

# **Personnel Commission Rules and Regulations**

**May 1, 2025**

**La Mesa-Spring Valley School District**

4750 Date Avenue  
La Mesa, CA 91942

# **Personnel Commission Rules and Regulations**

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## **CHAPTER 10**

### **DEFINITIONS AND PRELIMINARY STATEMENT**

#### **10.100 DEFINITIONS, GENERAL**

Unless otherwise indicated by context or prevailing law, words and terms listed below are understood to have the stated meanings for purposes of this publication.

The use of the masculine gender shall be construed as to include the feminine gender. The use of the singular gender shall be construed as to include the plural unless in conflict with reasonably applied logic.

**ACT or THE ACT** – The Act shall mean those sections of the Education Code of the State of California applying the merit system to classified employees in certain school districts. It shall include all of the provisions of Article 6, Chapter 5, Part 25, Division 3 and applicable provisions of Chapter 1 and Articles 1.5 and 7-11 inclusive of Chapter 5, Part 25, Division 3.

**ADJUSTED HIRE DATE** – The adjustment to "HIRE DATE" for the time an employee was in an unpaid status (i.e., resignation and reinstatement within 39 months, leave of absence, etc.). This adjustment affects both seniority date and longevity roll date.

**AFFIRMATIVE ACTION** – Positive steps taken by an employer to ensure equal employment opportunity to applicants from all segments of the work force population.

**ALLOCATION** – The official placing of a position in a given classification and/or the assignment of a given classification to a specific range in the salary schedule.

**ANNIVERSARY DATE** – The date upon which an employee is granted an earned salary increment. This is the first day of the pay period following completion of the required period of service, yearly.

**APPEAL** – A request to higher authority to review, reverse, or modify a disputed matter.

**APPLICANT** – A person who has filed an application to take a merit system examination.

**APPOINTING AUTHORITY** – The Governing Board of the La Mesa-Spring Valley School District.

**APPOINTMENT** – The official act of the appointing authority in approving the employment of a person.

**ASSIGNMENT** – Placement of an appointee in a position. It also refers to the position in which the employee is placed.

**BENCH MARK** – A common, easily-identifiable job classification for which salary data is obtained.

**BEREAVEMENT LEAVE** – A paid leave of limited duration granted to an employee upon the death of a member of the employee's immediate family or household.

**BUMPING RIGHTS** – The right of an employee, under certain conditions, to displace another employee with less seniority, either in their current classification or a previous classification in which they have gained permanency.

**CANDIDATE** – A person who has competed in one or more portions of a merit-system examination.

**CAUSE** – The grounds for discipline identified within these Rules as being subject to disciplinary action or offenses enumerated in the law. No disciplinary action may be maintained for any “cause” other than as defined herein.

**CERTIFICATED SERVICE** – All positions and employees required by law to possess credentials issued by the State Department of Education.

**CERTIFICATION** – The submission of names of eligibles from an appropriate list to the appointing power or department which selects employees prior to approval of the appointing authority.

**CLASS OF POSITIONS** – Positions sufficiently similar in duties and responsibilities that the same descriptive titles may be used to designate each position allocated to the classes; substantially the same requirements of education, experience, knowledge, and ability are demanded of incumbents; substantially the same tests of fitness may be used in choosing qualified appointees. In addition, the same salary range may be applied with equity.

**CLASSIFICATION** – The assignment of a position to a class, whether new or existing, because of the position qualifications, duties, and responsibilities.

**CLASS SPECIFICATION** – A formal statement of the duties and responsibilities of the positions as determined by the Governing Board in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class as determined by the Personnel Commission.

**CLASSIFIED EMPLOYEE** – A person appointed by the Governing Board to serve in a position of the Classified (nonteaching) Service.

**CLASSIFIED SERVICE** – All positions in the District's service to which the Act applies and which are not excepted by the Act. See rule 30.100.

**COMPLAINT** – An employee complaint concerning violations or alleged violations of these rules. This term does not apply to appeals from disciplinary actions, requests for classification study or salary review.

**CONFIDENTIAL EMPLOYEE(S)** – The term applies only to an employee, who, in the course of his/her duties, has access to or possesses information relative to the school district's collective bargaining matters which, if divulged, could adversely affect the interest of the school district. Employees designated as “confidential” are precluded from participating in or belonging to any organization which represents classified employees in their employer-employee relationship with the school district.

**CONTINUOUS EXAMINATION** – A method of recruiting and examining applicants in which the last day for filing applications is not specified and an examination is conducted from time to time as the needs of the service require and there are sufficient applications on file for the class.

**DEMOTION** – A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate.

**DISCHARGE OR DISMISSAL** – Separation from the classified service for cause in accordance with the Rules and Regulations of the Personnel Commission. Requires action by the Governing Board.



**DISCIPLINARY ACTION** – Includes any action whereby an employee is deprived of any classification or any incident of any classification in which he/she has permanence, including dismissal, suspension, demotion, or any reassignment, without his voluntary consent, except a layoff for lack of work or lack of funds.

**DISTRICT** – La Mesa-Spring Valley School District.

**ELIGIBLE** – Adjective: Legally qualified to be appointed. Noun: A person whose name appears on an eligibility list.

**ELIGIBILITY LIST** – A list of the names of persons who have qualified in a competitive examination and are eligible for certification of appointment to a position in a specific classification.

**EMERGENCY APPOINTMENT** – An appointment for a period not to exceed 15 working days to prevent the stoppage of public business when persons on eligibility lists are not immediately available.

**EMPLOYEE** – A person who is legally an incumbent of a position or who is on authorized leave of absence.

**EMPLOYEE ORGANIZATION** – An organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer, as defined in the Government Code in Sections 3540 et seq.

**EMPLOYMENT LIST** – A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated or reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status.

**EXAMINATION** – The process of testing and evaluating the fitness and qualifications of applicants.

**EXECUTIVE SECRETARY** – A position approved by the Personnel Commission and exempt from specific provisions of the Rules in accordance with Education Code Section 45272.

**EXEMPT CLASSIFIED** – Refers to those positions and employees exempt from the regular classified service as provided in Education Code Sections 45256b, 45256.5, and 45258.

**FISCAL YEAR** – July 1st of one year through June 30th of the following year.

**FULL-TIME POSITION** – Eight hours a day, forty hours a week, five consecutive days.

**GOVERNING BOARD** – The Board of Education of the La Mesa-Spring Valley School District. (Synonymous with appointing authority.)

**HEARING** – The actual presentation of evidence before a Personnel Commission or its designated representative, usually concerning an appeal from a disciplinary action, although hearings may be held for other matters under the jurisdiction of the Commission.

**HEARING OFFICER** – A qualified person employed to hear and make recommendations on appeals from disciplinary actions.

**HIRE DATE** – Date of original or most recent employment with the District.

**INCUMBENT** – An employee assigned to a position and currently serving in or on leave from that position.

**INVOLUNTARY LEAVE** – Leaves of absence resulting from a disciplinary action; a suspension.

**JOB AUDIT** – A personnel job evaluation technique by which a staff analyst may use various combinations of job audit questionnaires, personal interviews, as well as work site observations and conversations, to collect data on the duties, tasks and responsibilities of a position.

**JOB CLASSIFICATION** – The process of categorizing jobs by occupational group, series, class, and grade according to similarities and differences in duties, responsibilities, and qualification requirements.

**JOB TITLE** – The title assigned to a classification by the Personnel Commission. The District may suggest titles for new positions.

**LAYOFF** – Separation from the classified service due to lack of work, or lack of funds, or the position has been abolished, or reclassified, or for other involuntary reasons not reflecting discredit on an employee.

**LEAVE OF ABSENCE** – An approved absence from duty, with or without pay, for a prescribed period of time.

**LIMITED-TERM EMPLOYEE** – A term used in the Education Code to designate employment for period not to exceed six months, or employment of a temporary employee during the authorized absence of a permanent employee. (Synonymous with Temporary.)

**LOYALTY OATH** – A statement required as mandated for each new employee concerning his support of the United States and California Constitutions.

**MERGED ELIGIBILITY LIST** – The combining of two or more eligibility lists for the same class, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one (1) year following the date on which it was established by the Personnel Commission; not following the date on which they were merged.

**MERIT SYSTEM** – A personnel system in which merit and fitness determines an individual's selection and progress through the classified service.

**OPEN EXAMINATION** – An examination not limited to permanent employees of the District. Any person who meets the entrance requirements may take the examination.

**PERFORMANCE EVALUATION** – The supervisor's periodic, official summary of his evaluation of an employee's performance.

**PERMANENT EMPLOYEE** – A person who has completed a probationary period in a regular position in the classified service. (In reference to employment status in a specific class, an employee who has completed a probationary period for that class.)

**PERMANENT POSITION** – A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months.

**PERSONNEL COMMISSION** – Three members appointed pursuant to the Act and responsible for maintenance of the merit system for classified employees of the La Mesa-Spring Valley School District.

**PERSONNEL DIRECTOR** – As used in the Rules and Regulations, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the “Merit System” under the provisions of law and the Rules and Regulations established by the Personnel Commission.

**PERSONNEL COMMISSION STAFF** – Those persons appointed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

**POSITION** – A group of duties and responsibilities assigned by competent authority requiring the full or part time employment of one person on a permanent or limited-term basis. A position can only be established by action of the Governing Board.

**POSITION CLASSIFICATION** – The process of categorizing jobs by occupational group, series, class, and grade; according to similarities and differences in duties, responsibilities, and qualification requirements.

**PROBATIONARY EMPLOYEE** – A person who has been properly appointed to a position before acquiring permanent status in that class.

**PROBATIONARY PERIOD** – A trial period of six months as determined by the Personnel Commission, immediately following an original or promotional appointment to a permanent position from an eligibility list.

**PROMOTION** – A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate.

**PROMOTIONAL EXAMINATION** – An examination limited to qualified employees of the District.

**PROMOTIONAL LIST** – An eligibility list resulting from a promotional examination limited to qualified employees of the District.

**PROVISIONAL APPOINTMENT** – A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list and subject to prescribed time limits as specified in the Education Code.

**PROVISIONAL EMPLOYEE** – An employee employed under a provisional appointment.

**RANGE** – A series of consecutive salary steps that comprise the rate of pay for a class.

**REALLOCATION** – Movement of a class from one salary range or hourly rate to another without significant change in class title, minimum qualifications, duties, or responsibilities.

**RECLASSIFICATION** – Changing the written description and the salary level of an existing classification so it will reflect the higher (or lower) level of skills and responsibilities now required by the position. Persons presently performing the requirements of the reclassification will be eligible to maintain the new classification without examination providing they have served in that position for three years.

**REEMPLOYMENT** – Reappointment to duty of an employee who has been laid off.

**REEMPLOYMENT LIST** – A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment, or reclassification of position, or other reason specified in these rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.

**REGULAR EMPLOYEE** – An employee who has probationary or permanent status with the District.

**REGULAR STATUS** – Probationary or permanent status in the classified service of the District.

**REINSTATEMENT** – The reappointment, without examination, of an employee who resigned, and was in good standing, to a regular or limited-term position in the employee's former class or lower, related class; also refers to the return to work of an employee (when ordered by the Personnel Commission) after winning an appeal from disciplinary action.

**RESIGNATION** – Voluntary termination of employment on the part of an employee.

**RESTORATION** – The reinstatement (see above) to duty of an employee or former employee, with all of the rights, benefits, and burdens held prior to the break in service (if within 39 months). This term includes reinstatement following demotion or dismissal when an appeal is sustained by the Personnel Commission.

**RULE OF THREE** – The scope of choice available to the appointing authority or power for making its selection from an eligibility list. More specifically, it refers to selection from the first three (3) ranks of eligibles that are ready, willing, and able to accept appointment to a specific position.

**SALARY RANGE** – A series of consecutive salary steps that comprise the rate of pay for a class. A salary range normally consists of six salary steps.

**SALARY RATE** – A specific amount of money paid for a specified period of service, i.e., dollars per hour, pay period, or month.

