

PRELIMINARY STATEMENT

The primary obligation of the Personnel Commission is to the public. To implement this obligation, the Personnel Commission should do all within its power to recruit and test applicants for positions within the Santa Cruz City School District in such a manner as to obtain the best possible employees for the District.

The major categories of responsibility of the Personnel Commission are:

1. Recruit in a manner which will obtain the best possible applicants.
2. Qualify applicants for examination.
3. Conduct an examination program which is fair and equitable.
4. Classify all members of the classified service.
5. Prescribe rules and regulations pertaining to the administration of the classified personnel merit system.

Changes to Merit System Rules, approved 11/4/14

1900.6 Layoffs

A. When as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29, informing them of their layoff at the end of the school year and of their displacement rights, if any, and re-employment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than 45 **60** days prior to the effective date of layoff (EC45117).

B. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 45 **60** days prior to the effective date of layoff and informed of their displacement rights, if any, and re-employment rights. (EC45117)

1400.2 Probationary Period

E. Should the work for which a probationary employee...if he/she is reinstated into the same classification at their former site/department. ~~A probationary employee who transfers to another site/department during the probationary period shall begin the probationary period again in order to allow his/her new supervisor sufficient time to evaluate his/her performance in the new position.~~ The Classified Personnel Director, upon agreement with the receiving administrator, may authorize full reinstatement of the time served toward the probationary period.

1300.1 Salary Placement

All new employees shall be appointed at the hiring rate for the class as approved by the Commission. The hiring rate shall be the first step of the salary schedule except where successful applicants have had **3-5 years of similar or like experience and/or closely related training or coursework**, in which the Classified Personnel Director may approve the initial salary placement be made at step number two (2). **Applicants having more than 5 years of similar or like experience and/or closely related training or coursework may be placed at step three (3).** ~~Initial salary placements above Step 1 will be reported to the Commission.~~ Placement above step three (3) must be approved by the Commission.

DEFINITION OF TERMS

As used in these rules, the term "his" refers to the feminine as well as the masculine. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular. Unless otherwise required by context and/or prevailing law, words used in these rules are understood to have the following meanings:

ABANDONMENT - Failure to report for duty for a period of three (3) or more consecutive working days without notification to immediate supervisor or district office.

ACT - Act shall mean those sections of the Education Code, namely section 45250 et seq., of the State of California applying the merit system to classified employees.

ALLOCATION - The official placing of a position in a given class and the assignment of the class title to the position.

ANNIVERSARY DATE - The date on which an employee is granted an earned salary increment.

APPEAL - A protest by an employee relative to an administrative action, actually or potentially, detrimental to the employee. The right of a permanent employee to challenge disciplinary action is limited to suspension, demotion and dismissal.

APPLICANT - A person who, under the Rules, has made formal application for a classified position.

APPOINTING AUTHORITY - The Board of Trustees of Santa Cruz City Schools and/or its designee(s) for Board employees; the Personnel Commission for its employees.

APPOINTMENT - The offer and acceptance of a position in accordance with these Rules.

BOARD - The District's elected Board of Trustees, Governing Board.

CANDIDATE - An applicant who has participated in one or more portions of a merit-system selection process.

CAUSE - Relating to disciplinary actions against classified employees means those grounds for discipline, or offenses, enumerated in the law or the written rules of a public school employer. No disciplinary action may be maintained for any "cause" other than as defined therein.

CERTIFICATION - The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing power or to the department which selects employees prior to approval of the appointing power.

CLASS (or CLASSIFICATION) - A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; 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; and the same salary range may be applied with equity.

CLASS SPECIFICATION - A formal statement of the duties and responsibilities of the positions in the class illustrated by examples of typical tasks and of the qualification requirements of the positions in the class.

CLASSIFICATION PLAN - The arrangement of positions in classes, together with the titles and specifications describing each class.

CLASSIFIED SERVICE - All positions in the District's service to which the Act applies and which are not excepted by the Act.

CLOSED SESSION - A meeting closed to the public which is called by the members of the Personnel Commission and Personnel Director to discuss specific matters authorized by the Brown Act, Government Code Section 54950 et seq.

COMMISSION - The Personnel Commission established pursuant to Section 45240, Article 6 of the Education Code for the Santa Cruz City School District.

CONTINUOUS EMPLOYMENT - Employment uninterrupted from the date of appointment, except by authorized absence.

CONTINUOUS EXAMINATION - A method of recruiting applicants in which the last day for filing applications is not specified and examinations are conducted from time to time as the needs of the service require.

DEMOTION - A change of status of a permanent employee from a position in one class to a position in a lower class, defined as one having a lower maximum salary rate.

DIRECTOR - The Director of Classified Personnel, herein also referred to as the Personnel Director.

DISCHARGE (DISMISSAL) - Separation from service for cause.

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

DISTRICT - Santa Cruz Elementary School District and Santa Cruz City High School District commonly referred to as Santa Cruz City Schools.

ELIGIBLE APPLICANT - A person who has satisfied all requirements relating to a position and who has been placed on an eligibility list for future employment.

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

EMERGENCY APPOINTMENT - An appointment for a period not to exceed fifteen (15) working days to prevent the stoppage of public business when persons on eligibility list are not immediately available.

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

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

EXAMINATION - The process of testing and evaluating the fitness and qualification of applicants for District employment.

HEARING - Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER - A qualified person employed by the Personnel Commission to hear and make recommendations on appeals from disciplinary action.

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

INVESTIGATION - A fact-finding procedure related to an appeal or complaint. An investigation is less formal than a hearing.

JOB FAMILY - A group of classifications related by occupational field, as set forth in the list of classes declared by the Personnel Commission. Example: Secretarial/Clerical

JOB SERIES - A group of classifications related by similarities in duties and responsibilities. Example: Groundskeeper I, II, III

LAYOFF - Separation or reduction in permanent assigned work hours from a permanent position because of lack of work or lack of funds.

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

LIMITED TERM - A term used in Education Code 45286 to designate a position which is:

1. not to exceed six (6) months in duration, or 126 working days;
2. in the case of an absent employee, is not to exceed the authorized absence of said regular employee.

LIMITED TERM EMPLOYEE - A temporary employee who is substituting for a regular employee or who is serving in a position established for a limited period which is:

1. not to exceed six (6) months in duration or 126 working days;
2. in the case of an absent employee, not to exceed the authorized absence of said regular employee.

OPEN EXAMINATION - An examination which is not restricted to persons who are current permanent and probationary employees of the District; i.e., may be taken by a person otherwise qualified.

PERMANENT EMPLOYEE - An employee who has completed the prescribed probationary period for his/her classification.

PERMANENT POSITION - Any position which will continue for more than six (6) months and is a regularly budgeted position.

POSITION - A group of duties and responsibilities established by the appointing power and performed on a full or part-time basis by one individual on a permanent or limited term basis.

PROBATIONARY PERIOD - The first six (6) months or 130 days of paid service, whichever is longer, of continuous service following appointment from an eligibility list to a regular position in the classified service.

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 LIST - An eligibility list resulting from a promotional examination, limited to qualified permanent employees of the District or from an open/promotional examination.

PROVISIONAL APPOINTMENT - A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances.

PROVISIONAL EMPLOYEE - A person appointed to a position pending the establishment of an appropriate eligibility list for a period not to exceed 90 calendar days.

PUBLIC NOTICE - Announcements of examinations, meetings, hearings and other actions of the Commission and Personnel Office on the official bulletins boards in the District Office.

REASSIGNMENT - The assignment of a permanent employee to a position in a different classification.

RE-EMPLOYMENT - Return to duty of a former employee who has been laid off or resigned. Also applies to former employees of the District who are returned to duty for a limited period of time following retirement.

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 or other reasons specified in these rules, and who are eligible for reemployment without examination in their former class for a period of 39 months, arranged in order of their right to reemployment (seniority).

REGULAR EMPLOYEE - An employee who has probationary or permanent status.

REINSTATEMENT - A reappointment, after resignation, in regular or limited-term status, without examination, to a position in the employee's former class, or in a lower related class.

RESIGNATION - The voluntary termination of employment by an employee.

RESTORATION - The reinstatement to duty of an employee or former employee with all of the rights, benefits, and burdens held prior to the break in service. This term includes re-employment as well as reinstatement following demotion or dismissal when an appeal is sustained by the Personnel Commission.

RESTRICTED POSITION - A restricted position may be regular or temporary but is established specifically for the employment of persons who are funded through federal project funds and are members of the classified service. However, the employees shall not be accorded permanency nor acquire seniority credit until they have complied with the examination requirements for the classification.

SALARY RANGE - A series of consecutive salary steps that comprises the rates of pay for a classification.

SALARY RATE - A specific amount of money paid for a specified period.

SALARY SCHEDULE - The complete list of ranges, steps, and rates established for the classified service.

SALARY STEP - A specific location within a salary range.

SALARY SURVEY - The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry and/or other public agencies.

SENIORITY - Status secured by length of service (in a classification) to which certain rights attach; including, but not limited to, the calculation of extra points for employees taking promotional examinations, and for determining the order of layoff when positions within a classification are eliminated.

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 substitute, provisional, restricted, probationary, permanent, or regular.

SUSPENSION - An enforced absence of an employee with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

TRANSFER - The voluntary or involuntary reassignment of an employee from one position to another position in the same class, or from a position in one class to a position in another class which is allocated to the same salary range, for which the employee meets the minimum qualification, as determined by the Personnel Commission. May also mean the relocation of an employee from one job site to another with or without a change in the employee's job classification or position.

VACANCY OR VACANT POSITION - Any unfilled position in the classified service.

VETERAN'S CREDIT - Five (5) additional points added to the final score after passage of all assessment components, for military or related service rendered during time of war or national emergency. An additional five (5) points is added for disabled veterans.

VOLUNTARY REDUCTION IN ASSIGNED TIME - Incumbent chooses to work fewer hours in order to remain in his/her present position.

WAIVER - The voluntary relinquishment by an eligible applicant of any right to consideration for appointment from an eligibility list and/or to an entitlement under these Rules.

CHAPTER 1

THE PERSONNEL COMMISSION

100.0 - AUTHORITY AND APPLICATION OF RULES

100.1 - The Personnel Commission has the right and responsibility for establishing rules and (EC45260) regulations to govern the District's classified employees.

100.2 - The Rules and Regulations contained herein are established by the Personnel Commission pursuant to its authority under Education Code section 45260, as well as other provisions of law that have been made applicable to classified school employees.

100.3 - Since the implementation of new rules or amendments to existing rules can impact the Board, the Administration, and the classified employees, the Commission has hereby established the policy of submitting copies of all proposed rules, amendments to, or the deletion of existing rules to the exclusive bargaining representative(s) and the district Superintendent for their review and comments at least fourteen (14) calendar days prior to adoption by the Personnel Commission.

100.4 - The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with an eye to their intent. However, specific and 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 Classified Personnel Director, subject to appeal to the Personnel Commission. The Commission is open to responsible suggestions to amend rules which prove to be unclear or subject to more than one interpretation. However, no rule amendment or new rule shall have retroactive application.

100.5 - If a judicial review or a change in law causes any portion of these rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other rules or regulations.

100.6 - The Rules and Regulations of the Personnel Commission shall be printed and distributed or electronically transmitted to every Personnel Commissioner and Board member of the District. In addition, copies/electronic transmission shall be made available in the offices of the Superintendent, the Assistant Superintendents, the Administrator of Personnel Services, each worksite and school. One copy shall be distributed/electronically transmitted to each school media center/library for loan to employees. Every certificated and classified administrator/manager shall receive a copy of the rules either in print or by electronic transmission. The exclusive representative(s) of the classified

employees shall also receive a reasonable number of copies of the rules either in print or by electronic transmission (EC45262).

