

**LUZERNE**

**COUNTY**

**PERSONNEL**

**CODE**

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## **LUZERNE COUNTY PERSONNEL CODE**

### **ARTICLE 1001. Luzerne County Personnel System**

#### **1001.01. Scope.**

The Personnel System shall cover all persons as promulgated under §7.03 of the Luzerne County Home Rule Charter.

#### **1001.02. Function.**

Consistent with all applicable laws and contracts, the County Manager shall prepare and administer a unified personnel system for Luzerne County. Such system shall be based on merit principles and, to the extent possible, shall be designed to meet all of the merit system requirements established by the federal and state governments for the receipt of federal and state funds.

#### **1001.03. Merit principles and objectives.**

The County Manager, through the Division of Administrative Services, shall be accountable for the development of personnel policies, procedures, and regulations for employees, which will embrace the concept of merit. They shall include, but not be limited to, the following principles and objectives, which shall guide the development of the County personnel system:

- A. Providing equal opportunity for employment and for the advancement and retention of employees without regard to race, color, religion, sexual orientation, gender expression or identity, religious creed, national origin, age, genetic information, disability or gender;
- B. Recruiting, selecting and promoting employees on the basis of their respective abilities, knowledge and skills required for the position, as determined through open and competitive means;
- C. Providing fair and competitive compensation and benefits for all employees;
- D. Training and developing employees to ensure continuing high quality performance;
- E. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and terminating the employment of employees whose inadequate performance has not been corrected.;
- F. Instituting a job description for each county position; a pay classification plan that fairly reflects the differences in salary levels; and a position classification

plan that fairly reflects the differences in job classes, such as level of difficulty, education and experience requirements, and skill requirements;

G. Establishing high standards of integrity, conduct, and concern for the public interest.

H. Protecting employees from political coercion.

**1001.04. Division of responsibility.**

Certain duties and responsibilities associated with the structuring and functioning of the County personnel system shall be delegated by the County Manager to Head of Administrative Services, Director of Human Resources, and the Head of Budget and Finance Services, as follows:

A. County Manager. The County Manager shall

- (1) Monitor the efficiency and effectiveness of the personnel system, and the faithful execution of the merit concept called for in the Charter and this Personnel Code;
- (2) Oversee the implementation of a merit personnel system and other personnel provisions mandated by the Charter and this Personnel Code;
- (3) Establish overall personnel policies;
- (4) Give final approval to the personnel policies and procedures developed by the Head of Administrative Services;
- (5) Submit proposed provisions of the Personnel Code requiring adoption and/or amendment by the County Council, pursuant to the Charter.
- (6) Bear the ultimate responsibility for the operation of the personnel system.

B. Head of Administrative Services. The Head of Administrative Services shall be prepared through education and experience in the field of human resources management to assume the duties and responsibilities of the office. The Head of Administrative Services shall

- (1) Plan, oversee, and control the personnel system;
- (2) Develop and recommend to the Manager the policies and the rules and regulations that will govern the personnel system and that are needed to fully implement the personnel provisions of the Charter and this Personnel Code, including the merit principles and objectives as set forth in the Charter;

(3) Determine and recommend to the Manager the structure of the Division of Administrative Services (e.g., offices or bureaus, and the respective duties of each);

(4) Determine and recommend staffing requirements for the Division of Administrative Services;

(5) Develop and implement the recruitment and examination function of the personnel system;

(6) Develop and implement a position classification and a pay plan;

(7) Oversee the disposition, appropriate investigation, and referral of employee matters that are not within the scope of the Ethics Commission or other grievance procedures;

(8) Prepare briefs as requested for the County Manager regarding the functioning of the personnel system and such other periodic reports as the Manager requires;

(9) Coordinate personnel functions with other Divisions and operations;

(10) Perform such other duties as may be assigned or delegated by the County Manager

C. Director of Human Resources. The Director of Human Resources shall be responsible for the day to day management and operation of the personnel system and all other personnel system duties not specifically designated to the Head of Administrative Services under Section 1001.04(B).

D. Head of Budget and Finance Services. The Head of Budget and Finance Services shall

(1) Maintain the payroll system relative to required additions, deletions, and changes in individual positions;

(2) Validate and ensure that funding has been properly allocated for any available position before its being filled.