**SELECTIVE CERTIFICATION** – Specific qualifications of a position requested will be sought from the eligibility list, waiving the requirement of the top three eligibles in favor of those from the list possessing that specific competency.

**SENIORITY** – Status secured by length of service (in a classification) to which certain rights attach.

**SEPARATION** – Leaving a position; includes resignation, dismissal, layoff, retirement, etc.

**SERIES** – A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

**STATUS** – The condition of an employee's present appointment, such as temporary, provisional, limited-term, part-time, probationary, or permanent.

**SUBSTITUTE EMPLOYEE** – An individual who replaces a regular employee during his or her absence and who is not eligible for any District benefits also referred to as a "Limited-Term Employee".

**SUSPENSION** – An involuntary absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

**TEMPORARY** – Employment on a basis other than permanent or probationary; i.e., in limited-term or provisional status.

**TRANSFER** – The reassignment of an employee without examination from one position to another in the same class or to a position in a similar or related class with the same salary range.

**UNCLASSIFIED SERVICE** – All positions and employees not in the classified or certificated service, i.e., those exempt by law. See Rule 30.100.

**VETERANS' CREDIT** – Five points, or ten points for persons disabled as the result of military service, for military or related service rendered during the time of war or national emergency, and which are added to the final passing score of such person or persons competing in an open examination. Ed Code Sections 45294, 45295, and 45296.

**WAIVER** – The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.

## **10.200 PRELIMINARY STATEMENT**

### **10.200.1 Statutory Authority for These Rules**

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260 and 45261 and other provisions governing the Merit System Act in the Education Code. It is recognized certain of these rules venture into substantive matters within the prerogative of the Governing Board. For that reason, the initially adopted set of rules and regulations were submitted to the Governing Board for its approval. Thereafter, it shall be the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:

- A. The rule obviously requires Board approval, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule in question. In such cases, the rule in question will not become effective until it has been approved by the Governing Board.

### **10.200.2 Interpretation and Application of Rules**

The Commission recognizes no set of rules can contemplate all possible combinations of circumstances affecting particular cases. Accordingly, these rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. In instances where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Personnel Commission. The Commission is open to reasonable suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability, unless legally necessary. All statutory provisions applicable to classified service shall govern.

### **10.200.3 Severability**

If judicial review or a change in law invalidates any portion of these rules, such findings or amendment shall not affect the validity of other rules or provisions.

## CHAPTER 20

### THE PERSONNEL COMMISSION

#### 20.100 ORGANIZATION OF COMMISSION

##### 20.100.1 Appointment and Terms of Personnel Commissioners

In any school district which has a three-member personnel commission, one member of the Commission shall be appointed by the Governing Board of the district and one member, nominated by the classified employee representative of the District, shall be appointed by the Governing Board of the district. Those two members shall, in turn, appoint the third member. The term of each of the three Commissioners is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Sections 45245, 45246, (b) (2), 45247, and 45248.

##### 20.100.2 Qualifications and Restrictions

- A. To be eligible for appointment or reappointment to the Commission, a candidate must have the following qualifications:
  - 1. Must be a registered voter.
  - 2. Must be a resident of the school district.
  - 3. Must be a known adherent to the principle of the Merit System.
- B. A Personnel Commissioner may **not** be:
  - 1. An employee of the school district.
  - 2. A member of a school district board, or a county board of education.
- C. A “known adherent to the principle of the Merit System” shall mean a person who, by nature of prior public or private service, has given evidence of supporting the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, it shall also mean a Commissioner who has clearly demonstrated support of the Merit System and its operation through meeting attendance and action. (*ECS 45247*)

##### 20.100.3 Officers

At its first meeting following December 1 of each year, the Commission shall elect one of its members as Chair and another member as Vice Chair, to serve a term of one year or until their successors are duly elected. The term of the Chair and Vice Chair then will begin on January 1 and end on December 31 of the following calendar year.  
(*ECS 45247*)

#### 20.100.4 Quorum and Majority

Two members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of at least two (2) members of the Commission is required to carry any motion or action. (*ECS 45260, 45261*)

### **20.200 MEETINGS**

#### 20.200.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet on the fourth Monday of each month at 5:00 p.m. in the Board Room of the Education Service Center, 4750 Date Avenue, La Mesa. The Commission may meet at other times and places, provided at least 72 hours' notice is given.

#### 20.200.2 Special Meetings

- A. A special meeting shall be called upon the written request of any two Commissioners.
- B. A special meeting may also be called at any time by the Commission Chair.
- C. Public notice of a special meeting and a copy of the meeting agenda shall be posted at least 24 hours prior to the meeting.
- D. Written notice of a special meeting shall be delivered personally to each Commissioner at least 24 hours prior to the meeting.
- E. No business shall be considered by the Commission other than that which appears on the posted notice and agenda. (*ECS 45260*)

#### 20.200.3 Adjourned Meetings

The Commission may adjourn any meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a meeting fails to state the hour at when the meeting is to be held, it shall be held at the hour designated for regular meetings. (*ECS 45260*)

#### 20.200.4 Public Meetings

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 20.200.4. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings without their supervisor's approval.
- B. Insofar as possible, at least 72 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall be provided the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's official bulletin board and distributed to news media that have requested copies.



- C. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in rule 20.200.4, and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to determining a course of action. *(ECS 45260)*

#### 20.200.5 Closed Sessions

Closed Sessions may be held at any meeting of the Commission and are closed to the public. The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless the employee requests a public hearing. The Commission shall not consider any matter in closed session relating to an employee unless the employee has been notified of his right to a public hearing and has declined the public hearing or properly failed to request same. The Commission may hold closed sessions also to consider administrative matters relative to its own staff and matters relative to negotiations, and to consider examination materials as provided in these rules. *(ECS54957)*

#### 20.200.6 Amendment, Deletion, or Addition to Rules

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first reading" the Commission will set a date for Commission action on the proposal, which date shall normally be the next regularly scheduled Commission meeting. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.
- C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting. *(Reference Section 10.200.1) (ECS 45260)*

#### 20.200.7 Minutes

The Personnel Director shall record in the minutes the time and place of the meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, the Personnel Director shall record that Commissioner's approval or dissent and any expressed reasons therefore. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to the recognized employee organization representatives who have requested them.  
*(ECS 45260)*

### **20.300 COMMISSION EMPLOYEES**

#### 20.300.1 Status of Commission Employees

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and responsible to the Personnel Commission. However, they shall be considered part of the

classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service shall apply to Commission employees, except as the Commission may specifically direct. (*ECS 45264*)

#### **20.300.2 General Duties of the Personnel Director**

- A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed by law and these rules. He shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. He shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.
- B. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he deems necessary to his responsibilities.
- C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be presented to the Commission at the next regularly scheduled meeting. In the event an immediate resolution to the problem is required, the Personnel Director shall take appropriate action. He will then bring the rules in conflict to the Commission at the next meeting. (*ECS45260-45261, 45266, 45312*)

### **20.400 MISCELLANEOUS PROVISIONS**

#### **20.400.1 Communications**

- A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.
- B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject. (*ECS 45260*)

#### **20.400.2 Budget**

The Commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the Governing Board in the regular budget of the School District. The budget shall be prepared for a public hearing by the Commission to be held no later than May 31 of each year. The Commission shall forward a copy of its proposed budget to the Governing Board indicating the time, date, and place for the public hearing on the budget and shall invite Board and district administration representatives to attend and present their views. (*ECS 45253, 45260*)

#### **20.400.3 Annual Report**

- A. The Personnel Director shall prepare, as required by Education Code Section 45266, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.

- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

## **20.500 ETHICS AND BELIEFS**

### **20.500.1 Statement of Ethics and Beliefs of Personnel Commission and Personnel Commission Staff (added 11/16/10)**

We, the Personnel Commission and staff of the Personnel Commission of La Mesa-Spring Valley School District, shall honor and support the goals of the Board of Education;

We will implement the merit system with a blind eye to any particular group, reinforcing the principle that favoritism shall not enter into any decisions made by staff or the Personnel Commission;

We will make all decisions on the merits, free from partiality, prejudice or conflicts of interest and we will fulfill our responsibilities and use our positions to advance public interest, not for personal gain;

We will conduct all business openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials and employees accountable;

We will honor and respect democratic principles; observe the letter and spirit of the laws, carry out in good faith all rules and regulations of the Personnel Commission and policies of the Board of Education in the mutual interest of the employees, students, and the community we serve;

We will safeguard the public confidence in the integrity of the merit system and public service by avoiding appearances of impropriety and conduct unbefitting public officials and public employees;

We will treat all persons fairly, with respect and dignity; we will honor our responsibilities by behaving in a trustworthy and responsible manner; and we will conduct ourselves in an ethical manner free of conflict of interest at all times.

We will support the educational program of this District through efforts to recruit and provide to the District the most qualified classified employees possible;

We will ensure the efficiency of the classified service through, well-defined processes free from partiality, prejudice, or conflicts of interest in recruiting, testing, selecting, promoting, and retaining qualified employees;

In that equal employment opportunity is a keystone of the merit system principles, and a diverse workplace is important in fostering strong relationships among people of different cultures, we will strive to ensure diversity in the candidates available for selection;

Service as an employee or a volunteer Commissioner in public schools is a noble one. We will fulfill our responsibility to the constituencies we serve (students, parents, community, District) to provide the best possible caring service in fulfilling our responsibilities.

## CHAPTER 30

### POSITION CLASSIFICATION PLAN

#### 30.100 THE CLASSIFIED SERVICE

##### 30.100.1 Positions Included

All positions established by the Governing Board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service. (ECS 45256)

##### 30.100.2 Exemption From the Classified Service

The following are exempt from the classified service:

- A. Positions which require certification qualifications.
- B. Part-time playground positions.
- C. Full-time high school students employed part-time.
- D. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district and financed by state or federal funds. Apprentice/intern positions.
- E. ESS attendants.
- F. Positions established for the employment of professional experts on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission, such as short term, lecturer/presenter, consultants, etc.
- G. Senior Classified Management as defined by Education Code. (ECS 45256, 45257, 45258)

##### 30.100.3 "Part Time" Defined

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87.5 percent of the normally assigned time of the majority of employees in the classified service. (ECS 45256, 45260)

##### 30.100.4 Effect of Exemption

Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Governing Board. (ECS 44065)

### 30.100.5 Professional Expert Assignments

- A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
- B. When the person is known who is to be appointed as a professional expert, his name and data relative to his qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his profession. (ECS 45256, 45260)

## **30.200 GENERAL CLASSIFICATION RULES**

### 30.200.1 Assignment of Duties

The Governing Board shall fix and prescribe the duties and responsibilities to be performed by all persons in the classified service, except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to that employee classification the Director shall report the facts to the responsible administrator in order that appropriate action may be taken.