100.7 - The Rules and Regulations shall provide for the procedures to be followed by the Governing Board as they pertain to the classified service regarding such matters as applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, pre-employment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants, and any other matters deemed necessary by the Commission to ensure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness (EC45261).

110 - APPOINTMENT OF PERSONNEL COMMISSIONERS

110.1 - To be eligible for appointment or reappointment to the Commission (EC45244), a person shall (a) be a registered voter and resident within the territorial jurisdiction of the school district and (b) be a known adherent to the principles of the merit system. No member of the Governing Board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During the term of service, a member of the Commission shall not be an employee of the school district.

As used in this section, "known adherent to the principles of the merit system," with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence of support of the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this section, "known adherent to the principles of the merit system," with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.

110.2 - One member of the Commission shall be appointed by the Governing Board of the District and one member nominated by the classified employees of the District. Those two members shall, in turn, appoint the third member (EC45245).

110.3 - As used in this section, "classified employees" shall mean an organization of classified employees, which represents the greatest number of classified employees in a unit or units within the District (EC45245).

110.4 - When a vacancy on the Personnel Commission will exist on December 1, by no later than September 30, the following process shall take place:

- A. The Governing Board shall publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee.

B. The appointee of the Governing Board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint, if the vacancy is their appointee.

If the Governing Board and the classified employees of the District are unable to agree upon a nomination by September 30, the Executive Officer of the state Personnel Board shall make the appointment within 30 days.

C. When a vacancy in the position nominated by the classified employees will occur, the classified employees shall submit the name of its nominee to the Governing Board at least 30 days prior to the date on which the vacancy will occur and the Governing Board shall appoint that nominee to be effective on the date on which the vacancy would occur.

D. At a Board meeting to be held after 30 days and within 45 days of the dates specified in the subdivision, above, the Governing Board in an open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the Governing Board for appointment.

The Board may, at any time, make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

In the case of the nominee of the classified employees, the Board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the Board shall then appoint the new nominee.

E. In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the Board may make an emergency interim appointment as authorized in Section 45248 of the Education Code.

F. Terms shall be for three years commencing noon of the first day of December.

200 - MEETINGS

200.1 - Subject to cancellation or proper change, the Commission shall meet once a month. The day, place, and time of the meeting shall be determined at the June meeting for the following year. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least 24-hour notice is given to all Commissioners and to employee and administration representatives and posted on the Commission's official bulletin board.

200.2 - At its first meeting following December 1 of each year, the Commission shall elect one of its members as Chairperson and another member a Vice Chairperson, to serve a term of one year or until their successors are duly elected.

200.3 - Two members shall constitute a quorum for any regular or special meeting of the Commission (EC45247). The affirmative vote of two members shall be necessary to approve any action.

200.4 - The Commission may adjourn any regular or adjourned 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.

200.5 - Special meetings may be called at any time by the chairperson and shall be called upon the written request of any two members. Written notice shall be delivered personally or by mail to each member of the Commission. Notice must also be given to each of the following that have filed written requests for such notice: each local newspaper of general circulation, radio or television station and recognized employee or other organization. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's official bulletin board. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commissioners.

200.6

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 200.7. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the commission and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

200.7

A. The Commission may hold executive sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in executive session relating to an employee unless the employee has declined the public hearing or properly failed to request same.

B. The Commission may hold executive sessions with its designated representative prior to and during consultations and discussions with representatives of employee organizations regarding salary, salary schedules, or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives.

200.8 - Insofar as possible, at least 48 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 which have requested it.

200.9

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 not be less than two weeks later. 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.

200.10 - The Personnel Director shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, a Commissioner's dissent or approval and his reasons shall be recorded. 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 recognized employee organization representatives who have requested them.

200.11

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 at least one (1) week prior to the regularly scheduled Commission 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.

200.12

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 calendar year as possible and no later than a meeting in February. The report shall cover Commission activities for the preceding calendar year.

300 COMMISSION RESPONSIBILITIES (EC45253)

300.1 - 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 annual budget of the Commission may include amounts for the purposes of Education Code Section 45255.

The budget shall be prepared for a public hearing by the Commission to be held not later than May 30 of each year or at a date agreed upon between the Governing Board and the Commission to coincide with the process of adoption of the school district budget. The Commission shall forward a copy of its proposed budget to the Governing Board indicating the time, date, and place for the public hearing of the budget and shall invite Board and district administration representatives to attend and present their views. The Commission shall fully consider the views of the Governing Board prior to adoption of its budget. The Commission shall then forward its proposed budget to the County Superintendent of Schools for action.

If the County Superintendent of Schools proposes to reject the budget as submitted by the Commission of a school district, he/she shall, within 30 days after the Commission's submission of the budget, hold a public hearing on the proposed rejection within the affected district. He/she shall have informed both the Commission and the Governing Board of the date, time, and place of the hearing. He/she may after such public hearing either reject, or with the concurrence of the Commission, amend the proposed budget. In the absence of agreement between the Commission and the County Superintendent, the budget of the preceding year shall determine the amount of the new budget and the Commission shall determine the items of expenditure.

300.2 - The Commission shall appoint the Personnel Director. The Commission shall also appoint all other employees paid from funds budgeted for the support of the Commission and shall supervise the activities of those employees that are performed as part of the Commission's functions. Such employees shall be appointed from eligibility lists established pursuant to the provisions of this article. Such employees shall be classified employees of the school district and shall be accorded all rights, benefits, and burdens of any other classified employees serving in the regular service of the District, including representation by the appropriate exclusive representative, if any.

The Personnel Director shall be responsible to the Commission for carrying out all procedures in the administration of the classified personnel in conformity

with Education Code sections 45240 et seq., and the rules of the commission and shall be free of prejudgment or bias in order to ensure the impartiality of the Commission. The Director shall also act as secretary of the Commission and shall prepare, or cause to be prepared, an annual report which shall be sent by the Commission to the Governing Board.

The Personnel Director shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under Section 45305 and Chapter 6 of these Rules, if the Personnel Director is the party who brought the action against the employee.

300.3 - 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 principle 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.

300.4 – (EC45256) The Commission shall classify all employees and positions within the jurisdiction of the Governing Board or of the Commission, except those which are exempt from the classified service. "To Classify" shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications. The employees and positions shall be known as the classified service. Exempt from the classified service shall be:

- A. positions which require certification qualifications, i.e., teachers;
- B. part-time playground positions, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part of the classified services when the employee in the position also works in the same school district in a classified position;
- C. full-time 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 pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of part 28 of the Education Code and which is financed by state or federal funds;
- E. apprentice positions;
- 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.

Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contacts for services.

However, nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retain his regular status under the provision of this law.

No person whose contribution consists solely in the rendering of individual personal service and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service.

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 ½ percent of the normally assigned time of the majority of employees in the classified service.

300.5 - In addition to the exemptions authorized in Section 300.4, there shall be exempt from the classified service positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days or 720 hours in a fiscal year, provided that:

- A. The authorized duties are not those normally assigned to a class of positions in the classified service.
- B. The authorized duties are approved by the Commission in advance of employment (EC45258).
- C. A regular classified employee of the school district shall not receive a concurrent appointment to such a position.

300.6

A. The Commission shall prescribe, amend, and interpret subject to this article, such rules as may be necessary to ensure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the Governing Board and that unit. The rules shall be binding upon the Governing Board, but shall not restrict the authority of the Governing Board provided pursuant to other sections of the Education Code.

B. No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining unit representative shall be adopted by the Commission until the exclusive bargaining representative and the public school employer of the classified employees who would be affected have been given reasonable notice of the proposal.

300.7 - The Commission may classify as apprentice positions certain positions where the principle requirement is that of learning to perform efficiently, by study and practice, specific duties concerning which a definite plan of systematic instruction and special supervision has been approved by the California Apprenticeship Council for the designated trade.

A. The apprenticeship training plan adopted by the Governing Board of the school district must be approved by the California Apprenticeship Council.

B. No assignment to any position classified as an apprentice position shall be allowed to continue beyond the predetermined apprenticeship period approved by the California Apprenticeship Council for the designated trade, except that the school district's joint apprenticeship committee may approve retention of an employee as an apprentice up to six months beyond the predetermined apprentice period.

C. Selection of eligibles shall be made in accordance with their position on employment lists established by competitive or qualifying examinations.

D. The provisions of Section 45134 shall be applicable to apprentice positions provided that relative age may be considered as a factor in the ranking of candidates for apprentice positions.

E. Credit for prior training in a regular indentured apprenticeship program shall be given to qualified candidates (EC45263).

F. In all cases of apprenticeship probationary periods, the standards of duration and qualifications shall be fixed by the Commission insofar as they do not exceed the maximum standards set up by the California Apprenticeship Council. Termination for cause may be prescribed for any apprentice who fails to attain the predetermined standards of apprenticeship or for causes as prescribed by the rules of the Commission.

G. The Commission shall recommend to the Governing Board a graduated scale of compensation rates for the various levels of apprentices, taking into consideration the percentage relationship to the district's journeyman wage of the trade as provided in the statement of policies of the California Apprenticeship Council.

H. The Commission may determine that promotional examinations shall be held for entrance into various levels of apprenticeship positions and entrance into journeyman positions in a skilled trade.

CHAPTER 2

POSITION CLASSIFICATION PLAN

400 - THE CLASSIFIED SERVICE

400.1 - Any positions 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.

400.2 - The Governing Board may create a position or class of positions that require and permit the holders of such positions to work only on weekends, (Saturdays and Sundays) and holidays. So created, the Commission shall, in classifying the position, establish a salary scale that recognizes the peculiarity of the work and the days and hours required to work.

400.3

A. The Governing Board shall fix and prescribe the duties to be performed by all persons in the classified service and other positions not requiring certification qualifications of the school district, except those persons employed as a part of a Commission staff (EC45109).

B. Classified employees shall not be required to perform duties that are not fixed and prescribed for the position by the Governing Board unless the duties reasonably relate to those fixed and prescribed for the position by the Board, for any period of time which exceeds five (5) working days within a 15 calendar day period except as authorized herein. Notwithstanding the provisions of this section, the Commission and Governing Board may, by written rule, provide for an upward salary adjustment for any classified employee required to work out-of-classification for any period of time less than that required herein (EC45110).

C. An employee may be required to perform duties inconsistent with those assigned to the position by the Governing Board for a period of more than five (5) working days provided that his/her salary is adjusted upward for the entire period he/she is required to work out-of-classification and in such amounts as will reasonably reflect the duties required to be performed outside his/her normal assigned duties. It is the intent of this section to permit the District to temporarily work employees outside of their normal duties but in so doing to require that some additional compensation be provided the employee during such temporary assignments. Compensation for working out-of-class shall be paid at the step of the range of the classification in which they are working out-of-class. That compensation must be at least five (5%) percent higher than his/her current salary, but shall not exceed the maximum of the range of the class to which he/she is working out-of-class.

"Working out-of-class" does not include performing work in another classification when the assignment has been accepted by a regular employee under a limited term project, provisional, or substitute appointment. Additional compensation will not be provided for "working out-of-class" assignments in a lateral or lower classification within the same job family. The Commission may consider additional compensation should the lateral or lower classification in which a regular employee is working out-of-class, be assigned to a different job family than the one in which he/she is regularly assigned.

500 - GENERAL CLASSIFICATION RULES

500.1 - The Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according

to general occupation and groups shall be listed according to specific occupation. The plan shall indicate the class in each series that is usually filled by open competitive examination. Those classes not so designated shall be considered as "promotional classes" provided that the Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate or range applicable to each class.

