

LOS ALAMITOS UNIFIED SCHOOL DISTRICT

**RULES AND REGULATIONS
of the
CLASSIFIED SERVICE**

PERSONNEL COMMISSION

**Milt Houghton, Chair
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CHAPTER 10

DEFINITIONS AND PRELIMINARY STATEMENT

10.100 Definitions, General

Code sections cited are from the California Education Code unless otherwise indicated.

Interpretation of words and phrases occurring in these rules or sections shall have the following meanings:

ACCELERATED HIRING RATE: When the Personnel Director determines that conditions in the labor market preclude hiring employees at the base rate for a class, the Superintendent may authorize recruitment at a higher rate.

ACT: Refers to Education Code sections 45240 – 45320, inclusive.

ALLOCATION: The official placing of a position in a given class and/or the assignment of a class to a particular range on the salary schedule.

ANNIVERSARY DATE: The date assigned to regular employees as the basis for annual earned step advancement. It is the first day of the month in which the employee is employed in a class if he is compensated for one-half or more of the working days of that month, otherwise, it is the first day of the following month.

APPLICANT: A person who has filed an official application for employment.

APPOINTMENT: The official act of the appointing power to approve the employment of a person.

BOARD: The Board of Education of the Los Alamitos Unified School District.

CANDIDATE: A person who has successfully completed one or more portions of an examination.

CERTIFICATED SERVICE: All positions and employees required by law to possess credentials issued by the California Commission on Teacher Credentialing.

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

1 CLASSIFICATION: A group of positions sufficiently similar in duties and
2 responsibilities that the same descriptive title may be used to designate each position
3 allocated to the class; substantially the same requirements of education, experience,
4 knowledge, and ability are demanded of incumbents; substantially the same tests of
5 fitness may be used in choosing qualified appointees; and the same salary range may be
6 applied with equity.

7 CLASS SPECIFICATION: A written description of the duties and responsibilities of
8 positions in the class illustrated by examples of typical tasks and of the employment
9 standards for positions in the class.

10 CLASS TITLE: A definite descriptive title or name applied to a class and to all
11 positions of the class.

12 CLASSIFIED SERVICE: All positions in the District's service to which the Act
13 applies and which are not exempt from the Act. See Rule 30.100.

14 COMMISSION: The Personnel Commission established under the Act for the Los
15 Alamitos Unified School District.

16 CONFIDENTIAL EMPLOYEE: An employee who is required to develop or present
17 management positions with respect to employer-employee relations or whose duties
18 normally require access to confidential information that is used to contribute
19 significantly to the development of management positions. (Government Code section
20 3540.1)

21 CONTINUOUS EXAMINATION: A method of recruiting applicants in which the last
22 day for filing applications is not specified and examinations are conducted as the needs
23 of the service require.

24 DEMOTION: A change in assignment of an employee from a position in one class to a
25 position in another class that is allocated to a salary range with a lower maximum rate.

26 DISCHARGE or DISMISSAL: Involuntary separation from service for cause.

27 DISTRICT: The Los Alamitos Unified School District of Orange County, California.

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

30

1 ELIGIBILITY LIST: A list of the names of persons who have qualified in a
2 competitive examination.

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

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

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

12 EXAMINATION: Any process used to determine the fitness and qualifications of
13 applicants.

14 FULL TIME: An assignment of at least 87½ percent of 40 hours per week.

15 GOVERNING BOARD: The Board of Education of the Los Alamitos Unified School
16 District.

17 GROUP: A number of classes related in duties and responsibilities, as set forth in the
18 list of classes promulgated by the Personnel Commission.

19 IMMEDIATE FAMILY: Mother, father, grandmother, grandfather, or a grandchild of
20 the employee or of the spouse of the employee, and the spouse, son, son-in-law,
21 daughter, daughter-in-law, brother or sister of the employee, or of the spouse of the
22 employee, or any relative who has been living in the immediate household of the
23 employee.

24 LAYOFF: Separation from a permanent position because of lack of work or lack of
25 funds, or because the position has been abolished or reclassified.

26 LIMITED TERM OR TEMPORARY APPOINTMENT: A term used in the Education
27 Code to designate appointment for periods not to exceed six months, or employment of
28 a temporary employee during the authorized absence of a permanent employee.
29

1 LIMITED TERM EMPLOYEE: An employee who is serving in a provisional
2 appointment, or as a substitute for a regular employee, or in a position established for a
3 limited period of less than six months.

