from which appointed to the at-will position will be created.

(b) The right to return as specified in subsections (a) (1) and (2) only applies if the following conditions are met:

(1) The employee was appointed to the at-will position in the same department; and

(2) The right to return was specified and approved by the department head in writing, at the time of appointment to the at-will position.

(c) Nothing in this section shall be construed to imply that an employee returning has any right to the assignment held prior to the appointment to the at-will position. The assignment of an employee returning under these provisions is solely at the discretion of the department head.

(d) No employee may exercise the right of return under this section if removal from the at-will position was for criminal activity or acts of moral turpitude and there must not have been a break in service from the time the initial probationary period was completed to the time that the at-will appointment is made.

(e) Any employee who exercises the rights specified in this section shall be considered to have been continuously employed without a break in service during service in the at-will position. (§ 1, Ord. 1266, eff. September 27, 2001, as amended by § 2, Ord. 1322, eff. August 19, 2004)

RESOLUTION NO. 15-130

(Resolution Providing for At Will Appointments to County Positions) BY

Jillie Ricketts
CLERK OF THE BOARD
DEPUTY

WHEREAS, Government Code Section 25208 authorizes a County Board of Supervisors to employ such persons as it deems necessary to assist the board in the performance of its duties; and

WHEREAS, Government Code Section 25300 et seq. authorizes a County Board of Supervisors to provide for the number, compensation, tenure, appointment and conditions of employment of county employees; and

WHEREAS, the County has identified the need for certain executive, high profile, politically sensitive or technology-related positions to be designated as At Will in order to best assist the board in the performance of its duties; and

WHEREAS, At Will is defined as an employment relationship of indefinite duration that can be terminated by either the employer or the employee at any time with or without notice, unless otherwise stated in the Yolo County Code; and

WHEREAS, the Yolo County Code provides that appointments to At Will positions are exempted from the requirement that all appointments to regular County positions be made from an eligible list.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. At Will employees serve at the pleasure of the appointing authority;
2. At Will employees do not have, nor can they attain, any rights in regular or permanent employment with the County of Yolo; and
3. At Will employees may be terminated at any time with or without notice or cause subject to applicable laws and regulations for which prior notice and an opportunity for a hearing is mandated; and

THEREFORE, BE IT FURTHER RESOLVED by the Board of Supervisors, County of Yolo, State of California, that the following classes are hereby designated as At Will:

- (i) Assistant Chief Deputy District Attorney
- (ii) Assistant Chief Deputy Public Defender
- (iii) Assistant Chief District Attorney Investigator
- (iv) Assistant Chief Financial Officer
- (v) Assistant Chief Probation Officer
- (vi) Assistant County Administrator
- (vii) Assistant County Counsel
- (viii) Assistant County Librarian
- (ix) Assistant Director of Child Support Services
- (x) Assistant Director, Health and Human Services
- (xi) Assistant Director of Human Resources
- (xii) Assistant Director of Planning Services

- (xiii) Assistant Director of Public Works
- (xiv) Assistant Public Guardian/Administrator
- (xv) Assistant Sheriff-Coroner
- (xvi) Assistant Supervisor's Deputy
- (xvii) Branch Director I, Health and Human Services
- (xviii) Branch Director II, Health and Human Services
- (xix) Chief Budget Official
- (xx) Chief Deputy Agricultural Commissioner/Sealer of Weights and Measures
- (xxi) Chief Deputy District Attorney
- (xxii) Chief Deputy Public Defender
- (xxiii) Chief District Attorney Investigator
- (xxiv) Chief Financial Officer
- (xxv) Chief Fiscal Administrative Officer
- (xxvi) Clerk of the Board of Supervisors
- (xxvii) Clerk-Recorder-Assessor Program Manager
- (xxviii) County Administrator
- (xxix) County Librarian
- (xxx) County Service Area Manager
- (xxxii) Deputy Chief Probation Officer
- (xxxiii) Deputy County Administrator
- (xxxiv) Deputy Director of General Services
- (xxxv) Deputy Director, Health and Human Services
- (xxxvi) Deputy Director of Integrated Waste Management
- (xxxvii) Director of Child Support Services
- (xxxviii) Director of Environmental Health
- (xxxix) Director of General Services
- (xl) Director, Health and Human Services
- (xli) Director, HHS Service Centers
- (xlii) Director of Health Services
- (xliii) Director of Human Resources
- (xliv) Director of Information Technology & Telecommunications
- (xlv) Director of Planning and Public Works
- (xlvi) Director of Public Health Nursing
- (xlvii) District Attorney Confidential Secretary
- (xlviii) Emergency Medical Services Administrator
- (xlix) Emergency Services Manager
- (l) Executive Assistant to the County Administrator
- (li) Executive Assistant to the County Clerk-Recorder-Assessor
- (lii) Executive Director – Children's Alliance
- (liii) Financial System Manager
- (liiii) Habitat Mitigation Manager
- (liv) Health Officer
- (lv) LAFCO Executive Officer
- (lvi) Manager of Economic Resources Development
- (lvii) Manager of Intergovernmental Relations
- (lviii) Manager of Natural Resources
- (lix) Manager of Operations & Strategy
- (lx) Manager of Purchasing Services
- (lxi) Natural Resources Program Coordinator
- (lxii) Physician
- (lxiii) Psychiatrist - Medical Director
- (lxiv) Public Defender
- (lxv) Risk Manager/Safety Officer

- (lxvi) Sheriff's Chief of Finance
- (lxvii) Sheriff's Confidential Secretary
- (lxviii) Superintendent of Juvenile Detention Facility
- (lxix) Supervisor's Deputy
- (lxx) Technology Innovation Manager
- (lxxi) Tribal and Intergovernmental Analyst
- (lxxii) Undersheriff-Coroner
- (lxxiii) Veterans Service Officer
- (lxxiv) Any classification in the Information Technology Department concerned with the development of new systems of information technology and the creation of policies related to those systems, including, but not limited to:
 - (aa) Database Administrator
 - (bb) Information Security Officer
 - (cc) Information Technology Manager
 - (dd) Internet Systems Specialist

PASSED AND ADOPTED by the Board of Supervisors, County of Yolo, State of California, this 13th day of December, 2015, by the following vote:

AYES: Provenza, Chamberlain, Villegas, Saylor.

NOES: Rexroad.

ABSENT: None.

ABSTAIN: None.



Jim Provenza, Vice-Chair
Board of Supervisors
County of Yolo, State of California

Approved as to Form:
Philip Pogledich, County Counsel