500.2 - For each class of positions, as initially established or subsequently approved by the Commission, 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 and placement within the organizational scheme.
- C. A statement of typical tasks to be performed by persons holding positions allocated to the class.
- D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, and abilities.
- E. License or other special requirements for employment or service in the class.
- F. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his/her qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
- G. Minimum qualifications may never require a teaching, administrative, or other credential, nor may they require work experience which essentially would restrict applicants to credentials holders. Job titles may not be assigned that would restrict competition to holders of credentials.
- H. The Commission shall ensure that all class specifications meet the intent of the district's affirmative action plan in not providing artificial barriers that would adversely affect target groups from qualifying for position openings.

500.3 - The class specifications and their various parts 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 that should be allocated to the respective classes as determined 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 to duties, responsibilities, qualification requirements, or other attributes is typical

or descriptive of the class and does not exclude others not mentioned of similar kind and/or quality as determined by the 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 to the general duties, responsibilities, specific tasks and qualification requirements to afford a holistic picture of the positions that the class includes. As such, isolated clauses, phrases or words, apart from their context, are not considered.

C. Each class specification is compared in relationship to other specifications. Within the same series (i.e., job family), this is done to maintain a systematic progression in the series thereby creating career ladders. Within the group of classes, this is done to recognize the inherent differences between 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.

500.4 - 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.

500.5 - Any substantial changes in the duties of existing positions shall be promptly reported in writing by the appointing authority to the Personnel Director, who shall review them to determine whether the positions should be allocated to different classes.

500.6

A. When the Governing Board creates a new position, it shall submit to the Personnel Director, in writing, the duties officially assigned.

B. The Governing Board shall fix the duties of all positions that are a part of the classified service as required by Education Code Section 45109. The Board may recommend the minimum educational and work experience requirements for classified positions to the Commission. Minimum qualification requirements shall be subject to approval of the Commission.

C. In approving minimum educational and work experience requirements for classified positions, the Commission shall ensure that such requirements reasonably relate to the duties of the position, as established by the Governing Board, and that they will admit an adequate field of competition. No requirements may be approved which unduly or unreasonably restrict the field of competition or that conflict with the District's affirmative action plan.

D. The position duties shall be prescribed by the Board and qualification requirements for the position class shall be prepared and approved by the

Commission, as required by this section, prior to an issuance of an announcement calling for a competitive examination to fill position vacancies.

E. The Personnel Director shall present recommendations to the Commission which shall:

1. classify the position and determine whether the position should be allocated to an existing class or to a new class;
2. set forth the minimum qualifications of a new job class he/she recommends and those recommended by the Board, if any. The minimum qualifications approved by the Commission must reasonably relate to the duties assigned the position by the Board.

500.7

A. Positions not requiring certification qualifications created by the Governing Board under the Manpower Development Act of 1964, the Elementary and Secondary Education Act of 1965, Section 11300 or Section 13650 of the Welfare and Institution Code and future federal or state legislative enactment, or any other special funding, and which are not part of the regular school program shall, nevertheless, be a part of the classified service.

Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions that are a part of the regular school program.

B.

1. Notwithstanding the provisions of Subdivision A, if specifically funded positions are restricted to employment of persons in low-income groups from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school programs, except that persons employed in the following categories or restricted positions shall not be subject to the provisions of the Merit System examination process:

a. The position of Instructional Aide as defined in Education Code Section 45343.

b. Any other position involving personal contacts with pupils or parents that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health or the correction or prevention of behavioral problems.

2. Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except:

- a. They shall not be accorded employment permanency and shall not acquire seniority credits.
- b. They shall not be eligible for provisional appointments as provided for in Education Code Sections 45287 and 45289.
- c. They shall not be subject to the provisions of Education Code Section 45241 until they have complied with C below.

C. At any time after completion of six (6) months of satisfactory service, a person serving in a "restricted" position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he/she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His/her service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he/she continues to serve in a "restricted" position.

D. It is the intent of this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain such positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons, but to do so in a manner that will not be disruptive or detrimental to the normal employment procedures relating to classified school service.

500.8 - The Governing Board may establish positions and employ persons in public service employment positions which are funded by the Comprehensive Employment and Training Act (CETA) and which are restricted by the act to a limited duration of participation.

The positions shall be a part of the classified service. Persons so employed shall be classified employees for all purposes except that they shall not be subject to the provisions of Sections 45272 and 45273, and they shall not acquire permanent status or seniority credit for the purpose of layoff or re-employment. Retirement benefits shall be subject to the applicable federal law.

Persons employed in and occupying such positions shall be eligible to apply for any position or class of positions within the classified service for which they meet the qualifications, and, upon employment in the regular classified service, shall have their classified service counted from the original date of employment in the CETA position.

500.9 - If the Governing Board establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such position shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of classified service and persons so employed shall be classified employees for all purposes except that (1) they shall not be subject to the provisions of Education Code Sections 45272 or 45273, and (2) they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of Education Code Sections 45105.

Categories of positions for which the Governing Board may establish restrictions under this section are:

A. The position of Instructional Aide, as defined in Education Code Section 45343.

B. Any other position involving personal contacts with pupils or parents, that is established to assist school staff personnel responsible for school-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

500.10 - If the Governing Board establishes a position and restricts initial appointment of new employees to persons having mental, physical, or developmental disabilities, then such positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service, and person so employed shall be classified employees for all purposes except that they shall not acquire permanent status, shall not be subject to the provisions of Education Code Section 45272 or 45273, or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of Subdivision C of Section 500.7.

600 – RECLASSIFICATION (EC45285)

600.1 - Criteria for Reclassification

Reclassification is recognition that a position has evolved through a gradual change in duties and job requirements. Reclassification of a position to a higher or lower classification must be based on a finding that the level of the position has increased/decreased gradually over a period of time, specifically not less than two (2) years.

600.2 - Requests for Reclassification

Requests for reclassification shall follow the procedure described below:

A. Applications for reclassification study will be accepted by the Classified Personnel Director between November 1 and January 1 of each school year. Requests for study may be initiated by the administration, with approval of the Superintendent, or by employees or employee organizations. Requests must be accompanied by a statement of the current authorized duties of the position and any prospective changes. Requests not meeting these criteria will not be accepted.

B. Reclassification studies shall be identified by two (2) categories. The first category will represent requests for reclassification of an entire class. In this case only one request for a specific reclassification study will be accepted. As a result, employees in one classification must submit a common request for study. The second category will represent individual requests that are not common to the entire classification.

C. The supervisor of the employee or employees who submit a request for reclassification and the Assistant Superintendent from the department in which the request was made shall provide written reports to the Classified Personnel Director that analyze the feasibility and appropriateness of the request.

600.3 - Initial Review

On or before February 1 of each year, the Classified Personnel Director will make an initial review to determine whether or not the information in the request(s) justifies making a study of the classification. Employee whose requests do not meet the initial review will be notified in writing and shall have the right to appeal to the Commission.

Pending Commission approval, a list of classifications to be studied and the person making the request shall be prepared. One copy of the bargaining unit positions shall be submitted to the union president and a second copy, including all requests, shall be submitted to the Superintendent and to the Commission at the Commission's regularly scheduled meeting in February. The Classified Personnel Director will report to the Commission at their regular meeting the number of requests received as well as a plan for review.

600.4 - Procedures for Reclassification Study

Formal reclassification review will include whatever steps necessary to verify the information in the review questionnaire and may include interviews with employees and/or supervisors, site visits and observations, and review of work products. On or before April 1, a report of the reclassification study shall be provided to the employee, supervisor, exclusive bargaining representative, and the Superintendent for review and comment prior to presentation to the Reclassification Committee.

600.5 - Impartial Study

The recommendations will be the result of a reclassification study and will be free of prejudgment or bias in order to assure the impartiality of the Reclassification Committee.

600.6 - Establishment of the Reclassification Committee

The Reclassification Study Committee shall consist of two (2) bargaining unit members nominated by the unit; one (1) Personnel Commissioner nominated by the Commission; two (2) administrators appointed by the Superintendent; and the Assistant Superintendent of Human Resources

The Personnel Commissioner and the Assistant Superintendent of Human Resources shall not be voting members. The Classified Personnel Director may serve in an advisory, non-voting capacity.

Within five (5) days of the receipt of the reclassification study, employees may request to appear before the Reclassification Committee to provide information or clarification of circumstances. Those employees submitting such a request, or who have been requested to appear by the Committee, shall be scheduled to appear at a Committee meeting no later than April 30 of each year.

Should the Reclassification Committee not be established and/or convened by May 15, reclassifications that meet the legal requirement (gradual accretion of duties over a two (2) year period) and are agreed to by both the supervisor and employee, will be forwarded to the Personnel Commission at their regularly scheduled meeting in June for approval to be advanced to the next step in the process.

600.7 - Reclassification Committee Recommendations

Upon completion of the class study process, the Reclassification Committee recommendations shall be forwarded to the Superintendent, the Classified Personnel Director, the Commission, the employee(s) and the official union representative. The potential budget impact of possible reclassification shall be included as part of recommendations made to the Superintendent and to the Classified Personnel Director. Committee recommendations shall be submitted no later than ten (10) working days after the final meeting of the Reclass Committee. The employee may submit to the Superintendent and to the Commission additional written information after receipt of the final committee recommendation.

600.8 - Final Recommendation

The Superintendent shall make the final recommendations to the Governing Board, and the Classified Personnel Director will make final recommendations to the Commission. In the event the recommendation is different from that of the Committee, both reports shall be submitted and affected employees shall be notified.

600.9 - Upon approval of the Governing Board and the Commission, all resulting reclassification shall be effective July 1 following the class study. The Governing Board shall have the final decision when a new position is created; the Commission shall have the final decision when an employee is reclassified into an existing position.

For an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties and not be a sudden change resulting from reorganization or duty changes by the Board. The Commission shall decide at the time the reclassification occurs as to whether the reclassification meets this rule.

600.10 - Upward Reclassification

A. When all of the positions in a class are reclassified upward, those incumbents with two (2) or more years service in one or more of the positions being reclassified may be reclassified with their positions. The Commission may require a qualifying examination or other evidence of qualification.

When all positions in a class are reclassified to a higher class, employees with less than two (2) years service in the class must pass a qualifying exam in order to be reclassified.

When one or more but not all positions of a class are reclassified to a higher class, an employee who has a continuous employment record of fewer than two (2) years in one or more of the positions being reclassified must pass a qualifying examination for the class in order to be reclassified. The Classified

Personnel Director may waive the qualifying examination if there is evidence that the employee has previously satisfied the qualifications.

Incumbents who cannot pass the qualifying examination for the position being reclassified or do not have the appropriate skills or certificates on file will remain in their current classification for up to one year while going through a training program to acquire the necessary skills. The employee, his/her supervisor, and the Classified Personnel Director shall agree to the content of the training program. Unless otherwise agreed, the expense of said program will be borne by the employee. The Classified Personnel Director will see to periodic testing of these employees. When an employee meets the standards within a one (1) year period, he/she will be reclassified effective on the date of successfully meeting the standards. If an employee fails to develop the necessary skills during a one (1) year period, the employee may be offered a transfer or voluntary demotion to positions for which he/she is qualified, or he/she may be laid off from employment.

An employee who has been reclassified upward shall be ineligible to again be reclassified upward until at least two (2) years have elapsed from the last upward reclassification.

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 that 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 that the incumbent had greater seniority in that class;
3. the right to be demoted or transferred with examination to the class in which his/her position is reclassified.

600.11 - Salary Schedule Placement

A. Reclassification upward will be treated in the same manner as a promotion. Incumbents in such positions of a class that is proposed for reclassification upward will move to the step in the proposed salary range that is at least 5 percent higher than they were on in the lower salary range, not to exceed the top step of the new range. In cases where management feels inequities have existed over substantial periods of time, management may grant a step placement in excess of the five (5) percent figure.

B. Incumbents of all positions in a class or incumbents of positions reallocated to a class proposed for a lower salary range with a maximum step that is not lower than the incumbent's current actual salary, will move to the step in the

proposed class that is nearest to but not less than their current salary. Placement shall not exceed the top step of the new range.