### 30.200.2 General Nature of the Classification Plan

The Commission shall maintain a classification plan for all positions in the Classified Service. The Commission may create new classes and abolish, divide, or combine existing classes within the classification plan as the needs of the Classified Service require as determined by the Commission. The list of classes shall contain designation of the salary rate or range applicable to each class. (ECS 45264, 45266)

### 30.200.3 Class Specifications

For each class of positions there shall be established and maintained a class specification, which shall include:

- A. The official class title;
- B. A definition of the class, indicating the type of duties and responsibilities;
- C. A statement of typical tasks and essential duties to be performed by persons holding positions allocated to the class;
- D. The Board recommends and the Personnel Commission approves a statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics; (ECS 45276)
- E. A statement of distinguishing characteristics which differentiates the class from other related or similar classes;
- F. License or other special requirements for employment or service in the class;

- G. Any additional qualifications considered so desirable any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment. (ECS 45256, 45260, 45276)

#### 30.200.4 Interpretation of Class Specifications

The class specifications and their various parts are declared to have the following force and effect:

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as attributes are typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions the class includes.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.
- D. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure. (ECS 45256, 45260, 45276)

#### 30.200.5 Allocation of Positions to Classes

All positions substantially similar as to the duties performed and the responsibilities exercised by the incumbents of such positions and as to their qualification requirements shall be allocated to the same class. (ECS 45256)

#### 30.200.6 Changes in Duties of Positions

Any substantial change in the duties of existing positions shall be promptly reported in writing by the appointing authority or designee to the Director, who shall conduct a review to determine whether the position should be allocated to a new or different class. Should a change in classification be warranted or necessary, the Director shall submit recommendations to the Personnel Commission for action. (ECS 45256, 45285)

#### 30.200.7 Working Out of Classification

When an employee is required to work out of classification for any period of time which exceeds five working days within a 15-calendar day period (ECS 45110), the fact shall be reported to the Personnel Director, who shall immediately investigate and take action as necessary. The action taken and the facts upon which the action was

predicated shall be reported to the Commission. The rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority. An employee may be assigned to work beyond the scope of the duties normally assigned to the employee's position or reasonably related thereto provided that the employee's salary is adjusted as follows:

- A. When a regular employee in the classified service works in a higher classification for a period of time which exceeds five working days within a fifteen calendar day period, the salary of the employee shall be adjusted upward for the entire period of working out of classification.
- B. Request for differential pay for working out of class shall be submitted to the Director as soon as possible after the assignment has been made.
- C. A claim for a pay differential for working out of class may be submitted by the employee or the supervisor. The Director will notify the supervisor upon receipt of a claim submitted by an employee.
- D. A claim for pay differential for working out of class must contain a list of the assigned duties. (ECS 45110)

#### 30.200.8 Review of Positions

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed at least once every 5 years. If the Personnel Director finds a position or positions should be reclassified, he shall advise the Administration of his findings. If the Administration verifies the duties of the position, or if the duties are not revised to fit within the current classification, the Director shall report his findings and recommendations to the Commission. He shall also report his findings in cases where his review indicates no change in classification is necessary. (ECS 45256, 45285)

#### 30.200.9 Creation of New Positions

When the Governing Board creates a new position, it shall submit to the Personnel Director, in writing, the duties to be performed by the position. The Personnel Director shall present recommendations to the Commission which shall:

- A. Classify the position and determine whether the position should be allocated to an existing class or to a new class.
- B. Prepare and approve the qualification requirements for the position class, ensuring they reasonably relate to the duties of the position and will admit an adequate field of competition.
- C. Designate the proper salary range if a new class is established.
- D. Notify the Governing Board of its action. (ECS 45276)



### **30.300 RECLASSIFICATION**

#### **30.300.1 Requests for Study *(Revised 5/19/16)***

Requests for classification and reclassification study of existing positions shall be submitted in writing on the Request for Classification Review Form (available to be downloaded from Personnel Commission web page on District official website, or in Personnel Commission Office) to Director, Classified Personnel, together with an optional additional statement of the reasons for requesting study. Such requests may be initiated by the Administration (with approval of the Superintendent), by the Personnel Commission, by employees or employee organizations. (ECS 45285)

Classification and reclassification requests may be submitted anytime. If the Personnel Commission directs its staff to undertake the study necessary to respond to a request, the staff will have a 90-working-day window to complete the review. The 90 working days refers to the work calendar of the position(s) to be studied. If the study is not completed within that time, the 90-working-day date can be considered when the Commission sets the effective date of the study. If the study is of such size and scope that 90 working days is not a reasonable time frame (e.g. system-wide study, or large job family study, or several employees in different locations) then a timeline will be established including input from the District, the bargaining representative if applicable, and the employee(s) requesting the review.

If the study is for multiple positions or several classes such that 90 days is too short a time, or the request is received before a long break period (e.g. summer) when the incumbent may be off contract and not available for the study data to be collected, the Commission staff will project a reasonable date for completing the study and provide the Commission with justification including a determination as to whether or not the study will require outside resources in order to be completed in a reasonable time frame.

The intent of this rule is to minimize the time that an employee must wait for a determination to be made once the study request is submitted to and accepted by the Commission.

#### **30.300.2 Effective Date of Reclassification *(revised 5/19/16)***

Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect unless the study is not completed within timeline set forth in 30.300.1. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but for not more than three months. (ECS 45285)

#### **30.300.3 Effects on Incumbents**

- A. When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the Personnel Commission. When a portion of the positions within a class are reclassified to a higher class an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his position as provided by Personnel Commission rule. If a person is in a position which is being reclassified and has not been in the position for two or more years, he must compete in a new examination and place in the top three ranks to be promoted.



Should the employee not successfully place in the top three ranks he may be retained in the position at the lower classification. The position shall remain on record as having been classified to the higher classification.

In order for an incumbent to be reclassified to the higher class, the basis for the reclassification of the position must be the gradual accretion of duties and not a sudden change occasioned by reorganization or the assignment of completely new duties and responsibilities. Determination as to the gradual accretion of duties will be on the basis of the guidelines provided by the Rules and Regulations of the Personnel Commission.

An employee who has been reclassified with his position shall be ineligible for subsequent reclassification with his position for a period of at least two years from the initial action.

- B. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:
1. The right to bump the employee in the same class with the lowest seniority in the class, provided the incumbent has greater seniority in the class;
  2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided he had greater seniority in the class;
  4. The right to be demoted or to transfer, without examination, to the class to which his position is reclassified; The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choice shall not affect his right under Rule 30.300.5 below. (ECS 45285)

#### 30.300.4 Definition of Gradual Accretion

For purposes of these guidelines, two (2) or more years of regular service shall be interpreted to mean assignment for at least two (2) complete years within the class or position. Determination as to gradual accretion will be based on an analysis of data to be supplied by the department or school, as well as the Personnel Commission staff, regarding the following guideline factors:

1. The nature and scope of each identified change in duties and responsibilities.
2. The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
3. The conditions which led to the association of the added duties and responsibilities with the subject position(s).
4. Evidence of the employee's performance of the added duties and responsibilities. (ECS 45285)

#### 30.300.5 Reemployment List for Displaced Incumbents

- A. Any displacement of a regular employee resulting from a reclassification of a position, positions, or class of positions shall be considered a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these rules with regard to the period of eligibility. (ECS 45298)

- B. This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.

### **30.400 MISCELLANEOUS RELATED RULES**

#### **30.400.1 Decreases in Assigned Time**

- A. When a permanent position is to be reduced in assigned time per day, week, months, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided he has greater seniority.

If no such option is available, he may bump the employee with the least seniority among those occupying positions of less time than the original position, provided he has greater seniority. An employee so bumped shall have similar bumping rights.

## CHAPTER 40

### APPLICATION AND EXAMINATION

#### 40.100 APPLICATION FOR EMPLOYMENT

##### 40.100.1 Filing of Application

All applications for employment should be made upon official forms furnished by the Commission, filled out as therein directed, and filed on or before the date specified and in the office specified in the examination announcement.

Applicants taking more than one examination must file a separate and complete application for each examination.

Applications and examination papers are confidential records of the District and shall not be returned to the applicants. (ECS 45274)

##### 40.100.2 General Qualifications of Applicants

Applicants must possess all requirements that may be specified in the minimum qualifications established for the class. Applicants must be able to perform the essential functions of the position, with or without reasonable accommodations.

##### 40.100.3 Elimination of Unsuitable Applicants, Candidates, and Eligibles *(Revised 5/24/10)*

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons:

- A. Failure to meet the general qualifications of Rule 40.100.2.
- B. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- C. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict to a charge of a sex or narcotics offense as defined in Education Code Sections 44010 or 44011.
- D. A history of drug addiction without acceptable evidence of rehabilitation.
- E. Convictions, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or serious crime or a record of one (1) or more convictions, which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); age of the person at the time and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting the offenses; person's attitude; and the duties of the class.
- F. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.

- G. Practicing any deception or fraud in connection with an examination of to secure employment.
- H. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
- I. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these Rules.
- J. Previous dismissal from the District.
- K. A record of unsatisfactory service as evidenced by a disciplinary action, a work improvement notice, unsatisfactory job performance notice, unsatisfactory references or a resignation in lieu of or release from probation or dismissal.
- L. Dishonorable discharge from the Armed Forces of the United States.
- M. Refusal to furnish testimony, other than self-incrimination, at a hearing or investigation before the Personnel Commission or the Board of Trustees.
- N. Unsatisfactory health conditions, which clearly indicate that the applicant or candidate would be unable to perform the essential duties of the job or would endanger his/her health and safety or the health and safety of others.
- O. Attempting to or making contact with any member of the Board of Education or the Personnel Commission with the intent of attempting to favorably influence the recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Personnel Commission as a whole by any candidate through the established appeal process.
- P. Failure, after due notice, to report for review any of the above causes for disqualification.
- Q. Failure to report for duty after an assignment has been offered and accepted.
- R. Failure to pass the pre-employment drug/alcohol testing for safety sensitive positions (Board Policy 4112.41).
- S. Other causes deemed sufficient by the Commission. (ECS 45111, 45122, 45123, 45124, 45134, 45260, 45261, and 45303)

#### 40.100.4 Appeal from Disqualification

Any applicant, candidate, and/or eligible disqualified based on Chapter 40.100.3 shall be notified in writing, indicating the reasons for disqualification and advising the individual that he/she has four (4) working days from receipt of notification to appeal the decision to the Director, Classified Personnel.

- A. Anyone who has appealed a disqualification shall conditionally be permitted to take the examination pending final decision.

- B. Upon receipt of an appeal, the Director, Classified Personnel shall conduct an investigation. If the decision is in favor of the applicant, he/she shall be notified and given rights as though the disqualification had not occurred. If the decision is to deny the appeal, the applicant may appeal to the Commission within five (5) working days after being notified.
- C. Upon receipt of an appeal, the Commission shall conduct a hearing and shall receive evidence and render a decision within fourteen (14) calendar days. If the Commission's decision is in favor of the applicant, he/she shall be given rights as though the rejection has not occurred. The decision of the Personnel Commission is final and binding on all parties.
- D. Appointment may be made from available eligibles pending final decision on the appeal (unless ordered otherwise by the Personnel Commission), and shall not be changed even though the outcome is in the appellant's favor, unless such appointment was fraudulently made. (ECS 45111, 45122, 45123, 45124, 45134, 45260, 45261, and 45303)

#### 40.100.5 Applicants' Names Not Made Public

The names of the applicants or unsuccessful candidates in any examination shall not be made public. (ECS 45274)

#### 40.100.6 Veterans' Preference (Education Code 45294, 45296, Public Law 105-85. *(Revised 12/15/08)*)

- A. In entry-level open examinations, veterans' preference points shall be added to passing scores in the amount prescribed by Education Code Section 45296. "Veteran" as used in this article, means any person who has served at least 30 days of active service in the Army, Navy, Marines, Air Force, or Merchant Marine, or as a nurse on active duty with the Red Cross, in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable (ECS 45294). Active services dates are indicated below:

|              |                  |                   |
|--------------|------------------|-------------------|
| World War II | December 7, 1941 | December 31, 1946 |
| Korea        | June 27, 1950    | January 31, 1955  |
| Vietnam      | August 4, 1964   | April 30, 1975    |
| Gulf War     | August 2, 1990   | January 2, 1992   |

- B. Veterans, except disabled veterans, shall have an additional five (5) points added to their final score in the entry-level open examinations if they are on an open eligibility list.
- C. Disabled veterans shall have an additional ten (10) points added to their final score in entry-level open examinations if they are on an open eligibility list. A disabled veteran is an individual classified by the U.S. Veteran's Administration to be ten percent (10%) or more disabled as a result of service in the Armed Forces of the United States.
- D. Any applicant who claims veteran's credit must submit Form DD214 prior to establishment of the eligibility list. Failure to submit Form DD214 shall result in no veteran's credits being considered or added to any passing score.

#### 40.100.7 Seniority Credit

Seniority credit shall be added to the final passing scores of promotional candidates in the amount of 1/4 of one point for each year of service, not to exceed a total of five points. Credits shall not be calculated for units of less than a half-year. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar-year basis. Credit shall be granted for time spent in regular status in the classified service and on paid leave from the classified service while otherwise employed in this District.