4 LONGEVITY DATE: The date on which an employee starts his/her continuous
5 permanent employment with the District. This date is used to determine longevity
6 advancement under Section 70.200.2E. Also known as Permanency Date.

7 LEAVE OF ABSENCE: An approved paid or unpaid absence from duty for a
8 prescribed period of time.

9 MERIT EVALUATION DATE: The date upon which an employee is granted an
10 earned salary increment. This is the first day of the pay period next following
11 completion of the required period of service.

12 OFFICIAL BODY: Board of Education or Personnel Commission

13 OPEN ELIGIBILITY LIST: An eligibility list established by an examination of
14 applicants not employed or having reemployment rights.

15 OPEN EXAMINATION: A competitive examination in which a qualified person may
16 participate whether or not the person is a current employee.

17 PART-TIME ASSIGNMENTS: Assignments of less than 87½ percent of 40 hours per
18 week.

19 PERMANENCY DATE: See Longevity Date

20 PERMANENT EMPLOYEE: An employee who is lawfully retained in his/her position
21 after the completion of a probationary period.

22 POSITION: A group of duties and responsibilities requiring the full or part-time
23 employment of one person on a permanent or limited-term basis. A position can only
24 be established by the action of the Board of Education.

25 PROBATIONARY PERIOD: The trial period of six months or in specified instances,
26 one year immediately following an original or promotional appointment to a permanent
27 position from an eligibility list.

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

4 PROVISIONAL EMPLOYEE: A person occupying a position pending the
5 establishment of an appropriate employment list.

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

8 PROMOTIONAL LIST: An employment list resulting from an examination limited to
9 employees in the District.

10 QUALIFICATION APPRAISAL INTERVIEW (QAI): The Oral Board rating portion
11 of an examination.

12 RECLASSIFICATION: The reassignment of a position from one class to another
13 because of significant change in the duties, responsibilities, or employment standards.

14 REEMPLOYMENT: Reassignment to duty of an employee who has been laid off or a
15 former employee to a lower level class than that from which he had resigned.

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

21 REINSTATEMENT: A reappointment without examination after resignation to a
22 position in the employee's former class.

23 REGULAR EMPLOYEE: A classified employee who has probationary or permanent
24 status.

25 REQUIRED PERIOD OF SERVICE: Six months or 130 days after initial appointment
26 or promotion, whichever is later, unless a one-year period has been established for the
27 position. (This is the period that establishes eligibility for step increases and refers to
28 the definition "MERIT EVALUATION DATE.")
29

1 RESTORATION: Includes “reemployment and reinstatement” (see above). The
2 reassignment of an employee who had demoted to his/her former class or to a related
3 class.

4 SALARY RANGE: The range consisting of the minimum and maximum salary rates
5 for a classification. A salary range normally consists of 5 salary steps.

6 SALARY RATE: The specific gross salary amount paid at a step within a salary range.

7 SALARY STEP: One of the consecutive levels of salary rate within a monthly or
8 hourly salary range.

9 SEPARATION: The official act of the appointing authority which ends an individual’s
10 employment with the District. Includes a resignation, retirement, layoff, dismissal, and
11 failure to return to work upon the expiration of all leaves of absence.

12 SERIES OR JOB FAMILY: A number of closely related classes which constitute an
13 occupational hierarchy.

14 SENIORITY: Total hours in paid status in a classification and/or with the District.

15 STATUS: Tenure which is acquired in a classification by reason of examination,
16 certification from an eligibility list, election or appointment by the appointing power,
17 and the successful completion of the probationary period.

18 SUPERVISORY POSITION: Classes listed in collective bargaining agreement.

19 SUSPENSION: An enforced absence of an employee without pay for disciplinary
20 purposes or pending investigation of charges made against an employee.

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

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

26 WAIVER: The voluntary relinquishment by an eligible of the right to consideration for
27 appointment from an eligibility list.