C. Incumbents of all positions in a class, or incumbents of positions reallocated to a class, proposed for a lower salary range with a maximum step that is lower than the incumbents' current actual salaries, will continue to receive their present salaries until the maximum step of the lower range again exceeds the incumbents' actual salaries. The letter Y will be used with these rates on all official pay-related records and documents until the frozen salaries again fall within the range of the class.

600.12 - Anniversary Date

The effective date of the reallocation shall become the employee's new anniversary date for step increment increases.

600.13 - Displacement

Any displacement of a regular employee resulting from reclassification of a position, positions, or class of positions shall be considered a layoff for lack of work, and an appropriate re-employment list will be established in accordance with these rules. 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.

CHAPTER 3

APPLICATION, EXAMINATION AND CERTIFICATION

700 - APPLICATION FOR EMPLOYMENT

700.1 - All applications for employment shall be made upon official forms, filled out as therein directed, and filed on or before the date specified in the job announcement.

700.2 - All applications and examination papers are confidential records of the District and shall not be available to the public or to any person for any purpose not directly connected with the application or examination, except as required by law or valid subpoena. Within reasonable time limits, the applications and examinations shall be made available to a candidate or his/her representative.

700.3 - The names of the applicants in any examination shall not be made public.

700.4 - No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, sexual orientation or marital status shall be asked of any applicant or any candidate whose name has been certified for appointment nor shall any discrimination be exercised therefore (EC45393).

800 - REFUSAL OF EXAMINATION

800.1 - An applicant may be refused examination for any of the following reasons:

A. Conviction in court, including a plea of nolo contendere or a plea of guilty to a controlled substance offense or sex offense as defined in Education sections 44010 and 44011, respectively.

A person convicted of a controlled substance offense as defined in Education Code Section 44010 involving the use or possession of marijuana may be employed if the Board determines, from the evidence presented that the person has been rehabilitated for at least five (5) years, or if a conviction is reversed and the person is acquitted of the offense in a new trial, or if the charges against him or her are dismissed.

B. Charged or convicted of any offense involving immoral conduct or mistreatment of children.

C. Making a false statement or omitting a statement as to any material fact on the application form.

D. Failure to meet the minimum requirements stated in the position announcement.

800.2

A. Applicants who are rejected for any of the reasons enumerated in Rule 800.1 shall be notified in writing by the Personnel Director. The notification shall state:

1. the reasons for rejection;
2. that, within seven (7) calendar days, the individual may appeal to the Personnel Director for administrative review and that failure to appeal for administrative review makes the rejection final and conclusive.

B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:

1. given a written notice outlining the reasons for sustaining the rejection, and;
2. informed of his/her right to make a written appeal of the rejection, within seven (7) calendar days, to the Personnel Commission.

C. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

800.3 - If a rejection is not sustained by the Personnel Director or the Personnel Commission, the Personnel Director shall institute immediate action to ensure the rights of the applicant as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

900 - EXAMINATIONS

900.1 - No examination announcement may be made and no part of any examination may be held until the Governing Board has properly approved the position duties and the Commission has completed the position classification including the establishment of minimum education and work experience requirements. However, the District and Commission may mutually agree to an exception in order to expedite the establishment of an eligibility list in a classification similar to those established with the job family and where there is an urgent/critical need to fill the position. In such cases a draft of the position duties, minimum education, and work experience requirements will be used. After the establishment of the eligibility list, the final interview shall not be held nor shall an offer of employment be tendered until such time as the Board and the Commission have approved a first reading.

900.2 - Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist as determined by the Commission, the Commission shall direct the holding of an examination

to provide eligibles an opportunity to apply. At least five (5) working days advance notice of such opportunity shall be given. Notification may be published and distributed by electronic means. The notice shall contain the following facts:

- A. information concerning the location of employment, the expected number of the vacancies, and duration of the eligibility list;
- B. description of the scope of duties and responsibilities of the position and the class;
- C. minimum qualifications required;
- D. the salary and other forms of compensation;
- E. the last date for filing an application;
- F. examinations that may be given;
- G. such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.

900.3

A. All vacancies in the classified service shall be filled pursuant to the rules of the Commission, from applicants on eligibility lists which, whenever practicable, as determined by the Commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement and re-employment in accordance with the rules of the Commission. All applicants for promotional examinations shall meet the minimum qualifications of education, training, experience and length of service for the class for which they have applied or have the required amount of service in classes designated by the Commission.

All applicants for promotional examinations who have served the required amount of time in a designated class or who meet the minimum qualifications for admission to a promotional examination shall be admitted to the examination. The Commission shall place applicants on the eligibility list in the order of their relative merit as determined by competitive examination. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three (3) ranks on the list that are ready and willing to accept the position.

B. Upon request of a majority of the members of the Governing Board, the Commission may exempt one or more executive secretarial positions from the requirements of this section. Exemptions authorized under this subdivision shall be limited to executive secretarial positions reporting directly to members

of the Governing Board, the district Superintendent or not more than four (4) principal deputies of the district Superintendent or all of these positions.

Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits and burdens of any other classified employees serving in the regular classified service of the district, except he/she shall not attain permanent status in an executive secretarial position. Positions of executive secretary shall be filled from an unmarked list of eligibles who have been found to be qualified for the position as specified by the district Superintendent and determined by the Commission. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in the Education Code or in a Rule of the Commission shall have the right to return to a position in a classification he/she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the Commission.

Nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action plan of the district.

900.4

A. Examinations may be restricted to promotional candidates at the discretion of the Commission. Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class.

B. If three or more qualified permanent employees apply for the promotional announced examination, the examination will be declared a closed promotional examination and will be limited to those applicants.

C. If fewer than three (3) qualified permanent employees apply, the examination will be declared open, the vacancy will be advertised, and all candidates will be notified that dual certification from a single list will be used in final selection of a candidate.

In the interest of conducting a timely recruitment and selection process, nothing contained in this section shall prohibit the Commission from conducting a simultaneous promotional and open recruitment process and declaring an open examination. If a sufficient number of promotional candidates pass the promotional examination to ensure three ranks on a promotional eligibility list, said promotional list will be created and take priority as stated in B above. A dual certification list may be created when less than three ranks of promotional candidates are available.

900.5

A. Approved applicants shall be notified a reasonable time in advance of the time, date and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application.

B. Competitors in any written test must take the test on the prescribed date unless religious affiliation or military service requires other arrangements.

900.6

A. Examinations shall be administered objectively and shall consist of test parts that relate to job performance.

B. Competitors will be required to attain a designated minimum rating on each part or in combined parts of the examination to qualify for participation in the next succeeding part.

C. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.

900.7

A. When the written test papers of all competitors have been rated, each candidate will be notified of his/her grade, and the place, date, and time at which he/she may review the test paper. At the time of the review, he/she will be provided a protest sheet and may protest any questions or answers.

B. The protest sheets, if any, shall be filed with the Personnel Director within 24 hours. The Personnel Director shall review and act upon all protests. He/she may allow more than one answer to a question, or may disqualify a question, if the protest is determined to be valid. If protests result in a change, the test papers of all applicants will be reviewed and rated accordingly.

C. The Personnel Director shall inform the protester of his/her decision. If the Director rules against the protest, the applicant may appeal to the Personnel Commission, but the appeal shall not delay other parts of the process. The decision of the Commission shall be final.

900.8 (Education Code 45273)

A. For classes of positions deemed by the Commission to require an oral examination, the oral examination board shall consist of at least two (2) members.

B. The oral examination board is directed to evaluate technical knowledge and skills, as well as to evaluate general fitness for employment in the class, and at least two (2) members of the board shall be technically qualified in the specific occupational area.

C. Members of the Governing Board or Personnel Commission must be a first or second level supervisor over a vacant position in the class for which the examination is held to serve on an oral examination board.

D. The Personnel Commission shall provide for the proceedings of all oral examinations to be electronically recorded.

E. In no case will oral examination board members be provided with confidential information on applicants.

F. Scores achieved by a candidate on other parts of the examination shall not be made available to the oral examination board members.

G. Oral interview scores achieved by candidates will not be transferable to other eligibility lists.

H. An exception to sections A, D, and G above applies to the oral proficiency exam for bilingualism. In cases where oral bilingual proficiency is required, one person may assess the candidates' bilingual ability. The assessment will not require electronic recording. Scoring is pass/fail and will not affect placement on the eligibility list.

900.9 - In promotional, and open/promotional examinations, seniority credit shall be added to the final passing scores of candidates in the amount of one half (1/2) of one (1) point for each year of service, not to exceed a total of five (5) points. Credit shall be granted for time spent in regular status in the classified service and on leave from classified service while otherwise employed in the District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis. Credits shall not be calculated for units of less than a half year unless greater accuracy is required in order to break ties in examination scores.

900.10

A. "Veteran" means any person who has served in the United State Armed Forces in time of war, national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the Commission at the time of the examination (EC45294).

"Armed Forces" means the Untied States Air Force, Army, Navy, Marine Corps or Coast Guard.

B. "Disabled Veteran" means any veteran who is currently declared by the United States Veterans Administration to be ten (10) percent or more disabled as a result of service in the Armed Forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

C. In the case of all entrance examinations, veterans with thirty (30) days or more of service who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five (5) points and disabled veterans shall be allowed and additional credit of ten (10) points, which shall be added to the percentages attained in the examinations by the veterans. Veterans shall be placed on eligibility lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after the credit of five (5) points, or ten (10) points in the case of disabled veterans is added.

D. Whenever during the absence of an employee of a school district in the active military service of the United States of America during any period of national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, the position held by such employee at the time of his/her entrance into such military service is placed within the classified service of the district and an eligibility list is established for such position through competitive examination, the employee shall, at his/her request made within six (6) months after his/her leaving such active military service under honorable conditions, be given forthwith an examination of substantially the same character and scope as the competitive examination through which the original eligibility list was established. The grade secured by such employee in the examination shall be deemed to be the grade he/she would have secured had he/she taken the competitive examination as a veteran and the employee shall be placed on the original eligibility list accordingly with all the rights and privileges to which he/she would have been entitled had he/she had that place on the original eligibility list at the time of its establishment.

900.11 - Each competitor shall be notified of his/her scores for each position of the examination, the application of veterans or seniority credit, the total score, and the standing on the eligibility list, if qualified. Each competitor shall, in addition, be notified that the eligibility list is available in the personnel office for review.

900.12 - The Commission shall provide an equal opportunity for an individual with a disability to participate in the job application process and to be considered for a job. Toward that end, the Commission shall make a reasonable accommodation for applicants who inform the Commission of a disability and request such accommodation, as required by state and federal law.

900.13 - The Commission shall also provide an equal opportunity to individuals with disabilities to attain the same level of performance and enjoy the same benefits and privileges as are available to similarly situated employees without disabilities. Thus, the District shall make reasonable accommodations for qualified employees with disabilities, as required by state and federal law.

900.14 - When an open competitive examination and a promotional examination for a particular class are held at the same time, the Commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if (1) the candidate on the open list has a higher rank before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added, and also if (2) either the class has fewer than three positions in the class or the most recent promotional examination for the class has failed to provide an adequate number of available eligibles on a promotional list to fill all regular vacancies which developed during the life of the eligibility list (EC45284).

900.15 - The Commission shall provide for an open competitive examination and a promotional examination to be held at the same time for the position of business manager or for any other single position class which it declares to be at or above the level of business manager. It shall require that all educational and work experience requirements be developed so that the position will attract competent and qualified applicants from among the classified service, certificated personnel or other persons meeting the minimum requirements (EC45280).

A. All permanent employees of the District, classified and certificated, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates.

B. Promotional credits, including seniority credits, if any, shall be equally applicable to both classified and certificated promotional candidates.