#### 40.100.8 Equal Employment Opportunity/Merit System

The Personnel Commission will ensure that all classified personnel actions are conducted without regard to race, color, age, religious creed, sex, national origin, Vietnam Era or disabled veteran status, marital status, ancestry, medical condition, physical handicap or disability; and ensure employment and promotion decisions are made in a manner to further the principles of equal employment opportunity and Merit System principles.

### **40.200 EXAMINATIONS**

#### 40.200.1 Examinations

- A. No examination announcement on newly established classifications may be made and no part of any examination may be held until the appointing authority has approved the prescribed position duties and the Commission has completed the position classification, including establishment of minimum education and work experience requirements. (ECS 45276)
- B. Prior to examinations being made on existing classifications, a review shall be made by the Director, Classified Personnel to determine if there have been substantial changes in position duties.

#### 40.200.2 Announcement of Examination

The Director, Classified Personnel shall prepare, or cause to be prepared, an announcement bulletin to publicize examinations for positions within the classified service. The bulletin shall be circulated and posted in all school sites and offices at least 15 working days prior to the last date for filing applications to take the examination. The Director, Classified Personnel may place advertisements in newspapers, trade and business journals or other media. The Director, Classified Personnel shall make every effort to notify community agencies and to ensure that organizations dealing with targeted groups are notified of “open” or “open and promotional” examinations. The announcement shall contain, but not be limited in content to:

1. The class title
2. The salary range
3. Minimum qualifications required
4. Description of position duties and responsibilities
5. Place and closing dates for application
6. Information as to the type of examinations
7. Such information as will assist the employees and the public in fully understanding the nature of the employment opportunity and procedures necessary to participate in the examination process.

#### 40.200.3 Determination of Examinations

The Personnel Commission shall determine the standards of proficiency to be required for such examination and determine whether examination shall be:

- A. Open Competitive
- B. Promotional
- C. Promotional and Open Competitive with the Promotional list taking precedence
- D. Dual Merged Promotional and Open Competitive (ECS 45272 and 45284)

#### 40.200.4 Open Competitive Examinations

The entry level classification (class lowest on the salary schedule) with the Classified Service of the District shall always have an open competitive examination and veterans' preference points shall be allowed as specified in 40.100.6. These examinations shall be open to all qualified applicants.

#### 40.200.5 Promotional Examinations

Where an adequate field of competition exists within the District and examinations can reasonably be expected to result in three qualified ranks of eligibles, the field of competition may be limited to promotional applicants.

- A. Promotional examinations shall be restricted to probationary and permanent employees of the District and former employees on a valid reemployment list who meet the qualifications of the class. Probationary employees (defined as those employees who hold no permanency in any classification in the District) may take the exam but will not be able to be selected off of the promotional eligibility list until completion of their probationary period.
- B. Performance evaluations and employee development appraisals prepared by the immediate supervisor and reviewed by the employee may be considered in evaluating an employee's general fitness for promotion.
- C. In admitting applicants to examinations, age shall not be a factor, nor shall any questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, or marital status be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefore. (ECS 45293)

#### 40.200.6 Promotional and Open Competitive Examinations

Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Director, Classified Personnel may advertise the examination among employees and the general public.

- A. Applicants shall be considered as a group in determining passing scores on the examination.
- B. This examination procedure shall result in a promotional and an open eligibility list. The promotional eligibility list shall take precedence when certifying eligibles. When the promotional eligibility list does not contain sufficient ranks of eligibles (defined as having fewer than three eligible and willing employees), certification of additional ranks shall then be made from the open list. Example: Only two eligible employees are on the promotional list and there is a valid open list. The two eligible employees on the promotional list will be merged with the existing open list and any veteran's and seniority points

will be added to the eligible employees promotional list scores (with the total rounded to the nearest whole percent). The appointing authority will then interview the top three ranks of willing and able candidates off the newly combined Promotional/Open list. (ECS 45261, 45261, and 45272)

#### 40.200.7 Dual Merged Examinations

Upon the recommendation of the Director, Classified Personnel, the Commission may authorize the holding of an examination under merged promotional and open competitive procedures, or dual examination. The resulting eligibility list shall consist of promotional and open competitive eligibles in one merged list. Veteran's credits will not be allowed, however, seniority credit for promotional candidates will be allowed. (ECS 45284)

#### 40.200.8 Continuous Examinations

The Commission may designate examinations for specified classes as continuous examinations. Applications shall be accepted as needed and examinations shall be given as the need arises.

- A. If an Oral Examination is required, the interview panel may consist of two persons who may be employees of the District or the Commission, as designated by the Director, Classified Personnel.
- B. A candidate who is unsuccessful in an examination may not retake the examination for the same classification for a period of 90 calendar days, or as specified by the Director, Classified Personnel as deemed necessary and fair. (ECS 45273 and 45292)

#### 40.200.9 Types of Examinations

Examinations shall consist of one or more independent parts. They may be written or oral or in the form of a practical demonstration of skill, knowledge, and ability, or any combination of these. Any investigation of education, experience, character, or identity, and test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the Commission serves this end, may be employed. (ECS 45273)

#### 40.200.10 Examination Scores and Weights

Under the supervision of the Commission, the Director, Classified Personnel, shall formulate the scoring and impartial weighting of examinations. Competitors may be required to attain a designated rating of level of proficiency in each part or in combined parts of the examination to qualify for participation in the next part.

#### 40.200.11 Review of Written Test

- A. During the written test administration, candidates will be provided a test comment sheet to provide comment/s or to protest any part of the test or specific question/s. Any comment/s and/or protest will be reviewed by the Director, Classified Personnel, with input from the Subject Matter Experts (SME) to determine if there is more than one correct answer to a question or to disqualify a question if the protest and/or comment/s are valid. If this review results in any change, the scoring key for the test will be revised before all answer sheets are scored.
- B. When the written test papers of all competitors have been scored, candidates will be notified of their pass/fail status. Those who failed may request a summary of their results. Candidates who pass the



written test and proceed to the next examination part, will be notified of their test results at the completion of the examination process.

- C. The Director, Classified Personnel shall inform the protestant of his decision. If he rules against the protest, the applicant may appeal to the Personnel Commission, but the appeal shall not delay other parts of the examination process.
  - 1. Appeals to the Personnel Commission shall be submitted in writing to the Personnel Commission Office within three (3) working days of receipt of the decision of the Director, Classified Personnel.
  - 2. The Personnel Commission shall hold a hearing to hear the appeal of the applicant. The decision of the Personnel Commission shall be in writing and served on the applicant as outlined in Chapter 40.100.4

#### 40.200.12 Examination Records

- A. Examination records, including any recordings and rating sheet of each member of the oral board for each candidate, shall be retained by the Commission for a period of not less than 90 days after establishment of an eligibility list.
- B. No examination records shall be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, within reasonable time limits, be made available to a candidate or his representative.

#### 40.200.13 Oral Examination

- A. If an oral examination is included in the tests, competitors eligible for the interview will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).
- B. The panel shall consist of two or three persons, and at least two persons are necessary to perform screening.
- C. An employee of the District or of the Commission may serve on an interview panel if that employee is not at the first or second level of supervision over a vacant position in the class for which the examination is being held.
- D. Unless specifically directed to evaluate candidates' technical knowledge and skills, the interview panel shall confine itself to evaluating general fitness for employment in the class.
- E. When the interview panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupational areas under examination.
- F. Members of the Board of Education or Personnel Commission shall not serve on an interview panel.
- G. Interviews shall be electronically recorded and filed in the Commission Office.
- H. Scores achieved by the candidate on other parts of the examination shall not be made available to the interview panel.

- I. In no case will an oral or performance examination board be provided with confidential references on employees of the District who are competing in examinations.
- J. In interview panel examinations, ratings shall be expressed in percentages with 70% being the qualifying rating, or according to specific proficient percentage score pre-approved by the Director, Classified Personnel. Each interviewer shall make ratings independently either before or after discussion with other interviewers.

40.200.14 Ties in Examination Scores

All final scores shall be rounded to the nearest whole number and ties shall be considered one rank.

## CHAPTER 50

### EMPLOYMENT LISTS

#### 50.100 ELIGIBILITY LISTS

##### 50.100.1 Establishment and Life of Eligibility Lists

- A. Unless specifically authorized in these rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on eligibility lists.
- B. After an examination, the names of qualifying competitors shall be arranged on a list in the order of their examination scores, plus additional points where applicable.
- C. All eligibility lists shall be certified by the Personnel Commission.

##### 50.100.2 Types of Eligibility Lists

- A. Lists from which appointments to a class may be made shall be limited to:
  - 1. Eligibility lists, either open or promotional.
  - 2. Reemployment lists, including:
    - a. the names of former employees requesting reemployment; such persons shall be eligible for reemployment for a period of 39 months from the date they last held permanent status in the classified service (ECS 45309); and
    - b. the list of employees who within the past 39 months have been laid off from permanent positions by reason of lack of work, or lack of funds, or abolishment of position. (This layoff list shall take precedence over all other employment lists.) (ECS 45298)

##### 50.100.3 Duration and Termination of Eligibility Lists *(Revised 5/19/16)*

- A. Twelve-Month and Six-Month Lists
  - 1. An eligibility list is automatically terminated one year from the date of its approval unless extended by the Commission.
  - 2. An eligibility list may instead be established for a period of six months as long as the six-months' duration of such a list is noted in the recruitment bulletin announcing the examination.
- B. No eligibility list shall remain in effect for more than a two-year period.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated by the Personnel Director when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three eligibles remaining on the list.

#### 50.100.4 Continuous Examination Eligibility Lists

- A. When turnover of eligibles is particularly high on any eligibility list, continuous testing procedures may be implemented. Such procedure allows for the continuous testing of applicants for the classification so designated. Such examinations will be given on an ongoing basis to fill vacancies in the classification. (ECS 45292)
1. Candidates who take and pass the examination shall be merged on the existing list in the order of examination scores.
  2. Once an eligible is placed on the continuous examination eligibility list, the eligible shall remain on the list for one year subject to the provisions of Rule 50.100.6.
  3. Once an eligible has passed the test the eligible may not retake the examination for a period of one year.
- B. All rules pertaining to the screening, testing and placement of eligibles shall remain in effect as specified in these rules.
- C. All eligibility lists that result from the continuous examination process shall be certified by the Commission.

#### 50.100.5 Eligibility After Appointment

An eligibility list shall be used for full-time, part-time, regular, and limited-term assignments in the class. An eligible who accepts part-time employment shall continue to be eligible for full-time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular appointment. (ECS 45286)

#### 50.100.6 Removal of Names From Eligibility Lists (*Revised 5/18/09*)

The Director, Classified Personnel for any of the following reasons, may remove the name of an eligible from an eligibility list:

- A. Failure to respond to a written and/or *telephonic inquiry* regarding availability for employment
- B. Waiver of three offers of regular appointment
- C. Three refusals to interview for selection for regular appointment
- D. Failure to respond for an interview after certification
- E. Termination of employment
- F. Reference checks from previous supervisors or employers that substantiate less than satisfactory performance
- G. Any of the causes listed in Rule 40.100.3

## **50.200 CERTIFICATION FROM EMPLOYMENT LISTS**

### **50.200.1 Order of Precedence**

Names shall be certified for appointment from employment lists in the following sequence:

- A. Reemployment list (one name) (ECS 45298 and ECS 45308)
- B. Promotional eligibility list (ECS 45272)
- C. Open eligibility list (ECS 45272)

### **50.200.2 Procedure When Fewer Than Three Names Remain**

- A. When fewer than three eligibles are available on the promotional list, sufficient ranks shall be certified from the open list to allow a choice of no less than three eligibles.
- B. When fewer than three eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.