## **ARTICLE 1002. County Career Service, Exempt Service, and Civil Service**

### **1002.01. Composition of County Career Service, Exempt Service, and Civil Service**

A. The County “Career Service” shall be a permanent service to which the provisions of this article shall apply. It shall comprise all positions in the County Government now existing, or hereafter established, with the exception of those positions listed in Section 1002.01 (B).

B. “Exempt Service” positions shall consist of positions held by all elected officials, the County Manager, Chief Public Defender, Chief County Solicitor, Division Heads, Clerk of Council, and other positions as promulgated under the Home Rule Charter. Classification of positions in the County Exempt Service does not determine whether positions are exempt and non-exempt positions as specified under 29 CFR Part 541, Section 13(a)(1) of the Fair Labor Standards Act and its amendments as made from time to time. Exempt Service positions other than elected positions shall be filled using a merit-based recruitment, with the clear intent of attracting well-qualified individuals on the basis of a fair and open competitive process.

C. The terms and conditions of the Commonwealth of Pennsylvania Civil Service system shall apply to those employees required to be included in a state Civil Service system. If any provision of this article is found to be in conflict with the Commonwealth of Pennsylvania Civil Service System, the provisions of the Commonwealth of Pennsylvania Civil Service System shall be controlling for employees covered by that Civil Service System.

### **1002.02. Collective bargaining agreement in effect.**

If any of the provisions of this Article are in conflict with a collective bargaining agreement in effect, the provisions of the existing collective bargaining agreement in effect shall be controlling for employees covered by that collective bargaining agreement in effect. Employees who have recourse to grievance procedures through their collective bargaining agreements in effect are required to use those procedures.

## **ARTICLE 1003. Selection and Promotion of Employees**

### **1003.01. Policies; rules.**

In addition to the provisions contained herein, the Head of Administrative Services shall establish such policies and rules as he/she may deem necessary for a merit system of filling vacancies and for recruiting highly qualified personnel for employees.

### **1003.02. Announcement of vacant positions.**

All vacant positions that are authorized to be filled by the County Manager and are not already provided for in the Luzerne County Charter shall be posted in the following manner:

A. The County Manager shall first provide written notice to the Head of Administrative Services whether any vacant position will be filled.

B. The appropriate Division Head, Deputy Division Head, or its designee, hereafter referred to as "appropriate Hiring Manager," shall initiate the hiring process by requesting that the Human Resources Director begin action to fill a vacant position within its jurisdiction.

C. If a job description for the vacant position does not exist or is in need of revision, the appropriate Hiring Manager, in conjunction with the Human Resources Department, will prepare a current and accurate position description, outlining in detail the job responsibilities of the vacant position, salary or salary-range, and specific qualifications including, but not limited to, educational requirements, experience and, where appropriate, examination.

(1) Said job descriptions shall conform to the County's Classification Plan and Pay Plan and any applicable collective bargaining agreement.

(2) The appropriate Hiring Manager shall prepare the Knowledge, Skills and Abilities (KSAs) required for the vacant position with rating and ranking criteria and identify at least one critical KSA screen-out element that must be met in order to initially qualify for the position.

(3) The advertisement announcement must include the KSAs, and applicants must address the KSAs to be considered for the position.

D. The advertisement announcement of each newly created, vacant, or otherwise available permanent full-time position, temporary full-time position, or permanent part-time position for which there is no current eligibility list, as outlined in §1003.06(G), shall be posted for no less than two weeks in the office of the administrative unit responsible for administering the County personnel system, on the bulletin boards at the various work locations of the County, and on the County website or other electronic medium, and shall be advertised in at least one daily newspaper of general circulation in the County.

### **1003.03. Applications.**

A. All applications for County employment or for promotion shall be filed with and maintained by the Human Resources Department.

B. All candidate applications must be sent directly to the central Human

Resources department, date and time stamped, and placed in a secure location immediately upon receipt.

C. No later than three (3) work days after the announcement closes, the Human Resources Department may begin screening applications.

#### **1003.04. Applicant fitness.**

A. The relative fitness of applicants shall be measured by examination of job-related knowledge, skills, integrity, and physical ability, where it is a bona fide occupational qualification for the position. The relative fitness of applicants will also be measured by the applicant's experience, education, training, licensure and job performance as may be applicable to the vacant position.