C. Eligibility lists resulting from such an open competitive and promotional examination shall be merged into a single eligibility list after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority credits, if any.

D. The examination for any such position shall not be construed to be an entrance level position examination.

900.16 - The Commission, for a period of at least 90 days after establishment of an eligibility list, shall retain examination records, including any recordings and the rating sheet of each member of the oral board for each candidate.

Examination records shall not 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/her representative and as required by law or valid subpoena.

CHAPTER 4

EMPLOYMENT LISTS

1000 - ELIGIBILITY LISTS ESTABLISHED

1000.1

A. The Commission shall place applicants on the eligibility lists in the order of their relative scores as determined by competitive examinations. Final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position. The list shall be presented for approval of the Personnel Commission (EC45272).

B. Eligibility lists shall be established for a period of not less than one (1) year. Eligibility lists may be established for a period of six (6) months upon approval of the Personnel Commission as long as the six (6) month duration of such a list is noted in the recruitment bulletin announcing the examination (EC45300).

C. An eligibility list may be extended for an additional period of one year or less at the discretion of the Commission (EC45300).

D. The Commission may terminate a list before the expiration date if the list is exhausted for appointments through use and eligibles being unavailable or there are less than three eligibles on the list, upon recommendation of the officer charged with certifying eligibles, and after due notice to eligibles who have made themselves unavailable for appointment (EC45300).

1000.2 - There shall be established for each class, as necessary, a layoff list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all regular classified service employees who have been laid off or demoted from any position because of lack of work or lack of funds.

1000.3

A. If a new examination for a class is given during the life of an existing list, the examination shall be sufficiently similar to the previous examination to insure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in order of examination scores. Promotional lists shall be merged only with promotional lists, unless "dual certification" applies, in which case open and promotional lists shall be merged for certification.

B. When lists are consolidated under this rule, the earlier list shall be terminated.

1000.4 - An eligibility list shall be used for full-time and part-time assignments in the class. An eligible who accepts part-time or limited-term employment shall continue to be eligible for full-time employment.

1000.5 - The name of an eligible may be removed from an eligibility list by the Personnel Director, subject to ratification of and appeal to the Commission, for any of the following reasons:

- A. a written request by the eligible for removal;
- B. failure to respond within a reasonable time to an inquiry regarding availability for employment;
- C. failure to respond for an interview after certification;
- D. two waivers of interviews during the life of the eligibility list, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this sub-rule;
- E. refusing an employment offer after having been certified as eligible for appointment;
- F. failure to report for duty after an assignment has been offered and accepted;
- G. practicing any deception or fraud in connection with an examination or in obtaining employment;
- H. on a promotional eligibility list only, termination of employment;
- I. dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District or, if it is subsequently learned that the person was dismissed from previous employment for cause, if the District would have instituted dismissal proceedings for the same or similar cause;
- J. dishonorable discharge from the Armed Forces of the United States;
- K. unsuccessful completion of the reference check processes inclusive of the mandatory fingerprint reports by the Department of Justice and/or Federal Bureau of Investigation;
- L. unsatisfactory performance in an out-of-class assignment within the job family applied for;
- M. membership in the Communist party and/or failure to execute the Oath of Allegiance required by the State of California;
- N. advocacy of overthrow of the government of the United States or the State of California by force, violence, or other unlawful means;

O. failure, after due notice, to report promptly for review of any of the above reasons for rejection.

1100 - CERTIFICATION FROM EMPLOYMENT LISTS

1100.1 - Names shall be certified for appointment from employment lists in the following sequence:

- A. layoff list;
- B. promotional eligibility list;
- C. open eligibility list.

1100.2 - Appointments may be made from other than the first three ranks of applicants on the eligibility list when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement of the position to be filled. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in the class. Where such a position is to be filled, the appointment shall be made from among the highest ranks of applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position.

If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive a provisional appointment, which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list containing applicants who meet the special requirements if the Commission finds that the requirement of subdivisions (a) and (b) of Education Code Section 45288 have been met. These appointments may continue for the period of the provisional appointment but may not be additionally extended if the certification can later be made from an appropriate eligibility list.

1100.3

A. When fewer than three eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three eligibles.

B. When fewer than three eligibles are available from any list; promotional or open, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.

1100.4

A. In the absence of a layoff list for a class, a vacancy may be filled by transfer, demotion, reinstatement or re-employment (after resignation), restoration to

former class after voluntary demotion, or other means provided in the rules, without regard to the existence of eligibility lists.

B. When an opening of four (4) hours or more occurs for which there is no existing valid eligibility list, the opening will be announced within the District.

C. Employees who are in the same job class or job family and salary range may request a transfer or a demotion if in a higher job class within the same job family. Such a request for transfer must be made to the Personnel Department within five (5) days of the date of the announcement.

D. The Personnel Office will arrange an interview with the requesting authority as soon as possible after the closing date of the announcement.

E. The requesting authority must notify the Personnel Office of its decision within two (2) days after the interview. The Personnel Office will notify the employee of the decision.

F. If the requesting authority selects an employee, a reasonable amount of time will be given to the department losing said employee to arrange for a replacement. In the event mutual agreement is not reached between supervisors as to the transfer date of a selected employee, the Personnel Director will make the final decision.

G. In no case will a transfer of this nature result in an upward move in salary range or step increase.

H. An employee who is in a higher class and requests a reassignment that results in a demotion in range can be transferred only if they have previously met the minimum qualifications of the lower job classification. Step placement will be at the step that is closest to but not lower than his/her existing rate of pay at the time of reassignment, but not to exceed the top step of the range for the new classification.

1100.5

A. An eligible may, without penalty, make himself/herself unavailable for certification to specific locations, shifts, to part-time or full-time positions and to limited-term or permanent positions by so notifying the Personnel Office in writing.

B. Eligibles may revise or withdraw their unavailability in writing.

C. Available eligibles may waive certification twice. Notification of removal will be made at the time the second waiver is requested. Upon the third waiver, their name will be removed from the eligibility list.

1100.6

A. When there is an opening, the Personnel Director shall be notified of the date of the anticipated need, the class title, hours, location of employment and any other pertinent information.

B. The Personnel Director shall determine the availability of eligibles and shall certify candidates from the top three (3) ranks on the eligibility list.

C. After the appointing authority interviews the certified candidates for a position, the Personnel Office shall be notified of the recommended selection. The Personnel Office will then contact the candidate and the Personnel Director will offer the position. If the candidate fails to keep the interview appointment or declines the position either at the first interview with the appointing authority or the second interview with the Personnel Director, additional eligibles may be certified as below.

D. No offer of employment is to be made to any eligible by any individual other than the Personnel Director or his/her designee.

1100.7

A. If additional eligibles need to be certified, the appointing authority must submit a request to the Personnel Director indicating the names of those that were not interested in the position or failed to respond for the interview.

B. The Personnel Director shall investigate the matter to determine if the request is valid and to determine that an appointment refusal was voluntary on the part of the concerned eligible.

1. If the request is valid, the Personnel Director shall:

a. certify additional eligibles as may be required;

b. remove from the eligibility list the names of eligibles who failed to report for interview or who refused appointment and notify the eligibles of his/her action and their right of appeal to the Commission.

2. If it is found that a refusal of appointment was not voluntary and free of any type of duress he/she shall:

a. notify the appointing authority of his/her findings and refuse to certify additional eligibles, citing the provisions of this rule;

b. refer the matter to the Personnel Commission together with findings and recommendations, which may include action under Education Code Section 45317;

c. advise the appointing authority of the date of his/her report to the Commission in order to enable appropriate representation.

1100.8 - If there is no eligibility list for the class in which the vacancy occurred, certification may be made from a list for another class at the same or a higher salary level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that 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.

1100.9

A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides in the District, he/she shall respond within three (3) working days after the date the notice is mailed.

1. Failure of an eligible to respond within the above stated time will be deemed to be an automatic waiver of certification.

2. Every person who has been placed on any eligibility list shall promptly and in writing, file with the Personnel Office a correct mailing address and place of residence if different from information on their application. This address shall be the place to which the Personnel Office shall direct all notices necessary in carrying out the provisions of these rules. Failure on the part of any such person to file such information may operate as a waiver of certification and/or appointment from any such list.

B. An eligible who has been selected shall be allowed at least two (2) weeks after the verification of fingerprint clearance to report for duty. This required time period may be waived upon mutual agreement.

1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of his/her selection. (If notification is mailed, the eligible shall respond within three (3) working days from date of mailing).

2. Notification may be made by telephone, telegram or registered or certified mail.

3. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing authority.

C. When the name of a person has been withheld from an eligibility list or from certification, it may be restored by the Personnel Director subject to ratification by the Personnel Commission at its next meeting.

1200 - PROVISIONAL APPOINTMENTS

1200.1

A. The appointing authority may make a provisional appointment when the Personnel Director certifies that:

1. no eligibility list exists for the class, or;
2. an eligibility list exists, but there are less than three (3) eligibles and the appointing authority does not want to appoint an available eligible.

B. When no eligibility list exists for a position in the classified service, an 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. No person shall be employed in provisional capacities under the Governing Board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position, successive 90-working day provisional appointments may be made to the part-time position for a total of more than 126 working days in any one fiscal year.

C. When a regular employee is given a provisional appointment, his/her rights, benefits, and step assignment shall be in accordance with Sections 1500.3 and 1500.4.

D. The Personnel Commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days, provided the following requirements are met (EC45288):

1. an examination for the class was completed during the first 90 working days of his/her provisional assignment;
2. evidence satisfactory to the Personnel Commission is presented indicating:
 - a. that an adequate recruitment effort has been and is being made;
 - b. that extension of the provisional assignment is necessary to carry on vital functions of the District;
 - c. that the position cannot be satisfactorily filled by use of other employment lists or procedures (EC45288).

E. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list, provided that continuous examination procedures for the class have been authorized by the Commission. Such successive provisional appointments may be made and persons may be employed in temporary capacities under the Governing Board for a total of more than six (6) months in any one (1) year. Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list.

While this section is in effect, it shall supersede any other provisions relating to provisional appointments (EC45289).

1200.2

A. The services of a provisional appointee shall be terminated within 15 working 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 days if authorized by Rule 1200.1.

B. A provisional appointment may be terminated at any time, at the discretion of the appointing authority.

1200.3

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 (EC45290).

B. When such emergency appointments are made, it shall be the duty of the Governing Board to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment and nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

CHAPTER 5

IN-SERVICE STATUS AND TRANSACTIONS

1300 - APPLICATION OF SALARY SCHEDULES

1300.1 - Initial Placement

All new employees shall be appointed at the hiring rate for the class as approved by the Commission. The hiring rate shall be the first step of the salary schedule except where successful applicants have had similar or like experience, in which case the Classified Personnel Director may approve the initial rate be made at step number two (2). Initial salary placements above Step 1 will be reported to the Commission.

1400 - PROBATIONARY PERIOD

A person who has served an initial probationary period in a class not to exceed six (6) months or 130 days of paid service, whichever is longer, shall be deemed to be in the permanent classified service, except that the Commission may establish a probationary period in a class not to exceed one (1) year for classes designated by the Commission as executive administrative, administrative including those on the supervisory salary schedule, or police classes. No employee shall attain permanent status in the classified service until he/she has completed a probationary period in a class (EC45301).

1400.1 - Demotion and Removal

No person in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the Commission. This shall not be construed to prevent layoffs for lack of work or lack of funds (EC45302).

1400.2

A. A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her 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.

B. A new employee who is suspended or dismissed with reason during his/her initial probationary period shall be notified in writing of the action taken and shall not have the right to appeal.

C. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be demoted involuntarily during the probationary period to his/her former class. He/she shall be notified in writing of the action and the reasons thereof.

D. A permanent employee who is suspended or dismissed or demoted to other than his/her former class during a probationary period retains full rights of appeal, except as in 15001.1.D below.