### **50.200.3 Other Sources of Eligibility**

In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement or reemployment (after resignation), restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists. (ECS 45272)

### **50.200.4 Procedure of Certification and Appointment**

- A. When a position is to be filled, the appointing power shall notify the Personnel Director and indicate the date of need. Such shall be submitted on the appropriate District form. The request for certification shall state the class title, hours, and location of employment, and other pertinent information as required by the Director.
- B. The Personnel Director shall ascertain the availability of eligibles and shall certify names to the appointing power in accordance with these rules. When specific qualifications for a position are required, the top three eligible ranks may be waived in favor of those from the list possessing that specific competency, i.e., process known as selective certification.
- C. Employees of a higher or equal classification wishing to be considered for voluntary demotion or lateral transfer, with mutual consent of both department heads involved, may be considered by the appointing authority. No limit as to the number of such persons in this category shall be made.

The appointing authority shall interview candidates for a vacant position from all of the following groups:

- Employees seeking reinstatement,
- Lateral transfer requests,
- Eligible candidates from the eligibility list.

- D. After the appointing authority has interviewed candidates from all of the preceding groups, the appointing authority shall select a candidate to fill the vacant position and shall notify the Director, who shall see that the necessary employment procedures are implemented.

#### 50.200.5 Waivers of Certification

- A. An eligible may waive certification to specific locations or shifts and to part-time or full-time positions by refusing certification via telephone or mail.
- B. Eligibles who have waived appointment may be notified when a new examination for the class is to be held, providing they have completed the necessary application for examination form and filed it with the Personnel Department.

#### 50.200.6 Refusals of Appointment

An eligible may refuse appointment to a specific position and retain eligibility. However, three employment offer refusals shall cause removal from the eligibility list.

#### 50.200.7 Certification From List for Another Class

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or a higher level if the duties and qualifications include substantially all of the duties of the position to be filled. Such shall occur when the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

#### 50.200.8 Withholding Names From Certification

The name of an eligible may be withheld from certification when:

- A. He expresses unwillingness or inability to accept appointment.
- B. He fails to respond within three workdays following inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.
- C. He fails to present himself for duty at the time agreed upon after having accepted an appointment.
- D. He cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. He fails to present the license, registration, certificate, or any other credential required, without a valid reason beyond his control.
- F. The person to be certified is related by family or marriage to the supervisor at that job site. For these purposes, family members will be the same as those defined in bereavement leave (60.400.5).
- G. For any reason listed in Rule 40.100.3.

#### 50.200.9 Restoration to Certification

When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto by the Personnel Commission under the following circumstances:

- A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission he is now willing and able to accept appointment.
- B. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the defect has since been corrected.

Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

#### 50.200.10 Duties of Eligible

- A. Eligibles will be contacted by telephone or mail and it shall be the duty of every eligible to respond within three workdays. If necessary, collect calls to the District will be accepted. Failure of an eligible to respond within the above-stated time will be deemed an automatic waiver of certification and the Personnel Director may certify an additional name in lieu of the name of such eligible.
- B. Notification that the eligible has been selected for employment shall be made by telephone, letter, or by certified mail, and acceptance shall be received by the Personnel Director within five workdays.
- C. An eligible who has been certified shall be allowed two weeks to report for duty after an offer of appointment to a permanent position has been made. If he is unable or unwilling to report by the end of two weeks, he may be considered to have refused appointment; and the appointing power may request certification of another name from the eligibility or reemployment list.
  - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of his selection.
  - 2. The appointing power may allow a period longer than two weeks at its discretion.
- D. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Commission his correct telephone number, mailing address, and place of residence. This address shall be the place where the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, he shall promptly notify the office of the Commission, stating the list or lists upon which his name appears, together with his new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his order of certification and/or appointment from any such list or lists.

## **50.300 PROVISIONAL APPOINTMENTS**

### **50.300.1 Restrictions**

- A. When the Commission certifies no eligibility list exists for a position in the classified service, a new employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity.
- B. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except when no one is available on an appropriate eligibility list for a part-time position as defined in ECS 45256, successive 90-working-day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.

### **50.300.2 Terminating Provisional Appointments**

- A. The services of a provisional appointee shall be terminated within 15 calendar days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90-working-day provisional assignment.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

### **50.300.3 Emergency Appointment**

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Governing Board, through its authorized Department Heads, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.

### **50.300.4 Limited-Term and Substitute Appointments**

(Ed Codes 45260, 45261, 45286-45290)

- A. Persons appointed to positions not expected to exceed six months in duration shall be considered limited-term employees. Positions established to replace temporarily absent employees shall be designated limited term/substitute positions. A limited term/substitute assignment may not exceed the duration of the absence of a regular employee.
- B. When a limited term/substitute position is established, the Personnel Commission Office shall be notified in writing of the hours, starting date and length of the assignment. Establishment of limited term/substitute positions shall be first authorized by the Assistant Superintendent, Human Resources, subject to review and approval of the Director, Classified Personnel, and ratified by the Board of Education.
- C. The limited term/substitute assignment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class, if the Assistant Superintendent, Human Resources, in consultation with the Director, Classified Personnel, both determine that the appropriate classification of the duties to be assigned is of a lower class.



- D. Eligibles who accept substitute or limited-term assignments shall remain on the appropriate list and shall not have been considered as having waived their right to consideration for appointment to intervening positions.
- E. No credit toward acquiring permanent status with the District nor in any classification shall accrue from service in a limited term or limited term/substitute appointment.

## CHAPTER 60

### IN-SERVICE STATUS AND TRANSACTIONS

#### 60.100 PROBATIONARY PERIOD

##### 60.100.1 Duration of Probation

- A. All appointments from open and/or promotional eligibility lists shall be for a probationary period of six months or 130 days of paid service, whichever is longer. This probationary period shall not include time served under emergency, provisional, substitute, or limited-term status; but shall date from the beginning of service in the permanent position.

##### 60.100.2 Rights of Probationary Employees

- A. It shall be the duty of the appointing authority during the probationary period of each employee to investigate his conduct, capacity, moral responsibility and integrity to determine whether the employee is fully qualified for permanent status. Probationary employees shall be evaluated at least twice during their probationary period.
- B. A new employee who resigns in good standing during his initial probationary period shall, upon his written request, have his name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- C. A new employee who is suspended or dismissed during this initial probationary period shall be notified in writing of the action and the reasons therefore. He shall not have the right to appeal.
- D. A permanent employee who has been promoted to a higher class may be demoted involuntarily during the probationary period to his former class. He shall be notified in writing of the action and the reasons therefore. He shall not have the right to appeal.
- E. In the event a position to which a probationary employee has been appointed proves to be temporary instead of permanent as certified and the employee is laid off thereby without fault or delinquency, his name shall be restored in proper order to the eligibility list and the time served credited to him on his probationary period. He may also take a voluntary demotion.

#### 60.200 CHANGES IN POSITION AND CLASS

##### 60.200.1 Transfer

Transfers shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

- A. An employee may be transferred at his request or for the good of the service from one position to another in the same class at the discretion of the department head(s) involved, provided such action shall not be taken for punitive or preferential reasons.

- B. An employee new to the District is not eligible for transfer to another position in his classification or a lower classification until he has acquired permanency.
- C. A permanent employee may be transferred to a position in a related class on the same salary schedule. Such transfers shall be made only with the approval of the Director.
- D. Any employee of the District who has permanent status may, upon request, be considered over candidates from the eligibility lists top three for transfer to a position requiring the same classification and skills for which he has already received permanent status. No examination shall be held for a lateral transfer.
- E. Transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner reflect adversely upon his rights as provided in law and these Rules.
- F. The Personnel Director shall determine whether classes are sufficiently related to permit transfer between them. He shall consider similarity of duties, minimum qualification, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers is permitted:
  - 1. As the employee's seniority in the classified service increases.
  - 2. When the transfer request is based on reclassification, impending layoff, or for reasons of health.
  - 3. When the employee meets the minimum requirements for the class.
- G. A permanent employee who transfers to a position in a class in which they have not previously completed a probationary period shall be considered probationary in that class for a period of six months. At any time during the probationary period, he may be returned (transferred) to his former class without right of appeal unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.
- H. Transfers shall have the following effects on seniority:
  - 1. Within the same class – none.
  - 2. From one class to another – the employee shall not receive seniority credit in the new class for service in other classes; however, he shall retain such credit as seniority in the classified service.
- I. Transfers shall not be used as a means to alter the effects of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this rule permits.
- J. An employee transferred involuntarily may request a conference with his immediate supervisor or a written statement regarding reasons for the transfer.

#### 60.200.2 Demotions

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of the head of the department to which he/she is to be assigned. Personnel so reassigned must meet the minimum qualifications of the new assignment.

- B. Voluntary demotion is a privilege available to a probationary employee only in cases when they would otherwise be laid off for lack of work or lack of funds.
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

#### 60.200.3 Restorations

- A. A former permanent employee who resigned in good standing may be reinstated in their former class and status within 39 months of the last day of paid service. Also, he/she may be reemployed in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority. (ECS 45309)
- B. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, laid off employees have the right to participate in promotional examinations within the District during the 39-month period. (ECS 45298)
- C. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or choose to remain in their present positions rather than be reclassified or reassigned shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided the same tests of fitness under which they qualified for appointment to the class shall still apply. The Personnel Commission shall determine the specific period of eligibility for reemployment on a class-by-class basis. (ECS 45298)
- D. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employers, returned to a position in their former class or to positions with increased time as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.
- E. Reinstatement or reemployment of a former employee shall have the following effects:
  - 1. Restoration to the former step in the salary range for the class, or if reemployed in a lower class, to the rate closest to that of the step to which he would be assigned if he were reinstated to his former class.
  - 2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of separation.
  - 3. Restoration of former anniversary date, but without step-advancement credit for the off-duty period.
  - 4. Restoration of all rights, benefits, and burdens of a permanent employee in the class to which restored.

#### 60.200.4 Assignments of Handicapped Employees

- A. When a permanent employee becomes unable to perform the duties of his classification because of illness or injury as determined by medical authority, effort shall be made to place him in a position with duties

within his capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission in cases noted below. (ECS 45279)

1. A handicapped employee's duties in his regular position may be altered in accordance with the handicap. Such changes in duties shall be reported by the immediate supervisor to the Personnel Director, who shall determine whether the position requires a classification study.
2. A handicapped employee may accept demotion or transfer to a less demanding class, with the approval of the Commission. The employee shall be paid the salary appropriate to the less demanding position.
3. A handicapped employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary increase from such assignment until he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

## **60.300 PERFORMANCE EVALUATIONS**

Performance evaluations shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

### **60.300.1 When Evaluations are to Be Made**

Probationary employees - at the end of the first ninety days of employment; the date ending his first six months of continuous service in any probationary position; or upon termination of employment, if such occurs.

Permanent employees - thirty days prior to each anniversary date. The evaluation shall carry the recommendation of the immediate supervisor for granting or denying a salary increment. Evaluations shall be made upon termination of a permanent employee unless the employee has had an evaluation within the last 30 days prior to termination. The formal evaluation document shall be used for this purpose.

### **60.300.2 Who Makes Evaluations**

Each immediate supervisor under whom the employee has served for 60 working days or more during any rating period shall provide a performance evaluation, even though the employee may have left his supervision.

### **60.300.3 Procedure to Be Followed**

- A. Evaluation is the process of assigning values to the manner in which an employee performs his duties. It is expected evaluation is continuous, whether it is informal or formal.
- B. The performance record shall become a part of the personnel file for each employee.

### **60.300.4 Supervision of Family Members**

No person may be supervised by a member of his immediate family. For these purposes family members will be the same as those defined in District Policy 4007.