28 WORKING DAYS: Any day, excepting weekends, legal and local school holidays,
29 and winter or spring break.

30

31

1 10.200 Preliminary Statement

2 10.200.1 Statutory Authority for These Rules (45260, 45261)

3 The rules contained herein are established pursuant to the authority of
4 the Personnel Commission under Education Code Sections 45260,
5 45261 and other provisions governing the Merit System Act in the
6 Education Code and by the Board of Education.

7 10.200.2 Amendment, Deletion or Addition to Rules (45260, 45261)

8 A. All proposals, from any source, to amend, delete or add to these
9 rules will be considered a “first reading” at the meeting in which
10 they are first presented. They will not, unless a critical emergency
11 exists, be acted upon at that meeting.

12 B. At the “first reading” a date will be set for action on the proposal.
13 The Personnel Director and/or the Business Manager will refer the
14 proposal to interested persons or organizations for comment and
15 recommendation.

16 C. Insofar as possible, interested parties shall submit their reactions to
17 proposals in writing on or before the stipulated agenda deadline
18 date and shall have the right to present reactions orally at the
19 appropriate meeting.

20 10.200.3 Interpretation and Application of Rules

21 The Board of Education and the Personnel Commission recognize that
22 no set of rules can contemplate all possible combinations of
23 circumstances affecting particular cases. These rules are to be applied
24 with consideration of their intent; however, specific, applicable
25 provisions of the rules shall not be waived, ignored, or superseded
26 because of the special circumstances of particular cases. The Board
27 and Commission are open to responsible suggestions to amend the
28 rules with prospective application; however, no rule amendment shall
29 have retroactive applicability.

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10.200.4 Generic Terminology

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.

10.200.5 Judicial Review

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

10.200.6 Distribution of Rules

As required by the Education Code, a copy of these Rules and Regulations will be available at each site. Notice of changes will be furnished each employee by posting on approved bulletin boards.

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CHAPTER 20

THE PERSONNEL COMMISSION

20.100 Organization of Commission

20.100.1 Term(s) of Office and General Selection Procedures (45244, 45245, 45246 and 45247)

The Personnel Commission is composed of three members who reside in the Los Alamitos Unified School District, and are “known adherents to the principle of the merit system.” One member of the Commission is appointed by the Governing Board, one member is appointed by the classified employee organization which represents the largest number of the District’s classified employees, and the third member is appointed by the other two (2) members of the Commission.

A. Eligibility for Commission

To be eligible for appointment or reappointment to the Commission, a candidate must have all of the following qualifications:

1. Must be a registered voter.
2. Must be a resident of the school district.
3. Must be a known adherent to the principle of the Merit System.

A Personnel Commissioner may not be:

1. An employee of the same school district.
2. A board member of the Governing Board of the same school district or a board member of education for the same county.

1 B. Definition of Known Adherent to the Principles of Merit System

2 As used in this chapter, “known adherent to the principle of the
3 merit system,” with respect to a new appointee, shall mean a
4 person who by the nature of his/her prior public or private
5 service has given evidence that he/she supports the concept of
6 continuance in employment, in-service promotional
7 opportunities, and other related matters on the basis of merit and
8 fitness. As used in this chapter, “known adherent to the principle
9 of the merit system,” with respect to a candidate for
10 reappointment, shall mean a commissioner who has clearly
11 demonstrated through meeting attendance and actions that he/she
12 does, in fact, support the merit system and its operation.

13 C. Term of Office

14 By law, the term of office for each of the Commissioners is for a
15 three (3) year period and expires at noon on December 1st of the
16 third year. The terms of office have been scheduled so that the
17 term of office of not more than one (1) commissioner expires
18 each December 1st.

19 20.100.2 Specific Appointment Procedures (45244-45248)

20 On or about September 1st of each year, the Personnel Director shall
21 notify the Governing Board and the recognized classified employee
22 organization(s) of the name and home address of the Commissioner
23 whose term will be expiring, and whether or not that Commissioner
24 will accept reappointment for another three-year term. The notification
25 will also provide the name of the appointing authority and the
26 procedures to be followed in filling the upcoming vacancy.

1 A. The Governing Board's Appointment

2 By September 30th, the Governing Board shall publicly
3 announce the name of the person it intends to appoint or
4 reappoint. At a board meeting to be held after September 30 and
5 within 45 days of the date of the Board publicly announcing its
6 candidate, the Board shall hold a public hearing to provide the
7 public, employees, and employee organizations the opportunity
8 to express their views on the qualifications of the person
9 recommended by the Governing Board for appointment. The
10 Governing Board at that time may make its appointment or may
11 make a substitute appointment or recommendation without
12 further notification or public hearing.