E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should he/she be laid off without fault or delinquency on his/her part before the probationary period is completed, his/her name shall be restored to the eligibility list and the time he/she has served shall be credited to him/her for the probationary period if he/she is reinstated into the same classification at their former site/department. A probationary employee who transfers to another site/department during the probationary period shall begin the probationary period again in order to allow his/her new supervisor sufficient time to evaluate his/her performance in the new position. The Classified Personnel Director, upon agreement with the receiving administrator, may authorize full reinstatement of the time served toward the probationary period.

F. For the purposes of this section, every regular classified employee shall be deemed to be employed for 12 months during each school year regardless of the number of months in which he/she is normally in paid status. Should the school district maintain school sessions at times other than during the regular September-June academic year, assignments shall be made on the basis of qualifications for employment in each classification of service which is required. No classified employee whose regular yearly assignment for service includes all or any part of the period between the end of the academic year in June to the beginning of the next academic year in September, shall be required to perform services during such period. A classified employee shall, for services performed as herein provided, receive on a prorata basis, not less than the compensation and benefits which are applicable to that classification during the regular academic year (EC45102).

1400.3 - An employee who receives a promotion to a class allocated to a higher salary shall be placed on the step of the salary range that is next above the rate the employee received in the previous class provided that the higher rate results in an increase of at least 5%. In cases where the next higher rate does not meet the 5% minimum increase, the employee will be advanced to the next step, not to exceed the top step of the range. For the purpose of this rule, appointment of an employee to a class with a salary range equal to or below this current range shall not be considered a promotion and shall not warrant a salary increase; in such cases, placement will be made on the same rate formerly earned by the employee, not to exceed the maximum of the range of the class to which he/she is appointed.

1500 - CHANGES IN POSITION AND CLASS

1500.1

A. An employee may be transferred at his/her request or for the good of the District from one position to another in the same class at the discretion of the supervisor(s) involved, provided that such action shall not be taken for

punitive or preferential reasons. A permanent employee may be transferred to a position with the same job family to a related class on the same salary range. Such transfers shall be made only with approval of the Commission.

B. 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 rights, as provided in law and these rules.

C. The Personnel Commission shall determine whether other transfers shall be permitted. It shall consider similarity of duties, minimum qualifications, examination content, occupational group and promotional field, the employee's seniority in the classified service, and whenever the transfer request is based upon reclassification, impending layoff or reasons of health.

D. A permanent employee who transfers to a position in a class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of six (6) months or 130 working days, whichever is longer. At any time during the probationary period he/she may be returned to his/her former class without rights of appeal, unless such actions 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 laid off, demoted, or dismissed; the exception being where the employee's former permanent position, to which he/she is being returned, was at a lower range and/or fewer hours/days than the probationary position he/she is being removed from.

E. 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/she shall retain such credit as seniority in the classified service.

F. Transfer shall not be used as a device to alter the sequence of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as provided in this rule.

1500.2

A. A permanent employee may request voluntary demotion to a lower class. Such requests require the approval of his/her supervisor and that of the supervisor of the department to which he/she is to be assigned.

B. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

1500.3

A. A former permanent employee who resigned in good standing may be reinstated in a vacant position in his/her former class and status within 39

months of the last date of paid service. He/she may also be reinstated in a vacant position in a lower related class if qualified or in limited-term status in the same or lower class. Such actions are discretionary with the Governing Board (EC45309).

B. A permanent employee who has taken a voluntary demotion from a classification in which he/she holds permanency may be restored to a vacant position in a related lower class, said classification as determined by the Commission, within 39 months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the Governing Board.

C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his/her position, has the right to be re-employed, in accordance with his/her seniority, in a vacant position in his/her former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right. If he/she has not been re-employed in his/her former class within 39 months, he/she shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months at the discretion of the Governing Board.

D. Restoration of an employee who requested voluntary demotion (not layoff related) or is a former employee (resigned in good standing) who is reinstated prior to the end of 39 months shall have the following effects:

1. Placement at the step held in the current salary range if restored in that same class. If restored to a lower class, placement at the salary range of that lower class with full credit for years of experience in the District.
2. If reinstated to permanent status, restoration of accrual rates for sick leave and vacation held on date of separation.
3. Reinstatement of former anniversary date and seniority date, but without step advancement credit, adjusted for the off-duty period.
4. Reinstatement of all rights, benefits, and burdens for a permanent employee in the class to which restored.

1500.4

A. If an employee is required to work in excess of the normally assigned time for 30 minutes or longer per day for 20 consecutive working days, fringe benefits shall be provided on a prorated basis pursuant to Education Code Section 45137.

B. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the class of those employees who have completed the probationary period.

C. When a permanent position is to be reduced in assigned time per day, week, month, 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/her former position. If a vacant, permanent position of equal time is not available, the incumbent (1) may bump the incumbent (2) of a position with equal time who has the least seniority in the class, provided that incumbent (1) has greater seniority. If no such option is available, incumbent (1) may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that incumbent (1) has greater seniority. An employee so bumped shall have similar bumping rights.

E. When an employee is faced with a reduction in assigned time, the rules on transfers and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.

F. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increases in assigned time.

1600 - LIMITED-TERM EMPLOYMENT

1600.1

A. **SUBSTITUTE ASSIGNMENT:** Such assignment may be made not to exceed the duration of an authorized absence of a regular employee, but it need not coincide with the dates of that absence. A substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly. A permanent employee may accept a substitute assignment. This shall not be considered to be working out-of-class. Rate of pay will be as per Rule 1600.3.

B. **LIMITED-TERM POSITIONS:** Whenever the appointing power shall require the appointment of a person to a position, the duration of which is not to exceed six (6) months or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee, he/she shall submit a request in which the probable duration of the appointment is stated. Eligibles shall be certified in accordance with their positions as limited-term employees. These positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

1600.2

A. Limited-term appointments shall be made in accordance with procedures for regular appointments, except where there is no eligibility list or as provided below:

1. If an eligible has been appointed from an eligibility list to a substitute assignment or limited-term position, he/she shall continue to be eligible for limited-term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in the order of seniority on a special list used for limited-term appointments and shall be certified there from before the current eligibility list is used.

1600.3

A. When a regular employee is given additional hours on a limited-term appointment or has accepted an assignment in lieu of his/her regular assignment, salary placement shall be as follows:

1. If the limited-term assignment is in a lower class than the employee's regular permanent assignment, the salary placement in the limited-term assignment shall be at the class range of the limited-term assignment. The step shall reflect full credit for years of experience in the district.
2. If the limited-term assignment is a higher class than the employee's regular permanent assignment, the salary placement in the limited-term

assignment shall be at the class range of the limited-term assignment. The step shall reflect the rate nearest to but not lower than the employee's regular rate and shall not exceed the highest step of the higher range.

B. Former regular employees, who are reinstated as substitute or limited-term employees in their former class or a lower class, shall be paid at the step they held before separation in the respective salary ranges. If a former employee accepts a substitute or limited-term assignment in a higher class, he/she shall be paid at the rate nearest to but not less than his/her former rate not to exceed the top step of the higher salary range.

C. All other limited-term employees shall be paid at the normal step rate of regular appointments in the class. The Personnel Commission may approve a one time stipend for non-bargaining unit assignments that are the same type of assignment a certificated employee receives a stipend for and is certified to be above and beyond the employee's regular duty day such as Saturday school, Tech liaison, Star Test Coordinator, etc.

1600.4

A. Regular employees who are serving in limited-term appointments while retaining regular status in another class, or their class, shall continue to earn and be granted all rights and benefits of their permanent position. Additional hours will not be accrued for fringe benefit eligibility. Limited-term appointments shall not be considered to be working out-of-class.

B. Any regular classified employee who accepts an assignment within the District to a limited-term position shall, during such assignment, be considered for status purposes as serving in his/her regular position, and such assignment shall not be considered separation from service.

C. Substitute employees who are not a part of the regular service but who serve one continuous calendar month in the same position shall be eligible for any holiday pay that might occur in any succeeding months if they are serving in that same position.

D. No seniority or credit toward completion of probation or any other benefit shall accrue from service in substitute or limited-term appointments.

1700 - ASSIGNMENT OF DISABLED EMPLOYEES

1700.1 - When a permanent employee becomes unable to perform the duties of his/her classification because of illness or injury as determined by medical authority designated by the Commission, effort shall be made to place him/her in a position the duties of which are within his/her capabilities. Reassignment, if any, shall be at the discretion of the appointing authority with the approval of the Commission.

1700.2

A. A disabled employee's duties in his/her regular position may be altered in accordance with his/her disability. Such changes in duties shall be reported to the Personnel Director, who shall determine whether the position requires classification study.

B. A disabled employee may accept demotion or transfer to a less demanding class.

C. A disabled employee may be assigned to a position in a higher class with the approval of the Commission but shall receive no salary benefit from such assignment until he/she can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointment.

1700.3 - A disabled employee may refuse assignments to other classes without effect on his/her rights and benefits. However, there is no obligation for the appointing authority to renew offers of reassignment which have been refused or to make alternative offers.

1700.4 - This rule does not add to the District's obligations under the Americans With Disabilities Act or the California Fair Employment and Housing Act regarding qualified disabled employees.

1800 - EMPLOYMENT OF PERS RETIREES

1800.1

A. Any person receiving a retirement allowance from the Public Employees Retirement System can be employed for up to 90 working days or 960 hours in a calendar year whenever other eligibles are not available and the retiree's skills or knowledge is needed or during an actual emergency to prevent the stoppage of public business (Government Code 21153).

B. The retired person must certify that he/she understands that he/she is restricted to 90 working days or 960 hours in any calendar year with the District and other employers subject to PERS and that employment and continuance in employment is discretionary with the Governing Board.

C. For purposes of this rule, "working day" shall mean any day for which pay is received regardless of the number of hours worked.

1800.2

A. A retiree employed under authority of this rule shall be entitled only to the appropriate salary earned to include overtime compensation as provided in that rule. The retiree shall be entitled to all benefits applicable to employees with limited-term status only, except retirement contributions.

B. Retired personnel shall normally be paid on the first step of the hiring step of the salary schedule of the class to which he/she is assigned, but may be paid on a higher step upon the recommendation of the appointing authority and the

approval of the Commission. In no case will the compensation be paid to a retiree at a rate other than one payable to a regular employee in that class.

1800.3

A. A retired employee employed under this rule is not subject to reinstatement to PERS nor does the compensation paid provide for retirement allowance adjustment.

B. The appointing authority will certify to the Personnel Director that a retiree employed under this rule meets the provisions thereof and his/her combined calendar year employment by all employers subject to PERS does not exceed 90 working days or 960 hours.

1900 - LAYOFF

1900.1 - The Governing Board may layoff and re-employ classified employees only in accordance with procedures provided in this section (EC45114).

1900.2 - Notwithstanding any other provision of law, any person who was subject to lay-off, or was, in fact, laid off for a lack of work or lack of funds and who elected service retirement from the Public Employee's Retirement System (PERS) shall be placed on an appropriate re-employment list. The District shall notify the Board of Administration of PERS of the fact that retirement was due to layoff for lack of work or lack of funds. If the employee is subsequently subject to re-employment and accepts, in writing, the appropriate vacant position, the District shall maintain the vacancy until the Board of Administration of PERS has properly processed the employee's request for reinstatement from retirement (EC45115).

1900.3

A. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee, who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Re-employment shall be in the reverse order of layoff (EC45308).

B. "Length of Service" means all hours in paid status, whether during the school year, a holiday, recess or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis. SCCS and SCCCE negotiated the conversion from hours to date of hire for seniority and bumping effective July 1, 1997.

C. Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on military leave of absence, unpaid illness leave, unpaid industrial accident leave, unpaid family care leave, or unpaid maternity leave. In the event an employee returns from any other unpaid leave of absence, no further seniority shall be accrued for time not worked.

D. "Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the District except service in restricted positions as provided by these rules and the Education Code or the collectively negotiated agreement between the District and the exclusive bargaining representative of the classified unit.

1900.4 - Permanent employees in the classified service shall have the following rights:

A. **BUMPING:** A permanent employee in the classified service who is laid off from a class and who has previous service in an equal or lower class shall have the right to bump an employee with less seniority in that class. First priority for bumping is into vacant positions within the classification that have equal hours/days. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which layoff occurs and in higher classes. Seniority carries downward within a job family (see Appendix A). When bumping into a lower classification within a job family in which the employee has held permanent status, seniority from the higher class is carried downward. Seniority from a lower class does not move upward.

B. **VOLUNTARY DEMOTION OR TRANSFER:** A permanent classified employee who will suffer a layoff for lack of work or funds, despite the exercising of bumping rights in order to avoid layoff, may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that he/she is qualified to perform the duties, thereof, and provided further that the appointing authority approves the voluntary demotion.

1900.5

A. No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class unless the regular employee declines the limited-term position (EC45298).

B. A limited-term employee may be laid off at any time without regard to the procedure set forth in this rule.

C. Persons laid off because of lack of work or lack of funds are eligible for re-employment for a period of 39 months and shall be re-employed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the District during that 39-month period.

D. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or 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 re-employment for an additional period of up to 24 months; provided that the tests of fitness under which they qualified for appointment to the class shall still apply. The

Personnel Commission shall make the determination of the specific period of eligibility for re-employment on a class-by-class basis.

E. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall, at the option of the employee, be returned to a position in their former class or to positions with increased assigned time as vacancies become available; but if there is a valid re-employment list they shall be ranked on that list in accordance with their proper seniority.

1900.6

A. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29, informing them of their layoff at the end of the school year and of their displacement rights, if any, and re-employment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than 45 days prior to the effective date of layoff (EC45117).

B. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 45 days prior to the effective date of layoff and informed of their displacement rights, if any, and re-employment rights.

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 or B above.

2000 - RESIGNATION/VOLUNTARY TERMINATION/ABANDONMENT OF POSITION

2000.1

A. The Governing Board may accept the resignation of any employee and may fix the time when the resignation shall take effect. The effective date of the resignation shall not be later than the close of the school year during which the resignation is received, unless the employee and the Governing Board agree that the resignation will be accepted at a date no later than two (2) years beyond the close of the school year during which the resignation is received by the Board (EC45201).

B. A resignation relates only to the specific position from which the employee resigns and does not impair rights to other positions which the employee may hold on eligibility lists.

2000.2 - An employee who is absent from assigned duties without usual prior notice or following three (3) consecutive working days of absence without contacting his/her supervisor with an acceptable excuse will be considered to have abandoned his/her position and shall be voluntarily terminated from classified service. Within five (5) days of sending the notice by the District of the employee's termination based on abandonment, the employee may request the District rescind the termination based on the employee's demonstrated good reason for the unexcused absence. Failure to do so will preclude the employee's right to appeal the termination to the Personnel Commission.

2100 - CONTINUING EMPLOYMENT BASED ON PHYSICAL CAPABILITY

2100.1

A. At any time, and upon reasonable grounds, the Governing Board or any authorized district administrator may require that employees submit to a physical and/or medical examination to determine fitness for continued employment.

B. Fitness for duty shall be based on the ability of the employee to perform the essential duties of the job with or without reasonable accommodation.

C. The Personnel Director shall notify the employee in writing no later than 45 days after the examination whether or not the employee shall be certified for continued employment.

D. If certification is denied to the employee, upon written request to the Superintendent, he/she shall be provided with a written statement of reasons for the denial.

E. If certification is denied to a permanent employee, the employee shall be notified in accordance with the procedure authorized by Section 45116 of the Education Code.

F. If a permanent employee requests a hearing to challenge the denial of certification for continued employment, the procedures shall be in accordance with Rule 2200.

G. If the employee is certified to continue employment and subsequently, fails to perform the essential duties of the job with or without reasonable accommodation, he/she may be required to submit to another physical examination or be terminated from employment.

2100.2 - When the Governing Board requires a physical examination to be taken by a classified employee or employees either by rule or by its direction or the direction of its authorized district administrator, or when classified employees are required by law to submit to a physical examination for continuance in employment, the examination shall be provided at the expense of the District.

If an applicant is required to take a pre-employment physical examination, the Board will provide for reasonable reimbursement if the applicant is subsequently employed by the District.

2100.3 - A regular employee who is determined by the Governing Board to be incapable of performing the duties of his class because of illness or injury may, at the discretion of the Governing Board, be assigned duties, which he/she is capable of performing. The position to which he/she is assigned shall be subject to classification by the Personnel Commission, but the employee shall receive no increase in a wage or salary because of his/her assignment to the position unless he/she is appointed from an eligibility list resulting from a competitive examination. In the event that the position is classified and allocated to a higher wage or salary than that previously attained by the employee, he/she may be assigned to the position without competitive examination, but shall continue to receive the wage or salary of his/her former classification. If the position is classified and allocated to a lower wage or salary than that attained by the employee, he/she shall be paid the wage or salary appropriate to the position (EC45279).

This rule does not add to the District's obligations under the Americans with Disabilities Act of the California Fair Employment and Housing Act regarding qualified disabled employees.

CHAPTER 6

SUSPENSION, DISMISSAL AND APPEAL

2200 SUSPENSION, DISMISSAL AND APPEAL

2200.1 - Any employee designated as a permanent employee shall be subject to disciplinary action only for cause as prescribed by rule or regulation of the Governing Board, but the Governing Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

2200.2 - Employees in the classified service shall be subject to disciplinary action, including suspension, demotion, or dismissal for any one or more of the following causes:

- A. incompetence or inefficiency in the performance of the duties of his/her position;
- B. inability to perform assigned duties due or failure to meet or retain job qualifications (including but not limited to failure to possess required licenses, failure to pass required tests);
- C. insubordination (including but not limited to refusal to do assigned work);
- D. carelessness or negligence in the performance of duties or in the care or use of district property;
- E. discourteous, offensive, or abusive conduct or language toward other employees, students, or the public;
- F. dishonesty;
- G. drinking alcoholic beverages on the job or reporting for work while intoxicated;
- H. addiction to the use of narcotics or a restricted substance, use of narcotics or restricted substances while on the job, or reporting to work while under the influence of a narcotic or restricted substance;
- I. personal conduct that reflects adversely on an individual as an employee of the District;
- J. engaging in political activity during assigned hours of employment;
- K. conviction of any crime involving moral turpitude;

- L. conviction of a sex offense as defined in Education Code Section 44010, or violent or serious felony convictions under Education Code Section 51222;
- M. conviction of a controlled substance offense as defined in Education Code Sections 44010 and 45123;
- N. absence without leave, excessive absences, or repeated tardiness;
- O. abuse of illness leave privileges, continuing illness of a disabling nature after exhaustion of illness leave and leave of absence privileges;
- P. falsifying any information supplied to the District, including but not limited to information supplied on application forms, employment records, or any other District records;
- Q. persistent violation or refusal to obey safety rules or regulations made applicable to public schools by the Governing Board or by an appropriate federal, state, or local governmental agency;
- R. offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment; accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public;
- S. willful or persistent violation of the provisions of the Education Code or rules, regulations, or procedures adopted by the Board of Education or Personnel Commission;
- T. any willful conduct tending to injure the public services;
- U. conviction(s), including pleading guilty, which indicate that the person is a poor employment risk; failure to disclose material facts regarding criminal records and other false or misleading information on application forms or examination and employment records concerning convictions;
- V. failure to report for review of criminal records or for health examination after due notice;
- W. unsatisfactory service ratings;
- X. outside employment which interferes in any way with an individual's work or normal working schedule;
- Y. physical or mental disability precluding the employee from performing his/her essential job duties with or without reasonable accommodation;
- Z. known membership by any employee in the Communist Party;
- AA. conduct specified in section 1028 of the Government Code.

This section shall not be construed to prevent layoffs for lack of work or lack of funds as provided in the collectively negotiated agreement between the District and the classified bargaining unit.

2200.3 - Procedures for Disciplinary Action

Definition of Terms:

Administrative Suspension means a working, "in-house" suspension.

(1) The employee is on paid status and is "suspended" on paper only pending the outcome of the successful completion of the time agreed to under a Corrective Action Plan. Should another offense of any nature occur during that time period, the employee is automatically suspended for the original suspension period with no right to an appeal. Should the new offense be of such a nature as to require additional disciplinary action, the employee shall have the right to appeal the new disciplinary action only.

(2) After more than one suspension or "failed" Corrective Action Plan, the employee is suspended but may agree to continue to work without pay for the period of suspension.

Disciplinary Action includes (for purposes of this subsection) dismissal, suspension without pay, or the involuntary demotion of a permanent employee.

Emergency Suspension Without Pay means a suspension that is necessitated because the employee's continued presence at work would constitute a significant, unwarranted risk to the life, health, or safety of the employee or others, or is of such an outrageous nature as to require the immediate removal of the employee from work.

2200.4

A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her political or religious acts, opinions, or affiliations; or race, color, sex, national origin/ancestry, or marital status.

For reasonable cause, including but not limited to the causes set forth in section 2002.2, an employee may be suspended without pay for not more than 30 days, except as provided in this section, or may be demoted or dismissed. In such case, the school district shall within 10 days of the suspension, demotion, or dismissal, file written charges with the Commission. The Personnel Director shall give to the employee or deposit in the United States registered mail with postage paid, addressed to the employee at his/her last known place or address, a copy of the charges and inform the employee of his/her appeal rights (EC45304).

Whenever an employee of a school district is charged with the commission of any sex offense as defined in Section 44010 of the Education Code or any controlled substance offense as defined in section 44011, section 45123, sections 11357 to 11361, inclusive, and sections 11363, 11364 or 11377 to 11382, inclusive, insofar as such sections relate to any controlled substances in paragraph (4) or (5) of subdivision (b) of Section 11056, or any controlled substances in subdivision (d) of section 11054, except paragraphs (10), (11), (12) and (17) of such subdivision, of the Health and Safety Code by complaint, information or indictment filed in a court of competent jurisdiction, the Governing Board of the school district may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgment. However, the suspension may be extended beyond such 10-day period in case the Governing Board gives notice within such 10-day period, that it will dismiss the employee 30 days after the service of the notice, unless the employee demands a hearing. An employee so suspended shall continue to be paid his/her regular salary during the period of suspension if and during such time as he/she furnishes to the school district a suitable bond, or other security acceptable to the Governing Board as a guarantee that the employee will repay to the school district the amount of salary so paid to him or her during the period of the suspension in case the employee is convicted of such charges or the employee does not return to service after such period of suspension. If the judgment determines that the employee is not guilty of such charges, or if the complaint, information, or indictment is dismissed, the district shall reimburse the employee for the cost of the bond, or, if the employee has not elected to furnish such bond, the school district shall pay to the employee his/her full compensation during the period of the suspension; provided, he/she returns to service after such period of suspension.

A plea or verdict of guilty, or a finding of guilt by a court in a trial without a jury or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under the provisions of section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

B. Prior to a permanent employee being suspended, demoted, or dismissed, the employee must receive a preliminary written notice of the proposed action, the date it will be effective, and the reasons therefore. Such reasons must state the specific grounds and particular facts upon which the action is proposed to be taken. If it is claimed that an employee has violated a rule or regulation, such rule or regulation shall be set forth in said notice. The employee must be provided with any known written material, reports, and documents upon which the action is based.

The employee has the right to respond within 10 days, orally or in writing, to the manager who can effectively recommend that the proposed discipline be taken or not taken. The Director of Personnel is to document whether the employee has chosen to avail himself/herself of that right or waived it (EC45305).