B. The Human Resources Department shall disqualify applicants who do not pass the minimum qualifications or critical screen-out element as specified for any vacant position.

#### **1003.05. Examinations.**

A. The Human Resources Department, with the approval of the appropriate Hiring Manager, shall determine the form of examination to be used in the selection procedure for each position to ascertain an applicant's fitness based on objective job-related criteria.

B. The Human Resources Department, with the approval of the appropriate Hiring Manager, shall establish specific criteria governing the use of examinations, including, but not limited to, traditional written examinations, computer-based written examinations, job simulation, or other appropriate examinations. Likewise, the Human Resources Department, in conjunction with the Hiring Manager, shall determine the appropriate candidates to participate in the examination phase of the screening process.

C. The Human Resources Department, in conjunction with the Hiring Manager, shall be responsible for rating and ranking applicants using applicable working criteria. To the extent feasible, the identity of applicants being examined shall be shielded from any examiner until after the individual has been ranked on that section of the examination.

#### **1003.06. Selection.**

A. The Human Resources Department shall certify a list of the candidates receiving the highest rankings to the Hiring Manager. Except as may otherwise be provided for in this code, the Hiring Manager shall select one of the three top-



rated candidates to fill the newly created, vacant, or otherwise available position.

B. If interviews are conducted and no selection is made, the applications shall be sent back to the Human Resources Department, and the next top three applications shall be sent to the selecting official for review and selection.

(1) Explanation for non-selection must be provided in writing to the Human Resources Department and kept on file when no selection is made from the top three candidates and all successive groups of top three candidates.

C. After a selection is made, the County shall conduct a background check on a selected applicant, which at a minimum shall include a criminal record(s) check, and may include other backgrounds checks as deemed necessary by the County Manager.

D. The Veterans Preference Act shall apply where applicable.

E. The County Manager shall confirm the final selection in writing.

F. The Human Resources Department shall notify the successful applicant via phone and in writing, and coordinate with the selecting official and successful applicant to set up a mutually acceptable work start date.

G. Applications and accompanying credentials of all non-selected, qualified candidates shall be kept on file with the Human Resources Department for one year; this shall constitute an eligibility list for the advertised position. A letter of acknowledgement and thanks shall be sent to all applicants for any position within the County.

**1003.07. Rejection for fraud or failure to comply with requirements.**

Applicants who fail to comply with job related requirements, or who have attempted any deception or fraud in connection with any application or examination, shall be rejected. If such deception or fraud is discovered after a person is hired, that person shall be terminated and shall not be eligible to become a candidate for employment in the county.

**1003.08. Probationary period.**

A. Except where determined by an existing collective bargaining agreement, state law, or where the Charter provides, all newly hired persons, or those promoted, shall serve a six-month probationary period and shall not be allowed to use the county grievance and appeals procedures and protections as specified in the county personnel policy.

B. The Human Resources Director shall establish a policy that provides for formal

evaluation of the performance of persons during a probationary period and is directed at correcting inadequate performance.

(1) If during or at the end of the probationary period the newly hired employee's performance is considered not to be adequate, such person shall be terminated and notified in writing of the termination.

(2) In the case of promotions, if the employee is not permanently promoted at the end of the probationary period, that person shall be returned to his/her former position, or an equivalent position.

**1003.9. Undue influence prohibited.**

A. No Hiring Manager, County Official or County employee shall unduly exert, negatively or positively, his or her influence to gain or attempt to gain preferential treatment for or against an applicant for employment with Luzerne County.

B. No Hiring Manager shall be unduly influenced, negatively or positively, by any applicant, county, state, or federal official in connection with any application for employment with the County.

**1003.10. Family Member prohibited.**

A. No elected County Official or County Employee or other manager shall employ a family member who would be under their direct line of authority. A family member is defined as parent, step-parent, spouse, domestic partner, father-in-law, brother-in-law, child, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, first cousin, aunt, uncle, grandchild, and grandparent.