13 B. The Classified Employees' Organization Appointment

14 By September 15th, the classified employee organization having
15 authority to nominate the classified employees' appointee to the
16 Commission, shall publicly submit the name of the person it
17 wishes to appoint to the Commission. At a board meeting to be
18 held after 30 and within 45 days of the date the employees'
19 nominee was submitted to the Board, the Board shall hold a
20 public hearing to provide the public, employees, District
21 administration, and employee organizations the opportunity to
22 express their views on the qualifications of the person nominated
23 by the classified employee organization for appointment. The
24 Board shall appoint the nominee, unless the classified employee
25 organization voluntarily withdraws the name of the nominee and
26 submits the name of a new nominee. In the latter case, the Board
27 shall then appoint the new nominee.

1 1. If the Board and the classified employees' organization are
2 unable to agree upon a nominee (because the Board has made
3 a legitimate claim as to the lack of mandated qualifications of
4 the nominee), or the classified employee organization has
5 refused to submit a nominee by September 30th, the
6 Executive Office of the State Personnel Board shall, within
7 thirty (30) days, make the necessary appointment.

8 2. In the event that a vacancy is created on the Personnel
9 Commission because of the classified employees'
10 organization's failure to agree upon a nominee, the
11 Governing Board, upon the recommendation of the Personnel
12 Director, may make an emergency appointment until such
13 time as a permanent appointment can be made, but not
14 exceed sixty (60) days.

15 C. The Commissioners' Appointment

16 By September 30th, the appointee of the Governing Board and
17 appointee of the classified employees' organization (or
18 appointee of the Executive Officer of the State Personnel Board
19 if that is the situation) shall publicly announce the name of the
20 person they intend to appoint or reappoint. At a Personnel
21 Commission meeting to be held after 30 and within 45 days of
22 the date the Commission publicly announced its candidate, the
23 Commission shall hold a public hearing to provide the public,
24 employees, employee organizations, and members of the
25 Governing Board the opportunity to express their views on the
26 qualifications of the person recommended by the Commission
27 for appointment. The Commission at that time may make its
28 appointment or may make a substitute appointment or
29 recommendation without further notification or public hearing.
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1 1. In the event that a vacancy would otherwise exist on the
2 Personnel Commission as of December 1st because of the
3 failure of the Commission to take action on a new
4 appointment, the commissioners' prior appointee shall
5 continue in office and to function as a member of the
6 District's Personnel Commission until such time as the
7 Commissioners take the necessary action(s) to appoint a
8 qualified successor and that person is prepared to assume the
9 duties and responsibilities of the position. If the reason for
10 the lack of appointment is an inability to agree upon a joint
11 appointee, the appointment shall be made by the Executive
12 Office of the State Personnel Board if no agreement is
13 reached by December 15th.

14 20.100.3 Filling of Vacancies During Term of Office (45244-45248, 45260)

15 In the event that a vacancy occurs during the term of office of any of
16 the Commissioners, a new appointee shall be selected by the original
17 appointing authority to complete the unexpired term in accordance
18 with the procedures noted below. The Personnel Director shall
19 immediately notify the other Commissioners, the Governing Board,
20 and the recognized classified employee organization(s) of the name of
21 the Commissioner, the effective date of the vacancy, the duration of
22 the unexpired term, the name of the appointing authority, and the
23 procedures to be followed in filling the vacancy.

24 A. The Governing Board's Appointment

25 Within 15 days of notification of the vacancy, the Governing
26 Board shall publicly announce the name of the person it intends
27 to appoint to fill the unexpired term. At a board meeting to be
28 held after 30 and within 45 days of the date the Board publicly
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1 announced its candidate, the Board shall hold a public hearing
2 to provide the public, employees, and employee organizations
3 the opportunity to express their views on the qualifications of
4 the person recommended by the Governing Board for
5 appointment. The Board at that time may make its appointment
6 or may make a substitute appointment or recommendation
7 without further notification or public hearing.