## 60.400 LEAVES OF ABSENCE

Leaves of absence shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

### 60.400.1 Vacation

- A. Classified employees beginning regular service after September 7, 1971, in accordance with the revised classified vacation policy as adopted by the Governing Board on that date, shall accrue vacation per the following schedule:

| <b>Period of Assignment</b> | <b>1st Year</b> | <b>2nd through 4th Year</b> | <b>5th through 14th Year</b> | <b>15th Year &amp; Thereafter</b> |
|-----------------------------|-----------------|-----------------------------|------------------------------|-----------------------------------|
| 12 Month                    | 12*             | 14*                         | 17*                          | 20*                               |
| 11 Month                    | 11*             | 13*                         | 16*                          | 18*                               |
| 10 Month                    | 9*              | 11*                         | 13*                          | 16*                               |

\* Working days

- B. Vacation Accumulation

Vacation days are not accumulative beyond entitlement earned in two consecutive years. Exceptions may be considered.

- C. Paid vacations for hourly classified employees

Paid vacations shall be given to classified hourly employees who work regularly. Vacation time granted under this provision shall be in proportion to the time served and in accordance with the vacation schedule established for District employees.

- D. Vacation Accounting

Classified personnel shall accrue vacation days proportionately according to the length of their work year.

- E. Miscellaneous Vacation Provisions

1. All vacations are subject to the approval of the supervisor concerned and any exceptions to the provisions will be granted only with the written approval of the supervisor and the Superintendent.
2. Vacation schedules shall be prepared by the administration. Effort shall be made to enable vacation to be taken at times convenient to the employee, consistent with the needs of the service and the work load of the department.

3. The rate at which vacation is paid shall be the employee's current rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation salary by reason of subsequent changes in conditions of employment.
4. Upon separation from the service, a permanent employee shall be paid for his accumulated vacation credit at the rate of pay applicable to his last regular assignment.

#### 60.400.2 Paid Sick Leave

Paid sick leave shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

- A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.
- B. A regular classified employee (probationary and permanent) shall earn paid sick leave in accordance with the provisions of the classified agreement. Unused sick leave may be accumulated without limit.
- C. At the beginning of each fiscal year, the sick leave bank of the employee shall be increased by the number of days of paid sick leave which he would normally earn in the ensuing fiscal year. An employee's sick leave bank shall be adjusted if a change of assignment alters the amount of sick leave earnable.
- D. Pay for any day of sick leave shall be the same pay the employee would have received if he had worked that day.
- E. In order to receive compensation while absent on sick leave, the employee must notify his supervisor and/or the District substitute clerk of his absence one (1) hour prior to the starting time of his work day, unless conditions make notification impossible. The burden of proof of impossible conditions shall rest with the employee.
- F. At least one and one-half (1-1/2) hours prior to his expected return to work, the employee shall notify his supervisor and/or the District substitute clerk in order that any substitute employee may be released. If the employee fails to notify the substitute clerk and both the employee and the substitute report, the substitute is entitled to two hours of pay which shall be deducted from the employee's salary.
- G. An employee absent for three working days or more may be required to present a doctor's or practitioner's statement stating the nature of the illness or injury and the date the employee is able to return to work.

#### 60.400.3 Extended Sick Leave

Extended sick leave shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

- A. After exhaustion of all accumulated regular sick leave, classified personnel absent from their duties due to illness or accident shall be entitled to other sick leave, hereafter known as an extended sick leave. This

leave shall be granted following the exhaustion of all accumulated sick leave, leave as a result of industrial accident, and accumulated vacation.

- B. Computation for such days of sick leave shall be at the rate of fifty percent (50%) of the employee's regular salary.

#### 60.400.4 Termination of Sick Leave

- A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided he is able to resume the assigned duties and, if the leave has been for more than 20

working days, provided he has notified the District of his return at least three working days in advance.

- B. If, at the conclusion of all sick leave and additional leave (paid or unpaid) granted under this rule, the employee is unable to assume the duties of his position, he will be placed on a reemployment list for a period of 39 months in the same manner as if he were laid off for lack of work or lack of funds.

#### 60.400.5 Industrial Accident and Industrial Illness Leave

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192 and this rule; and shall not exceed 60 working days in any one fiscal year for the same accident and is not accumulative from year to year.

- B. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under the provisions of the Worker's Compensation Insurance law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from Worker's Compensation within the limitations of paragraph "A" above provided that:

1. He has probationary or permanent status.
2. The Superintendent or his designated representative has determined that the illness or injury was directly related to the performance of their duties.

- C. Paid industrial accident leave shall be reduced by one day for each authorized absence regardless of the temporary disability allowance made under worker's compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.

- D. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if he is eligible. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from the State Compensation Insurance Fund.

- E. After all paid illness leave has been exhausted following a paid industrial accident leave; an employee may choose to receive pay from accrued vacation to the extent necessary to make up the employee's



regular salary when receiving a temporary disability allowance without penalties from the State Compensation Insurance Fund.

- F. After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident leave without pay. The total time of all leave benefits provided under this rule, including unpaid industrial accident leave, shall not exceed 24 months for any one industrial accident or industrial illness.
- G. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his former class, he may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a comparable reemployment list.
- H. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such paid or unpaid leave of absence.
- I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he was on leave for a period not to exceed 39 months.
- J. An employee who fails to accept an appropriate assignment after being medically approved shall be removed from the reemployment list and terminated. Appropriate assignment is defined as an assignment to the employee's former class, in his former status and time basis, and in assignment areas in which the employee has made himself available.
- K. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Worker's Compensation insurance laws, exceed the employee's regular salary. An employee's regular salary is computed on the basis of the number of hours and days in his basic daily assignment. An employee who received a shift or other salary differential shall lose the advantage of the differential after 10 consecutive days of paid industrial accident leave for any one accident or illness.
- L. During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the District all wage-loss benefit checks received under State Worker's Compensation Insurance laws. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits, and shall deduct normal retirement and other authorized contributions. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule.
- M. Benefits for classified employees are not provided during school recess periods (spring vacation, winter vacation, and during the summer months). Passage of the unemployment legislation would have been impossible if the cost were raised to include recess periods.

#### 60.400.6 Bereavement Leave

Bereavement leave shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

- A. Probationary and permanent employees in the classified service if absent from duty because of bereavement in the immediate family may receive leave with full pay up to five working days for any one bereavement. Reasonable verification of death and relationship to the deceased may be required.
- B. Members of the immediate family means husband, wife, son, daughter, father, mother, or any person who acted in the capacity of a parent or guardian, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister, brother, grandmother, grandfather, grandchild, or any relative residing in the employee's household.

#### 60.400.7 Jury Duty and Witness Leave

Jury duty and witness leave shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

- A. Leave of absence for jury service shall be granted to any classified employees who have been officially summoned to jury duty in local, state, or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the Personnel Director.
- B. Leave of absence to serve as a witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided the witness fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the Personnel Director.

#### 60.400.8 Absence for Examination

Every employee in the classified service shall be permitted to be absent from his duties during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty, provided he gives two days' notice to his immediate supervisor.

#### 60.400.9 Leave of Absence Without Pay

Leave of absence without pay shall be governed by the provisions set forth in the negotiated agreement with classified employees. Subjects not addressed in that agreement shall follow the provisions set forth in these rules and regulations.

A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the Superintendent or his designated representative, subject to the following restrictions:

1. Leave of absence without pay may be granted for any period not exceeding one year, except leave of absence for the purpose of accepting assignment in the Peace Corp may be granted for a period not to exceed twenty-four months.
2. The granting of a short-term leave of absence without pay (90 days or less) gives to the employee the right to return to his position at the expiration of his leave of absence, provided he is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave.
3. Military Leave - Any classified employee who is on a temporary military leave of absence and who has been in the employ of the District for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his salary for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of school district service, all service of said employee in the recognized military service shall be counted as school district service.

Every classified employee of the school district who is on military leave other than temporary military leave of absence, and who has been in the employ of the District for a period of not less than one year immediately prior to the date on which the absence begins, shall be entitled to receive his salary for the first 30 calendar days while engaged in the performance of ordered military duty. The classified employee as defined in this section refers to an employee who:

- a. is ordered into active military duty as a member of a reserve component of the armed forces of the United States.
- b. is ordered into active military duty as a member of the National Guard or Naval Militia.
- c. is inducted into active federal military duty as a member of the armed forces of the United States.

No more than the pay for a period of 30 calendar days shall be allowed under the provisions of either category, or both, for any one military leave of absence or during any one fiscal year. (Military and Veterans' Code).

- B. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.
- C. Failure to report for duty within five working days after a leave has been canceled or expires shall be considered abandonment of the position and the employee may be terminated by the Governing Board. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.

- D. If the employee's classification has been abolished during the employee's absence, he shall be laid off for lack of work and placed on the reemployment list for the class, effective the date of termination of leave. He may be returned to a vacant position for which he is qualified in a class at the same or lower salary.

**60.400.10 Leave to Serve in Exempt, Temporary or Limited-Term Position**

- A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in his regular position, and such assignment shall not be considered separation from service.
- B. The employee may, with the approval of the appointing authority voluntarily return to this position or a position in the class of his permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

**60.400.11 Maternity/Child Rearing Leave**

Maternity leave shall be governed by the provisions set forth in the negotiated agreement with classified employees.

**60.500 LAYOFF *(Revised 4/25/11)***

**60.500.1 General Regulations and Reasons for Layoff**

Classified employees shall be subject to lay off by action of the Board for lack of work or lack of funds, and only in accordance with the rules and regulations of the Personnel Commission and in accordance with Education Code Sections 45117, 45298 and 45308. Any effects of layoff that may be negotiated by and between the District and any recognized exclusive representative shall be in addition to these Rules and Regulations. Any agreement between the District and a recognized exclusive representative may not provide for less than the mandated employee protections and procedures outlined in this rule.

"Lack of work" shall be defined as a reduction or elimination of the un-needed classified services being provided by any department or school. "Lack of funds" shall be deemed to exist when the salaries of classified employees have been paid from specially funded programs which have expired or are to be terminated; or when there is insufficient general fund.

**60.500.2 Procedure Regarding Layoff**

Procedures regarding layoff shall be governed by the provisions set forth in the negotiated agreement with classified employees represented by a collective bargaining exclusive represented union. The layoff procedure for classified management, supervisory and confidential employees, and any subjects not addressed in that negotiated agreement shall follow the provisions set forth in these rules and regulations.

- A. The layoff procedure herein described shall apply only to classified employees who have achieved permanent status in one or more District classifications. Employees serving in a probationary status in any classification in which positions are to be eliminated shall be laid off prior to any permanent employee.

- B. When the Governing Board determines classified positions are to be eliminated, due to lack of funds or lack of work, classified employees shall be subject to layoff. Before any layoff notice can be delivered by Personnel Commission and or Human Resources staff, the Board shall adopt a resolution outlining the specific numbers and kinds of positions to be eliminated or reduced by classification and assigned time, stating the reason for the elimination or reduction, giving the number of positions within each classification to be affected.
- C. If any of the impacted positions are represented by a collective bargaining exclusive representative, the District Administration, the exclusive representative, and the Director, Classified Personnel shall meet in advance of layoff notices being sent out to review the proposed layoff and to negotiate the effects of the proposed layoff.
- D. Layoff shall be made in reverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class shall be considered to have the least seniority and, therefore, shall be laid off first. Seniority shall be based on time served in the class plus any time served in a higher class.
- E. Seniority for layoff purposes shall be calculated on the basis of length of service. Length of service shall begin on the hire date of that employee as a probationary or permanent employee in the classification.
- F. A permanent employee whose position has been designated by the Governing Board to be eliminated and who has greater seniority than other employees in the same classification shall be entitled to bump the employee who has the least seniority in the classification.
- G. No permanent employee shall be laid off from any position while employees serving in emergency, provisional, limited-term, probationary, or substitute status are retained in positions in the same classification, unless the impacted employee declines the limited-term or provisional assignments.
- H. A permanent employee whose position has been designated by the Governing Board to be eliminated and who has insufficient seniority within his/her classification to permit bumping, and/or a permanent employee who has been bumped by an employee with greater seniority shall have the right to bump less senior employees in a lower-rated classification, provided the employee has satisfactorily completed a probationary period in the lower classification.
- I. No employee may bump into any position which offers a higher pay rate than the position from which he/she is being laid off.
- J. In any layoff situation the classifications within which a permanent employee may exercise bumping rights shall be based entirely on the classification titles formally approved within the classification plan adopted by the Commission at the time of the layoff.