B. No family member of County Council, Judge of the Court of Common Pleas, Magisterial District Judges, County Manager, and Heads of the Divisions of Budget and Financial Services, Operations Services, Administrative Services, Office of Law, Public Defender, Correctional Services, Judicial Services and Human Services, shall be employed in Luzerne County's government, except in the following circumstances:

(1) If a family member of any County Council member, County Manager or any Division Head is currently employed with the County at the time of this Code's adoption, that family member shall continue to be a county employee so long as the family members are not in violation of §1003.10(A).

(2) If a family member of any County Council member, County Manager or any Division Head is currently employed with the County at the time that a

family member takes office as an elected official, that family member shall continue to be a county employee so long as the family members are not in violation of §1003.10(A).

C. Where two family members are currently employed within the county at the time of this Code's adoption, neither employee shall be barred from seeking promotion to any position, including the positions of County Manager and any Division Head, so long as the family members are not in violation of §1003.10(A).

## **ARTICLE 1004. Personnel Policies**

### **1004.01. Preparation and contents of personnel policies.**

A. The Division of Administrative Services shall be responsible for preparing and promulgating personnel policies governing all employees serving under the jurisdiction of the County Officers. All policies shall be subject to the approval of the County Manager before they are implemented.

B. Personnel policies shall cover, but not be limited to, the following subjects: equal employment opportunity, sexual harassment, holidays, vacation, work week duration, disciplinary procedures, employee benefits, family medical leave act, leaves of absence, drug-free work place, and the promotion of diversity in the county through affirmative employment advertisements and on-going employee diversity training with the goal of attaining a workforce reflecting the diversity of the county's population.

C. The existing Luzerne County Policies and Procedures Manual shall continue in effect until amended or replaced. In cases of conflict between the wording of this Personnel Code and the existing Luzerne County Policies and Procedures Manual, this Personnel Code shall prevail.

D. All employees not covered by an existing collective bargaining agreement at the time of this Code's adoption shall comply with the County's current personnel policies and procedure.

E. These personnel policies shall apply to all County employees, Boards and Commissions; however, where the application of these policies would conflict with applicable civil service rules and/or Administrative, Personnel or Ethics codes or other laws, the provisions of the civil service rules, the Administrative, Personnel, or Ethics Codes or other laws shall govern. All non-economic personnel policies (i.e., those covering other than wages, benefits, and similar provisions with financial aspects) shall apply to those employees covered by an operative collective bargaining agreement that does not have applicable language.

### **1004.02. Orientation.**

The Division of Administrative Services shall be responsible for developing a formal orientation program for all new employees. The Head of Administrative Services shall decide the timing for orientation and the scope of the program

### **1004.03. Personnel Policy Guide**

The Head of Administrative Services shall cause the appropriate dissemination of Personnel Policy to the County workforce, particularly to new employees as part of the Orientation Program. The policy guide should provide information helpful to the employee during his/her tenure, make clear the obligation each individual undertakes as an employee, and encourage commitment to his/her job and to the County. The guide will cover the following minimum areas; however, this is not meant to be an all-inclusive listing.

1. Employee Benefits
2. Equal Employment Opportunity
3. Harassment Policy
4. Drug & Alcohol Free Workplace
5. Hours of Work and Attendance
6. Paid and Unpaid Time Off
7. Employee Responsibility and Conduct
8. Recruitment, Hiring and Employment
9. Electronic Use Policy.

B. Part of each orientation must be devoted to a discussion of the County's Personnel Policy. Each employee shall receive a personal copy and must sign a statement to the effect that he or she has received such copy, understands its contents, and agrees to abide by the current policies, except where determined by an existing collective bargaining agreement.

C. All changes to personnel policies shall be made available to employees.

### **1004.04. Performance evaluations.**

A. A Performance Evaluation System shall be established by the Head of Administrative Services and approved by the County Manager. Among other things, the procedures shall provide for the frequency of evaluation, the type of evaluation rating appropriate for each class of employees, the review process, and the opportunity for an employee to file objection to the evaluation.

B. The evaluation system shall be performance-based and established on job-related criteria. Its principal objectives shall be the development of personnel and the correction of poor performance, to the degree possible.

C. The Head of Administrative Services shall arrange for training sessions for all persons responsible for evaluating others. Such sessions shall, among other things, guide evaluators in the use of rating forms and stress the importance of objectivity and professionalism in evaluating others and the need to be familiar with the work and performance of the person being evaluated.

