



PERSONNEL RULES

EMPLOYEE PERFORMANCE APPEALS PROCESS §7410

Overview: An employee may request a post discipline appeal for disciplinary action which results in an adverse action, such as an unpaid suspension, salary step reduction, involuntary demotion, or termination.

Applicable to: All employees; unrepresented, elected, probationary, and extra-help employees are excluded

Definitions: Appeal - In context of this Tehama County Personnel Rule, a procedure by which a disciplinary action is brought before a higher authority for review
POBR – The Public Safety Officers' Procedural Bill of Rights (Government Code Sections 3300-3312, or AB301) applies to public safety officers' when subject to investigation or discipline

Guidelines: Request for Appeal

Employees may elect to appeal a suspension, salary step reduction, involuntary demotion, or termination by filing a post-discipline appeal. Post-discipline appeal notices shall be filed with an employee's Department Head or the Personnel Director within fourteen (14) calendar days of the employee receiving a written Notice of Final Discipline. Disciplinary appeals for Merit Systems Services (MSS) employees are governed by Cal. Code Regs. Tit. 2, §17045. MSS standards allow for a 30-calendar day filing period for post-discipline appeals. MSS appeals must be in writing and include a description of the basis of the appeal and the relief requested. A post-discipline appeal notice may be made by the employee or their representative in-person, by electronic mail, or any other form of written notification. The response time for a post-discipline appeal notice will be calculated beginning the first day after the written Notice of Final Discipline is served on the employee. The process for initiating a post-discipline appeal shall begin at Step Four (4) of the dispute resolution process, reference TCPR §9103: Grievance Procedure for more information.

Public Safety Officers have additional protections under certain conditions. The [Public Safety Officers Procedural Bill of Rights Act \(POBR\)](#) specifies elements which must be afforded to "public safety officers" when subjected to punitive actions and administrative appeals and must be adhered to accordingly.

Once a post-discipline appeal notice has been received, the Personnel Director shall request a mediator from the California State Mediation Conciliation Service (CSMCS) within twenty (20) calendar days to assist the parties in reaching a resolution. If either party does not agree with the mediator's recommendation as to resolution of the dispute, the parties may continue through the prescribed dispute resolution procedure outlined in the applicable memorandum of understanding. Referral to the next step in the grievance procedure shall not occur until the mediator has released the parties from the mediation process.

Special Note: Filing a post-discipline appeal does not postpone the disciplinary process. Execution of the written Notice of Final Discipline will be implemented upon

conclusion of all pre-disciplinary procedures, reference TCPR §7409: Skelly Process.

Eligibility for Appeal

Employees eligible to file a post-discipline appeal:

- Employees who have attained permanent status by satisfactorily completing the required initial probationary period.

Employees not eligible to file a post-discipline appeal:

- Employees who have received a counseling, or an oral or written reprimand.
- Employees who have not successfully completed an initial probationary period.
- Employees who have not successfully completed a promotional probationary period.
- Employees who have failed to file a post-discipline appeal notice with the Department Head or the Personnel Director within fourteen (14) calendar days (within thirty (30) calendar days for MSS employees as noted above).

Employees who are not eligible to appeal a disciplinary action will be notified by the Personnel Director.

Procedure: Responsibilities for implementation, application, and enforcement of this rule are listed below.

Employee Employees may file a post-discipline appeal notice by notifying the Department Head or the Personnel Director in writing within fourteen (14) calendar days (within thirty (30) calendar days for MSS employees) of receiving a Final Notice of Discipline.

Department Head Upon receiving a notification of post-discipline appeal, the Department Head shall notify the Personnel Director right away.

Personnel Office Upon receiving notification of a post-discipline appeal, the Personnel Director shall contact the California State Mediation and Conciliation Service within twenty (20) calendar days. The Personnel Director will notify an employee when they are not eligible to file a post-discipline appeal.

Required Forms: None

References: TCPR §7409: Skelly Process; TCPR §9103: Grievance Procedure; Public Safety Officers' Procedural Bill of Rights Government Code Section 3300-3312, or AB301

Effective Date: July 12, 2022

Revised Date: March 26, 2024

The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.