#### 60.500.3 Notice of Layoff (Ed Code 45117)

- A. When as a result of a bona fide reduction or elimination of service being performed by any department, and classified employees shall be subject to layoff for lack of work or lack of funds, affected employees shall be given notice of a layoff, in writing by Director, Classified Personnel or Assistant Superintendent, Human Resources, as required by applicable law (EC 45117). Affected employees shall be informed of their displacement rights, if any, and reemployment rights.

- B. The notice to the affected employee shall specify the reason for the layoff and be given by personal delivery and in addition to the employee's work email address or by certified mail to the last known home address of the employee on file in the Human Resources office. Failure of the employee to retrieve delivered mail, or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. For purposes of this rule, if a notice is mailed, the second working day following the postmark date of the notice shall be considered to be the official date of receipt.
- C. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the Governing Board, without the notice required by subsection (A) hereof.

#### 60.500.4 Order of Layoff

In the event of layoff, the order shall be determined by the length of service. The permanent employee who has been employed the shortest time in the class plus higher classes shall be laid off first.

- A. "Length of service" shall be determined by the initial hire date in regular classified employee status. Length of service credit shall be granted for time spent on military leave, illness and industrial accident leave.
- B. Bumping rights will be determined by length of service in the classification, length of service with the District as a regular classified employee, and then by lottery.
- C. Should an employee voluntarily separate from service and subsequently be re-employed within 39 months from the date of such separation, length of service credit earned prior to separation shall be reinstated.
- D. An employee transferred from one classification to another shall retain seniority in the former classification; seniority in the new classification shall begin accruing on the date of the transfer.
- E. A probationary or permanent employee serving in a regular class and holding a provisional or limited term appointment to a position in another classification continues to earn length of service credit in the regular class.
- F. No permanent employee shall be laid off from any position while employees serving under limited-term appointments are retained in positions of the same classification unless the regular employee declines the limited-term position.

A limited-term employee may be laid off at the completion of the assignment without regard to the procedures set forth in these rules.

#### 60.500.5 Bumping Rights *(Revised 5/18/17)*

Permanent classified employees who are to be laid off may exercise bumping rights in their class, in any equal or lower class in which they hold seniority credit (by virtue of their service in that class as restricted, probationary and/or permanent status employee) greater than an incumbent. In the event of an employee having



the option of exercising their bumping rights the following bumping procedure will be applied. The steps will be taken in the following order.

- A. An employee whose position is eliminated or reduced shall first be placed in a vacant position in the same classification with equal hours.
- B. If option A is unavailable, the employee shall have the right to bump the least senior employee in the same classification with an increased assignment that most closely approximates the employee's current number of working hours.
- C. If option B is unavailable, the employee shall have the right to bump the least senior employee in the same classification with a decreased assignment that most closely approximates the employee's current number of working hours.
- D. If option C results in the elimination of the employees current Health and Welfare benefits, as an alternative, the employee shall also have the option of bumping into an equal or lower classification which they previously held as a classified employee, for the purpose of non-elimination of Health and Welfare benefits. The employee will repeat the sequence of options A-C, outlined in this rule for equal or lower classification(s).

#### 60.500.6 Reemployment Rights (Education Code 45298)

Employees laid off because of lack of work or lack of funds are eligible for reemployment in reverse order of layoff for the first opening occurring in a class in which they hold seniority for a period of 39 months and shall be reemployed in preference to new applicants.

- A. Employees laid off have the right to participate in promotional examinations within the District during the 39-month period.
- B. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or choose to remain in their present positions rather than be reclassified or reassigned shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided the same tests of fitness under which they qualified for appointment to the class shall still apply; and they shall be offered the option to return to a position in their former class or to an available position with increased assigned time.
- C. When a vacancy occurs in a class for which a reemployment list has been established, the senior employee will be notified and given an opportunity to accept the vacancy. Such employees shall have five (5) working days from receipt of notice to respond to the offer of reemployment. Should the notice of reemployment be undeliverable or the noticed employee does not respond to the offer of reemployment within forty-five (45) calendar days, the employee's name shall be removed from the reemployment list and it shall be presumed that the employee shall have exhausted his/her reemployment rights.
- D. The laid-off employee will relinquish his/her position on the reemployment list and will be considered to have voluntarily resigned after declining three offers of employment in the same classification, at the same or more number of hours per day and days per year as the assignment of the employee prior to the layoff.

- E. Employees who elected service retirement in lieu of layoff shall be placed on an appropriate reemployment list and afforded the same opportunities for re-employment as other employees laid off. If such an employee accepts the reemployment in writing, the vacancy shall be maintained until the employee's request for reinstatement from retirement has been properly processed.
- G. When reemployment lists are in effect in accordance with Education Code 45192 and 45195 (i.e., regarding leaves), and persons thereon have served in the class experiencing layoff, they will be placed on the layoff reemployment list according to seniority as if they had been in active service at the time the layoff was effected.
- H. Laid off employees accrue no additional seniority credit while serving on substitute or limited-term assignments.
- I. An employee on a reemployment list may be employed as a substitute or limited-term employee in the original class or any other class for which the employee is qualified and such employment shall have no effect upon the employee's reemployment rights.
- J. Employees on the reemployment list, who indicate a desire to be rehired into a vacant position in a lower classification within the same or related job family, for which they have no seniority to that class but are "otherwise qualified", shall be considered over other new applicants, promotional or not, providing that there is no reemployment list for that lower classification. The preference determination may be done by a professional evaluation that the employee possesses the necessary job-related qualifications based on similarity of work in previous classifications held, a professional evaluation of the employee's experience, training, and education that shows that the employee is otherwise qualified for the job, by means of merit examination processes, or by any combination of these methods as determined by Director, Classified Personnel.
- K. Employees on the reemployment list, who indicate a desire to be considered for an out-of-classification vacant position within a non-related classification, promotional or not, for which they have no seniority to that class but are "otherwise qualified", shall receive first right of refusal for the out-of-classification vacant position, provided they follow the same application procedure set forth for all potential applicants, participate, and pass the total examination process regardless of rank on the eligibility list. (Reference Tucker v. Grossmont High School District Decision)

## **60.600 RESIGNATION**

### **60.600.1 Procedure**

- A. When an employee desires to resign from his position, he shall present his resignation in writing to the appointing power, and a copy of such resignation shall immediately be filed by the appointing power with the Personnel Director.
- B. A minimum of two weeks' notice of resignation should be given by the employee. A resignation relates only to the specific position from which the employee resigns and does not impair his rights to other positions which he may hold on eligibility lists.



## **60.700 DISCIPLINARY ACTION AND APPEAL**

### **60.700.1 Causes for Suspension, Demotion, Dismissal**

Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:

- A. Incompetency or inefficiency in the performance of duties.
- B. Inability to perform assigned tasks due to failure to meet job qualifications, including, but not limited to, failure to possess required licenses, failure to pass required tests or failure to meet District insurability requirements. Violation of District, Board, or departmental rule, policy or procedure, including failure of required drug/alcohol testing.
- C. Insubordination, including, but not limited to, refusal to do assigned work.
- D. Carelessness or negligence in the performance of duty or in the care or use of District property.
- E. Discourteous, offensive, or abusive conduct or language toward other employees, pupils or the public.
- F. Dishonesty.
- G. Consuming alcoholic beverages on the job, or reporting for work while intoxicated.
- H. Possessing, using or being under the influence of a controlled substance while at work.
- I. Engaging in political activity during assigned hours of employment.
- J. Conviction of a crime, after employment, which indicates the person is a poor employment risk; failure to disclose material facts relating to criminal records.
- K. Conviction or complaint filed in connection with a sex offense as defined in Education Code Section 44010; or a narcotics offense as defined in Education Code Section 44022 or California Health and Safety Code Sections 11357-11361, 11363, or 11364. Suspension of classified employees as a result of an arrest or complaint prior to resolution of the charge shall be in accordance with the provisions of Education Code Section 45304.
- L. Falsifying any information supplied to the District, including, but not limited to, information supplied on application forms, employment records, or any other District record.
- M. Abuse of leave privileges, including but not limited to, unexcused or excessive absences or tardiness.
- N. Persistent violation or refusal to obey safety rules or regulations made applicable to public schools by the Governing Board or by any appropriate state or local governmental agency.
- O. Conflict of interest including, but not limited to, soliciting or accepting monetary awards or other privileges for services which the employee is paid by the District; disclosure of confidential information

to unauthorized parties or other apparent conflict of interest situation which is detrimental to the interests of the District.

- P. Willful or persistent violation of the Education Code or rules of the Personnel Commission, or of the rules of the Governing Board.
- Q. Abandonment of position.
- R. Advocacy of overthrow of federal, state, or local government by force, violence, or other unlawful means.
- S. Membership in the Communist Party.
- T. Physical or mental incapacity, including, but not limited to, illness of a disabling nature after the exhaustion of illness leave and leave of absence benefits.
- U. Frequent accidents causing injury to self, others, or property of the District.

#### 60.700.2 Procedure for Disciplinary Action

- A. No employee in the classified service shall be reprimanded, suspended, demoted, dismissed, or in any way discriminated against because of his affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of Paragraph I, Rule 60.700.1.
- B. When a permanent employee is to be suspended without pay, demoted with reduced pay to the appropriate job classification, or dismissed with termination from payroll, a written statement of charges shall be formulated and submitted to the Superintendent for presentation to the Governing Board.
- C. Prior to the Superintendent's recommendation to the Governing Board for a suspension, demotion, or dismissal, the employee shall receive, in writing, notice of the intended disciplinary action. The notice shall state:
  - 1. Notice of the proposed action, without pay or reduced pay.
  - 2. The reasons therefore.
  - 3. The employee has the opportunity to examine any materials upon which the action is based.
  - 4. Within ten (10) days of the receipt of the notice, the employee has the right to respond, in writing, or meet with the Superintendent (or his designee) to fully present his views with respect to the proposed recommendation.
  - 5. If the employee elects not to respond to the letter within ten (10) days, the employee shall be considered to have waived his right to respond.

The written notice shall be personally served on the employee and the employee is required to receipt for same on a copy, to be retained by the District; or the written notice shall be sent to the employee at the last known address by Certified Mail, Return Receipt Requested.

- D. After the pre-disciplinary process has been completed, a copy of the written charges shall be presented to the Governing Board. The written statement of charges shall set forth the particular causes charged and shall specify the supporting facts.
- E. Whenever the suspension, demotion, or dismissal of a permanent classified employee has been approved by the Governing Board, the Director, Classified Personnel shall immediately notify the employee, including the pay status, and shall report the action to the Commission at its next regular meeting.
- F. Notice to the employee shall include a copy of the charges and a statement of his right to appeal, together with a copy of Rule 60.700.
- G. An employee may be suspended prior to Governing Board approval at the discretion of the Superintendent, subject to later ratification by the Governing Board within two weeks. Requirements in regard to charges and notifications must be met when the Governing Board ratifies the Administrative action.
- H. A regular employee charged with the commission of any sex offense as defined in Section 44010 of the Education Code, by complaint, information, or indictment filed in a court of competent jurisdiction, may be suspended as provided in Section 45304 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with provisions of this rule relative to suspension. The employee may receive compensation as provided for in the code section.
- I. Dismissal shall cause removal of the employee's name from all employment lists and termination from payroll.
- J. Failure to appeal, as provided in Rule 60.700.3, shall make the action of the Governing Board final and conclusive.

#### 60.700.3 Appeal

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) calendar days after having received notice that the Board approved the disciplinary action. Appeal can be made only on the following grounds:
  - 1. The procedures set forth in these rules have not been followed.
  - 2. The action taken was because of affiliations, political or religious acts or opinions, race, color, sex or marital status.
  - 3. There has been abuse of authority.
  - 4. The action taken was not in accord with the facts.
- B. A permanent employee who has not served the full probationary period for the class who is demoted to the class from which promoted may request an investigation by the Commission within fourteen (14) calendar days after the receipt of the copy of written charges.