**1004.05. Employee development.**

The Head of Administrative Services, with the approval of the County Manager, shall oversee, foster, and develop programs for the improvement of employee development and effectiveness. The funds needed to support county-wide or specific programs shall be recommended in the annual operating budget and assigned to the appropriate cost centers. The administrative division shall be responsible for tracking the total budgeted and executed cost for training and development for the entire county.

**1004.06. Employee Database.**

The Head of Administrative Services shall maintain a database of all county employees. Where applicable, the database shall specify the class or title of the position held, the current salary and pay grade, any changes in class or title, salary or pay, and such other data as may be deemed useful.

**1004.07. Files and inspection of files.**

A. The Head of Administrative Services shall maintain the official personnel file of each employee.

B. All personnel files shall be considered confidential and shall only be disclosed to aid in personnel administration or where the Charter mandates, and only with the approval of the Human Resources Director.

C. Each employee's health information and medical records shall be kept in a separate file from the employee's personnel file and shall be considered confidential in accordance with all applicable state and federal laws.

D. Each employee shall have the right to inspect his or her records which have been or may be used in connection with any personnel action relating to that employee in accordance with applicable law. The Human Resources Director may establish rules in the furtherance of this provision.

**ARTICLE 1005. Layoffs, Discharges and Suspension**

### **1005.01. Reduction in Personnel**

- A. If a reduction in force is necessary, no employee shall be laid-off while any probationary, part-time, occasional, casual, temporary, or seasonal employee is employed in the same division.
- B. Layoffs may occur because of economic considerations, lack of work, abolition of position, reduction in force, or reduction of state or federal funds.
- C. If there is in existence a Labor Agreement covering the manner in which employees are to be laid-off, the Labor Agreement shall be controlling.
- D. A laid-off employee shall have the right of return for one (1) year from the date of layoff to any class and status which was previously held, provided such class is contained in the current classification plan of the Division or division, or to any class and status in the same or lower grade, provided the employee meets the minimum qualifications given in the classification plan of the Division.
- E. The Head of Administrative Services, with the approval of the County Manager, shall be responsible for the creation a procedure addressing reemployment. If such rules are in conflict with the terms of an existing collective bargaining agreement, the collective bargaining agreement shall be controlling.

### **1005.02. Dismissals, suspensions and demotions.**

- A. The Head of Administrative Services shall set forth the rules and procedures establishing a disciplinary system, which shall include the Table of Offenses and Penalties and a grievance procedure. The rules and disciplinary system shall be approved by the Manager. The rules shall communicate, among other things, performance expectations, expected standards of conduct, the responsibilities of employees and supervisors in the disciplinary process, and the consequences for failure of any employee to meet expected standards.
- B. Except as the Charter provides, any dismissal, demotion to a lower-paid position, or suspension of any non-probationary employee without pay shall be for just cause only. Just cause may be, but is not limited to, inability to consistently perform required duties, absenteeism, delinquency, misconduct, incompetence or inefficiency, poor performance, inappropriate conduct, or violations of the ethics code..
- C. The disciplinary rules and procedures shall be incorporated into the Personnel Policy Guide.
- D. The County Manager, Elected Official and/or County Council, as appropriate, have full responsibility and authority to impose disciplinary action in accordance

with County policy and the circumstances of the particular case. The degree of disciplinary action, up to and including termination, will depend on the severity of the infraction.

**1005.03. Federal, State, and County Investigations and Charges.**

A. If criminal charges are filed against an employee, or if an employee receives notice that he/she is the subject of a federal, state, or county criminal investigation, the employee shall inform, in writing, the Director of Human Resources within four (4) days of any such occurrence.

B. If criminal charges are filed against an employee, the County Manager shall have the full discretion to place an employee on Administrative Leave with or without pay, depending on the circumstances of the criminal charges.

**ARTICLE 1006. Political Activity**

A. All County Employees shall abide by §7.09 of the Charter regarding “Political Activity.”

B. The County Manager, through the Division of Administrative Services, shall have the authority and full discretion to develop supplemental personnel policy provisions outlining further specific instances of political activity from which County employees must refrain.

C. Any violation of the provisions referenced in either this code or the Personnel Policy provisions regarding “political activity” may be reported by any individual in accordance with the Complaint Process promulgated in the Ethics Code.