
Chapter 8

Employment Status

Rules and Regulations of the Classified Service

8.1 EMPLOYEE ASSIGNMENTS

8.1.1 CERTIFICATION OF ASSIGNMENTS: The Director of Classified Personnel shall certify that all persons appointed to a position in the classified service are appointed in accordance with these Rules and Regulations.

8.1.1.1 All changes of status for classified employees shall be in accordance with these Rules and Regulations.

8.1.2 PAYROLL REVIEW: The Director of Classified Personnel shall make a periodic review of the classified payroll roster. The roster shall include names, titles, periods for which payments are to be made, and rates of pay. If, upon review of a payroll report, it is found that any person named thereon has been employed in violation of any provision of the Merit System Act or these Rules and Regulations, notice of such violation shall be reported to the District and the Personnel Commission. Whenever the Commission, after a public hearing, finds that any appointment has been made in violation of Rules and Regulations of the Commission as they apply to examination procedures, the Commission may order that no salary warrant thereafter be drawn to the employee so appointed for services rendered after said order. Any violation of this article or the Rules and Regulations of the Commission as they apply to examination procedures shall constitute grounds for dismissal of the employee or employees guilty of such violations.

REFERENCE: Education Code Sections 45261, 45310 and 45311

8.2 EMPLOYEE ASSIGNMENT

8.2.1 ASSIGNMENT DATA: Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished:

8.2.1.1 The employee's class specification.

8.2.1.2 Notice of salary data, including pay period and the hourly, daily, monthly, annual, and overtime and differential rate of pay,

whichever are applicable.

8.2.1.3 Work location, duty hours, prescribed work week, and work year.

8.2.1.4 The terms and conditions of the probationary period, including performance evaluation procedures.

REFERENCE: Education Code Section 45169

8.2.2 **CHANGE OF ASSIGNMENT:** The District shall have the right to assign and reassign daily hours of work and shifts to meet the operational needs of the District. When such a change is made, for more than five (5) working days, the employee's supervisor shall notify the employee and the Director of Classified Personnel in writing stating the effective date of the change.

REFERENCE: Education Code Sections 45169, 45260, and 45261

8.3 PROBATIONARY STATUS

8.3.1 **INITIAL PROBATIONARY PERIOD:** The initial probationary period is the last part of the selection process. Consequently, persons appointed from eligibility lists must successfully complete their probationary period in order for them to be considered both permanent and selected. Employees may be released at any time during their probationary period without cause. Each new employee appointed from an eligibility list shall serve an initial probationary period of six (6) months of paid regular service in one classification in the classified service excluding days absent while on leave; these new employees shall be evaluated prior to the end of the third and fifth month of service. Six (6) months shall be defined as six (6) consecutive months or 130 days in a fully paid status, whichever is greater. For positions designated by the Personnel Commission as administrative, confidential, or supervisory, the probationary period shall be one year (260 days) of paid regular service in one classification in the classified service, excluding days absent while on leave; these new employees shall be evaluated prior to the end of the fourth, eighth and tenth months of service.

8.3.1.1 Credit toward completion of probation shall be granted only for service in a regular position in a class after appointment from an eligibility list.

REFERENCE: Education Code Section 45301

8.3.2 **COMPLETION OF INITIAL PROBATION:** Each probationary

classified employee shall be evaluated during the probationary period as required by the Personnel Commission.

8.3.2.1 A probationary classified employee who is to be dismissed shall be given written notice of termination from probationary status prior to the date on which the probationary period ends. Such letter of notification shall be prepared by the Director of Classified Personnel and shall be based on written information from the employee's immediate supervisor, and approved by the principal or department head. The letter of notification shall be given to the employee by the immediate supervisor, or, if unavailable, the next higher lever of supervision. If the letter cannot be personally served, it shall be sent by certified mail.

8.3.2.2 A probationary employee may be suspended and dismissed at any time without cause and without a right of appeal.

8.3.2.3 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 served shall be credited to the probationary period.

REFERENCE: Education Code Sections 45270, 45301, 45302, and 45305

8.3.3 SUBSEQUENT PROBATION FOR PERMANENT EMPLOYEES:
A permanent classified employee who has been promoted, reclassified to a higher class, or laterally transferred to a related class shall serve a new probationary period in the class before attaining permanency in that class.

8.3.3.1 During such new probationary period, the employee may be returned to a position in his/her former class, which is equivalent to the one held prior to the change in classification.

8.3.3.2 The person to be so returned shall be notified in writing of the impending action and the reasons for it, but shall have the right of appeal provided (See Chapter 19 for Appeal of Disciplinary Action). A permanent employee who is demoted to other than a former class during a probationary period retains full rights of appeal.

REFERENCE: Education Code Sections 45260 and 45261

8.4 PERMANENCY

8.4.1 **PERMANENT STATUS:** Upon successful completion of the prescribed initial probationary period outlined in Chapter 8.3.1, a classified employee shall be deemed to be a part of the permanent classified service.

REFERENCE: Education Code Section 45301

8.4.2 **RIGHTS/BENEFITS/BURDENS OF PERMANENT EMPLOYEES:** Every permanent classified employee shall be entitled to all rights, benefits, and burdens conferred by law, the Personnel Commission's Rules and Regulations, or by action of the Board of Education for classified employees in the same or like classification. A permanent classified employee may only be removed for cause or as a result of layoff because of a lack of work or lack of funds.

8.5 MUTUALLY AGREED EMPLOYMENT STATUS AND CLASSIFICATION CHANGE

8.5.1 **EMPLOYMENT STATUS AND CLASSIFICATION CHANGE:** When the Director of Classified Personnel determines, and the Personnel Commission approves, an employee may be appointed without competitive examination to a vacant position in a class other than one for which the employee was examined if:

8.5.1.1 The employee requests the change of classification in writing.

8.5.1.2 The appointing authority approves the change of classification in writing.

8.5.1.3 The employee has completed a probationary period.

8.5.1.4 The employee has the minimum qualifications of the class to which the class change is requested, and is capable of satisfactorily performing the essential duties of the new class.

8.5.1.5 The change of class does not result in an immediate pay increase.

8.5.1.6 The active employee has a greater seniority in the class or higher class than that of any person on a reemployment list for the class to which the move is requested.

8.5.1.7 The class change is for the efficiency of the service.

8.5.2 **PROBATION REQUIREMENTS:** If all of the above conditions are met, then an employee shall not be required to serve another probationary

period in the employee's new class unless the employee is serving a probationary period on the date of effectiveness of the class change. If the employee is on probation at the time of the class change, then Rule 8.3.3 (Subsequent Probation For Permanent Employees) shall apply, with credit granted for any probation time served in the class from which the employee was in at the time of the effectiveness of the change.

REFERENCE: Education Code Sections 2, 45260, 45261, and 45279 □