The request for the investigation shall be based only on one or more of the four (4) grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in the charges and in

the request for the investigation but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Governing Board and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding on the Governing Board.

#### 60.700.4 Hearing Procedure

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (Governing Board first) and closing arguments (employee first). The Governing Board shall first present its witnesses and evidence to sustain its charges and the employee will then present his witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Governing Board and the employee will be allowed to be represented by legal counsel or other designated representatives.
- G. The Commission may, and shall if requested by the Governing Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- I. Whether the hearing is held in a public or executive session, the Commission, after it concludes the hearing, may deliberate its decision in executive session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to be present during the deliberations. If the Personnel Director or any staff is not serving full-time for the Commission and/or was a witness in the proceedings, he/she shall also be barred from the Commission's final deliberations.
- J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event later than 14 calendar days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore.

- K. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee and their decision is final and not subject to review. It may not provide for discipline more stringent than that invoked by the Board.
- L. The Commission order of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated if appropriate, which may be any time on or after the date of disciplinary action, with appropriate salary restoration and back pay as necessary.

## **CHAPTER 70 WAGE AND SALARY PROVISIONS**

### **70.100 WORK PERIODS AND OVERTIME**

#### **70.100.1 Workday and Workweek**

The maximum number of hours of regular employment of an employee is eight hours a day and 40 hours a week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight hours in one day or 40 hours in one week.

#### **70.100.2 Overtime Defined**

Payment of overtime for classified employees shall be limited to that which is approved in advance, except in serious emergencies.

Overtime is ordered and authorized working time in excess of 8 hours in one day or 40 hours in one week. The minimum time to be granted for overtime compensation shall be one-half hour (30 minutes).

#### **70.100.3 Compensation for Overtime**

- A. Overtime will be compensated at a rate of one and one-half times the regular rate of pay. Overtime is defined as time worked in excess of a normal eight hour day, or in excess of forty hours in any workweek. An employee shall be compensated for any work required to be performed on the 6th day following the commencement of the workweek, at a rate of one and one-half times the regular rate of pay for the assigned employee. Hours worked on the 7th consecutive day of work shall be compensated at double the regular rate of pay. Sundays, not a part of the regular work schedule, and holidays shall be compensated at double the regular rate of pay.
- B. Compensatory time is time earned for work in addition to the scheduled workday or workweek by an employee. Compensatory time may be authorized in lieu of cash compensation not to exceed an accumulated three workdays at any point in time. Each eight hour employee, when authorized and with the approval of his principal or department head, may elect to earn compensatory time in lieu of payment for overtime on a one and one-half time basis. Each employee with a scheduled workday less than eight hours, and with the approval of the principal or department head may earn compensatory time

on a straight time basis. Compensatory time may be taken with the approval of the principal or department head at a mutually agreeable time and shall normally be used within ninety days of the dates earned.

#### 70.100.4 Classifications Exempt from Overtime Payment

Employees in the classes designated as senior management, management, or supervisory shall be excluded from overtime payment provisions of this rule.

### **70.200 DETERMINATION OF SALARY SCHEDULES**

#### 70.200.1 Factors in Salary Determination

The Personnel Director shall prepare recommendations for the allocation of classes to salary schedules for approval by the Commission. Such recommendations shall take into account the following factors:

- A. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.
- B. Wages paid by other school districts, which may be in competition with the District in the labor market.

#### 70.200.2 Salary Studies

- A. A salary study shall be made:
  - 1. Whenever a new class is created.
  - 2. Whenever directed by the Commission.
- B. Employees, representatives of recognized employee organizations, or the Administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.
- C. Data obtained in a salary study shall be made available to interested parties, including representatives of recognized employee organizations.
- D. Nothing in this paragraph shall prevent adjustments in salary based on classification studies resulting from changes in duties and responsibilities, regardless of when such changes occur.

#### 70.200.3 Salary Schedule

The Commission shall recommend to the Governing Board salary schedules for the classified service. The Governing Board may approve, amend, or reject these recommendations. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principal of like pay for like service. No changes shall operate to disturb the relationship which

compensation schedules bear to one another, as the relationship has been established in the classification made by the Commission. (ECS 45268)

## **70.300 APPLICATION OF SALARY SCHEDULE**

### **70.300.1 Initial Placement**

All new regular classified employees shall be paid in accordance with the salary range established for the class to which assigned. The hiring rate will normally be the first step of the salary range. However, a new classified employee may be provided with advanced step placement up to the top step upon the recommendation from the appointing authority or the request from the employee.

The advanced initial salary step placement request is subject to the approval by the designated administrator based on the following criteria:

- A. Difficulty experienced in the recruitment of candidates to meet the vacancy needs.
- B. Additional qualifying work related experience beyond that required for entry into the class.
- C. Additional college level education related to the position beyond that required for entry into the class.
- D. The additional skills, qualifications, or professionally recognized award or merit of the candidate that make him/her especially qualified for the position. (Education Code Sections 45260 & 45261)

### **70.300.2 Promotional Salary Placement *(Revised 9/22/08)***

Any classified employee receiving a promotion to a new class shall be moved to the appropriate range and step of the new class to ensure a minimum of eight (8) percent increase except that the employee may be placed at the last step on the appropriate range if that is the maximum allowable step for the class, exclusive of special pay additives. A newly promoted classified employee may be provided with advanced step placement beyond eight (8) percent upon the recommendation from the appointing authority or the request of the employee.

The advanced promotional salary step placement request is subject to the approval by the designated administrator, based on the same criteria outlined in 70.300.1 (2) to (4).

### **70.300.3 Initial and Promotional Salary Placement Appeal**

The employee who requested the salary advancement consideration may appeal to the Commission in writing within five (5) days of notification from Human Resources if s/he disagrees with the recommended salary step placement. The Commission shall review the appeal based on the criteria set forth in 70.300.1 or 70.300.2 and fairness principles to all classified employees. The decision of the Personnel Commission is final.

### **70.300.4 Step Advancement**

Upon receipt of evaluation with recommendation for increment, employees placed on Step A of a range will advance to Step B on the first of the month following completion of one year of service (anniversary date). Each succeeding step will be attained one year from the preceding step.

#### 70.300.5 Anniversary Date

Each classified employee's anniversary date (first day of the month in which beginning contract date falls) is the effective date for any year-to-year salary adjustment.

When an employee is changed from one classification to another, his original anniversary date shall be maintained.

In the event of interrupted service, a new anniversary date shall be established upon reemployment.

#### 70.300.6 Promotions

A classified employee who is promoted to a higher classification shall be placed on the step of the higher salary schedule next in the amount above his salary at the time of the transfer (8% minimum). In no instance shall an employee promoted to a higher classification be paid at a rate which is lower than that which he would receive if he were entering this position as a new employee.

#### 70.300.7 Placement After Leave of Absence

An employee upon return from a leave of absence will resume his step placement and advancement on the range as if the leave had not been taken, but leave time will not be counted for step-advancement purposes.

#### 70.300.8 Placement when Demoted

When a classified employee is transferred from a position at a higher classification to one at a lower classification requiring similar skills, the salary shall be the same as if the entire experience had been at the lower classification. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 70.200.2.

#### 70.300.9 Working Out of Classification

- A. When an employee is required to work in a higher classification for more than five days within a 15 calendar-day period, the employee shall be compensated for each day so worked at the salary step of the higher classification that represents an increase of at least eight (8) percent.
- B. An employee may be required to work on a temporary basis in a position with the same salary range. In such cases, there will be no salary adjustments. An employee required to work in a lower classification on a temporary basis will receive no reduction in his salary.
- C. Requests must be made in writing by the administrator or department head to the Personnel Director so appropriate action can be taken to compensate the employee for work out of classification.

#### 70.300.10 Holiday Pay

All members of the classified service will be entitled to payment for authorized holidays, provided they were in a paid status during any portion of the day of their normal assignment immediately preceding or succeeding the holiday.



## **70.400 PAYROLL**

### **70.400.1 Official Roster**

The Personnel Director shall maintain, in his office, an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Act. (ECS 45310)

### **70.400.2 Payroll Audit**

- A. All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Act shall be submitted to the Personnel Director, who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon are employed in accordance with the law. (ECS 45310)
- B. The Personnel Director shall audit all initial assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing laws and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll following the initial assignment certification by the Personnel Director shall be the certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification by the Personnel Director.
- C. If, upon examination of a payroll or service report, it is found any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, the Personnel Director shall withdraw his certification and order payment stopped in accordance with the rules and regulations. Notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification, of the Governing Board and the County offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful. (ECS 45310)

## **CHAPTER 80**

### **MISCELLANEOUS PROVISIONS**

#### **80.100 EMPLOYEE COMPLAINTS**

##### **80.100.1 Employee Complaint Procedures**

Any employee who has a complaint concerning his working conditions shall follow this procedure:

- A. A complaint should be discussed with the immediate supervisor to seek a solution. If the employee is not satisfied with the results of this conference and the proposed solution, and wishes to continue the matter, then he should inform the supervisor the complaint will be taken to the next level.
- B. The supervisor at the next level will hold a conference and discuss the complaint and seek a solution. If the employee is not satisfied with the results of this conference, he may ask for a conference with the Personnel Director.
- C. The request for a conference with the Personnel Director shall be made in writing, stating the complaint, indicating any possible solutions and those involved in the problem. The Personnel Director, upon reading and discussing the complaint with all parties involved, shall report his findings in writing.
- D. If the employee is not satisfied with the results of the written decision from the Personnel Director, he will inform the Personnel Director and ask the Superintendent to review the problem from the written report and/or further discussion. The Superintendent will report his recommended solution to the complainant, supervisor and Personnel Director.
- E. If the employee is not satisfied with the results of the Superintendent's recommendation for solution, he may request a hearing before the Personnel Commission. Prior to the hearing all reports of previous meetings shall be given to the Commission to review. The Commission will discuss the problem and make a final resolution to the complaint.

#### **80.200 NEW EMPLOYEE CLEARANCES**

##### **80.200.1 Physical Examinations**

- A. Initial Employment

1. Every person initially employed by the District shall be required to have a physical examination which shall include a drug test. Such examination shall comply with Education Code Section 45122.
2. Prior to employment, each person is required to submit adequate proof he has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within a three-month period preceding the date of employment. (ECS 45906)

B. After Employment

1. Every employee is required to undergo an examination to determine he is free from active tuberculosis at least once every four years after employment.
2. The District shall maintain adequate records on each employee which indicate compliance with these rules and law.

C. School Bus Driver

1. In addition to any other examinations that may be required by these rules, school bus drivers must have a valid school bus driver certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles in Chapter 29b of the Driver License Examiner Manual of Procedure.
2. The District shall arrange for and defray the costs of the school bus driver's examination for its employees for subsequent examinations as required by law.

D. Medical Review Board

1. Any rejection for medical reasons of an employee who has been on sick leave or leave of absence may be appealed to the Commission.
2. The Commission may employ outside medical experts to give a medical advisory opinion.
3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of return from leave shall be sustained.

80.200.2 Criminal Records Check

- A. Fingerprinting: Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place prior to employment. (ECS 45125)
- B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records reports from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the Director, Classified Personnel shall decide whether or not the person should be employed or retained in employment.

If the record discloses no information beyond that supplied by the person on his application form, and he was accepted for examination and/or appointment, he shall be considered employable.

3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the Personnel Director desires an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore.

If it approves the recommendation, the Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefore. The Commission shall provide the person with an opportunity to appeal the decision in writing within ten days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final.

## **80.300 PENALTIES**

### **80.300.1 Violations**

Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Education Code Section 45240) is guilty of a misdemeanor. It is also unlawful for any person:

- A. Willfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article...or Commission rule.
- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article...or Commission rule, or to aid in so doing, or make any false representation concerning the same of the person examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or Commission rule.