C. It is at the sole discretion of the District whether to pursue the Corrective Action Plan with an employee as an alternative to disciplinary action up to and including dismissal. This program does not preclude the use of reprimands, oral or written, suspension, demotion, or dismissal by the District.

The Corrective Action Plan recognizes that all individuals make mistakes and, given the opportunity, will admit to those mistakes and take the necessary action to correct the unacceptable behavior. If agreed to, when an established policy or procedure is not followed, the employee is given the opportunity to acknowledge the violation and submit a plan to correct the unacceptable behavior. If the employee's supervisor accepts the plan, the proposed disciplinary action (usually suspension) will be modified to either an Administrative Suspension, reduction in grade, reassignment, or other non-suspension methods. The entire matter is reviewed in six (6) months, giving the employee the opportunity to demonstrate that his/her "corrective action plan" will work. At the end of the six (6) month period, the matter is deemed resolved.

Documentation of the process will be retained in the employee's personnel file for purposes of progressive notification/discipline. It shall include:

- (1) the violation;
- (2) the acknowledgement of unacceptable behavior;
- (3) the corrective plan submitted by the employee;
- (4) the agreed-to disciplinary action;
- (5) the employee's attention to the corrective plan;
- (6) verification of satisfactory resolution at the end of the six (6) month period.

D. If, after following the above procedure, the Governing Board's decision is made to discipline the employee, the action and the charges shall be reported to the Personnel Director who shall immediately notify the employee of the action with a copy of all written materials previously provided the employee and shall report the action to the Personnel Commission at its next regular meeting.

This notice to the employee shall include the above materials as specified and a statement of his/her right to appeal. Such notice shall be transmitted personally, or by registered or certified mail to the last known address of the employee within 10 days of the effective date of disciplinary action.

E. On a case-by-case basis, the Superintendent shall have the authority to immediately suspend without pay an employee when any delay occasioned by a prior hearing could potentially cause serious harm to the District and/or public. If the suspension is subsequently found to be unwarranted, restitution must be made in accordance with these rules.

F. Dismissal shall cause removal of the employee's name from all employment lists.

G. Failure to appeal, as provided, shall make the action of the Governing Board final and conclusive.

2200.5

A. A permanent employee who has been suspended, demoted or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal may be made on the following grounds:

1. that the procedures set forth in these rules have not been followed;
2. that the action was taken because of race, religious creed, color, national origin, physical disability, mental disability, medical condition, marital status, sex, or sexual orientation;
3. that there has been abuse of discretion;
4. that the action taken was not in accord with the facts;
5. that the penalty invoked is excessive.

B. Such an appeal is not available to an employee who is not in permanent classified service except as provided by rules of the Commission. An employee in the permanent classified service who has not served the time designated by the Commission as probationary for the class, may be demoted to the class from which promoted without recourse to an appeal or hearing by the Commission, except as otherwise provided by rules of the commission and provided that such demotion does not result in the separation of the employee from the permanent classified service (EC45305).

C. The Commission shall investigate the matter on appeal and may require further evidence from either party. The Commission may, and upon request of the employee, shall order a hearing. The employee shall have the right to appear in person or with counsel and to present his/her own defense. The decision shall not be subject to review by the Governing Board.

D. The Governing Board, for reasonable cause, may suspend without pay for not more that 30 days, demote, or dismiss a probationary classified employee. The Governing Board action may be based on information presented by District officers, employees, or the public. No hearing is required. The Governing Board may, at its discretion conduct such investigation as it deems necessary prior to taking action.

2200.6

A. The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and administer oaths. It may inspect any records of the Governing Board pertaining to the

disciplinary action to determine whether the proper procedures have been followed.

B. The Commission may authorize a hearing officer or other representative to conduct any hearing or investigation, which the Commission itself is authorized by this article to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the deposition of witnesses to be taken in the manner prescribed by the law for the like depositions in civil cases in the superior court of this state under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil procedure. The Commission may instruct such authorized representative to present findings or recommendations. The Commission may accept, reject or amend any of the findings or recommendations of said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the Commission may order.

The Commission may employ by contract or as professional experts or otherwise any such hearing officers or other representatives and may adopt and amend such rules and procedures as may be necessary to effectuate this section.

C. 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.

D. 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.

E. Each side will be permitted an opening statement (Board first) and closing statement (employee first). The Board shall first present its witnesses and evidence to sustain its charges; the employee will then present his/her witnesses and evidence in defense.

F. Each side will be allowed to examine and cross-examine witnesses.

G. Both the Board and the employee will be allowed to be represented by legal counsel or another designated representative.

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 participate in the deliberations. If the Personnel Director or any staff was a witness in the proceedings, he/she shall be barred from the Commission's final deliberations.

J. 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.

K. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event greater than 14 days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore.

L. The Commissioner's order of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision. If a disciplinary action is not sustained, its order shall set forth the effective date of the action ordered by the Commission.

M. The employee or his/her representative may obtain a recording or copy of the transcript of the hearing upon written request and agreement to pay for necessary costs.

N. Failure of the employee to appear at the hearing shall be deemed a withdrawal of his/her appeal and the disciplinary action taken shall be upheld. The Commission, upon a showing of good cause by the employee, may grant his/her request to reinstate the appeal and conduct a hearing.

2200.7

A. If the Commission sustains the employee, it may order paid all or part of his/her full compensation from the time of suspension, demotion or dismissal, and it shall order his/her reinstatement upon such terms and conditions as it may determine appropriate. The Commission may modify the disciplinary action, but may not make the action more stringent than that approved by the Board. In addition, the Commission may direct such other action as it may find necessary to effect a just settlement of the appeal, including, but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause and charges which were not sustained by the Commission. Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's written decision, it shall so notify the Commission in writing (EC45307).

B. No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed facts to the District (EC45113).

2300 - APPEAL OF INTERPRETATION/APPLICATION OF RULES

An applicant or employee may appeal a decision of the Personnel Director to the Personnel Commission if that applicant or employee feels that the Personnel Director has incorrectly interpreted and applied any rule enumerated in these Rules and Regulations. The appeal process shall conform to the guidelines established in Section 2200 and the decision of the Commission shall be final and binding.

CHAPTER 7

ACCESS TO AND INCLUSION OF MATERIALS IN PERSONNEL FILES

2400.1

A. Materials in the personnel files of employees that may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved. Such inspection will take place in the office where the files are maintained, during normal business hours, and in the presence of the person who is responsible for maintaining the files. Employees shall have the right to authorize, in writing, a representative to examine their personnel file and obtain copies of items within the files at their own expense. Access to personnel files by persons other than the employee or his/her authorized representative is restricted to personnel on a "need to know" basis and to persons having legal court order or as required by law or valid subpoena (EC44031).

B. Information of a derogatory nature, except for ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members or (3) were obtained in connection with a promotional examination, shall not be entered or filed unless the employee is given notice and an opportunity to review and comment thereon. An employee has the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Anonymous documents, letters, or other materials shall not be filed.

After an employee is given notice that material of a derogatory nature is going to be placed in his/her personnel file and he/she has been given the opportunity to review and comment thereon, the material becomes a part of the employee's permanent personnel file. The employee will have ten (10) days from the date of said notice to submit a written response to the Personnel Office. The employee's response will be attached to the document when filed (EC44031).

TIMELINES

APPENDIX A

January	1 st – Reclassification window closes (600.2)
February	1 st – Reclassification-initial review by Classified Personnel Director (600.3) Annual report due (200.12)
March	
April	1 st –Reclassification study report due (600.14) 29 th – Last date for written notice for layoff for specially funded programs when job terms on June 30 (1900.6) 30 th – Last date for reclassification hearings by Committee (600.6)
May	30 th – Last date for public hearing regarding Personnel Commission budget (300.1)
June	Regular Personnel Commission meeting dates set for following year (200.1)
July	1 st – Effective date of reclassification (600.9)
August	
September	30 th – Last day to announce Personnel Commissioners appointment for Board/Classified Union (110.4)
October	
November	1 st – Reclassification request window opens (600.2)
December	1 st – Personnel Commissioner appointment commences (110.4.F) First meeting after December 1, election of Chair/Vice Chair by Commission (200.2)

Absence of date reverts to regularly scheduled meeting date of the month indicated.

CLASSIFIED JOB FAMILIES

BARGANING UNIT

REVISED 03/2008

APPENDIX B

DATA PROCESSING

District Technology Specialist
Programmer Analyst
Local Area Network Specialist
Programmer
System Support Specialist
Computer Operator
Lead Data Entry Clerk
Data Entry Clerk

FOOD SERVICE

Lead Food Service Worker
Senior Food Service Worker
Food Service Worker

INSTRUCTIONAL SUPPORT

District Assessment Specialist
Nutrition Education Specialist
Grant Coordinator
Education Technology Specialist
Site Program Coordinator
Healthy Start Family Advocate
Translator/Interpreter
Instructional Technician-Life Lab
Instructional Technician-Computer Lab
Career Development Specialist
Special Education Specialist
School Community Coordinator
Campus Supervisor
Primary Intervention Student Assistant
Instructional Technician
Learning Assistant
Yard Duty

MEDIA SERVICES

District Media Cataloger
Library/Media Services Assistant
Media/Textbook Clerk

SECRETARIAL/CLERICAL

Benefits Coordinator
Personnel Asst-Personnel Comm.
Principal's Secretary
Personnel Technician II
Administrative Secretary
Secretary III
School Registrar
Secretary II
Secretary I
Personnel Technician I
Program Assistant
School Health Clerk
District Receptionist
Clerical Specialist
Clerical Assistant

FACILITY SERVICES

Facilities Services Foreman
Project Coordinator
Planning Coordinator
Lead Facilities Specialist
Maintenance Specialist
Grounds Specialist-Irrigation
Grounds Specialist-Welder
Equipment Repair Technician
Audio Visual Technician
Head Custodian
Lead Bus Driver
Groundskeeper III
Maintenance Person
Groundskeeper II
Senior Custodian
School Bus Driver
Groundskeeper I
Custodian

CLASSIFIED JOB FAMILIES

BARGANING UNIT

REVISED 03/2008

APPENDIX B

FINANCE/ACCOUNTING

PURCHASING/WAREHOUSE

Senior Accountant
Lead Account Technician
Lead Payroll Technician
Accounting Technician II
Payroll Technician
Accounting Technician I
Attendance Technician
Account Clerk
Attendance Clerk

District Buyer
Storekeeper/Expiditer
Purchasing Technician
Warehouse Person
Purchasing Clerk
Offset Duplicator
Delivery Driver/Utility Worker

*Italics = no incumbents currently in classification

CLASSIFIED PROFESSIONAL JOB FAMILY

REVISED 3/2008
Occupational Therapist

APPENDIX C

CONFIDENTIAL JOB FAMILIES

REVISED 3/2008
Administrative Assistant-Superintendent
Administrative Assistant
 Adult Education
 Business Services
 Human Resources
 Office of Instruction
Insurance Technician
Recording Secretary to the Board of Education

APPENDIX D

CLASSIFIED SUPERVISORS JOB FAMILIES

REVISED 3/2008
Information Technology Manager
Accounting Supervisor
Food Service Supervisor
Facility Supervisor
Transportation Supervisor
Human Resources Supervisor, Certificated
Cafeteria Operations Manager-Central Kitchen
Cafeteria Operations Manager

APPENDIX E

CLASSIFIED MANAGEMENT JOB FAMILIES

REVISED 3/2008
Director-Bond Projects
Director-Finance
Director-Information Technology
Director-Facility Services
Director-Classified Personnel
Director-Certificated Personnel
Coordinator Visual & Performing Arts
District Grant Writer
Purchasing Manager
Food Service Manager

APPENDIX F

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