8 **B. The Classified Employees' Organization Appointment**

9 Within 15 days of notification of the vacancy, the classified
10 employee organization having authority to nominate the
11 classified employees' appointee to the Commission shall
12 publicly submit the name of the person it wishes to appoint to
13 the Commission to fill the unexpired term. At a board meeting
14 to be held after 30 and within 45 days of the date the
15 employees' organization nominee was submitted to the Board,
16 the Board shall hold a public hearing to provide the public,
17 employees, District administration and employee organizations
18 the opportunity to express their views on the qualifications of
19 the person nominated by the classified employee organization
20 for appointment. The Board shall appoint the nominee, unless
21 the classified employees' organization voluntarily withdraws
22 the name of the nominee and submits the name of a new
23 nominee. In the latter case, the Board shall then appoint the new
24 nominee.

- 25 1. If the Board and the classified employees' organization
26 are unable to agree upon a nominee because the board has
27 made a legitimate claim as to the lack of mandated
28 qualifications of the nominee, or the classified employees'
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1 organization has refused to submit a nominee within 30 days
2 of notification of the vacancy, the Executive Officer of the
3 State Personnel Board shall, within thirty (30) days, make
4 the necessary appointment.

5 2. In the event that the vacancy goes unfilled because of the
6 classified employees' organization's failure to agree upon a
7 nominee, the Board Trustees, upon the recommendation of
8 the Personnel Director, may make an emergency
9 appointment until such time as a permanent appointment can
10 be made, but not to exceed sixty (60) days.

11 C. The Commissioners' Appointment

12 Within 15 days of notification of the vacancy, the appointee of
13 the Governing Board and the appointee of the classified
14 employees' organization (or the appointee of the Executive
15 Officer of the State Personnel Board if that is the situation) shall
16 publicly announce the name of the person they intend to appoint
17 to fill the vacancy. At a Personnel Commission meeting to be
18 held after 30 and within 45 days of the date the Commission
19 publicly announced its candidate, the Commission shall hold a
20 public hearing to provide the public, employees, employee
21 organization and members of the Governing Board the
22 opportunity to express their views on the qualifications of the
23 person recommended by the Commission for appointment. The
24 Commission at that time may make its appointment or may
25 make a substitute appointment or recommendation without
26 further notification or public hearing.

1 1. If the Commissioners are unable to agree upon a joint
2 appointment within 45 days after the notification of the
3 vacancy, the appointment to fill the unexpired term shall be
4 made by the Executive Officer of the State Personnel Board.

5 20.100.4 Emergency Appointment of Commissioners (45244, 45248, 45260 and
6 45261)

7 Notwithstanding these rules, the Governing Board at the request of the
8 Personnel Director shall declare that an emergency exists and shall
9 make an interim appointment to fill a vacancy or vacancies to ensure
10 the continuance of the functions of the Personnel Commission. An
11 interim appointment shall terminate on the date the notification of
12 permanent appointment is received by the appointee.

13 A. An interim employee must meet the requirements of Section
14 45244 of the Education Code and Rule 2.100.1 and be free of the
15 restrictions contained therein.

16 B. An interim appointment in no event shall be valid for more than
17 60 calendar days.

18 20.100.5 Officers (45260 and 45261)

19 At its first regularly scheduled meeting in December of each year, the
20 Commission shall elect one of its members to serve as Chairperson
21 and another of its members to serve as Vice-Chairperson for a period
22 of one (1) year or until such time their successors are duly elected.

23 20.100.6 Quorum and Majority Vote (45260 and 45261)

24 Two members of the Commission shall constitute a quorum for any
25 regular or special meeting of the Personnel Commission. The
26 affirmative vote of at least two (2) members of the Commission is
27 required to carry any motion or action.

1 20.100.7 Events Causing Vacancy Before Expiration of Term (45244, 45245,
2 45246, and 45247)

3 Personnel Commissioners shall be expected to attend all regular and
4 special meetings of the Personnel Commission. If a member is unable
5 to attend a scheduled meeting, the member shall contact the Personnel
6 Director to inform the Commission of the expected absence. A
7 member of the Personnel Commission shall be deemed to have vacated
8 the seat of the Commission on the happening of any of the following
9 events before the expiration of the prescribed term:

- 10 A. The death of the commissioner.
- 11 B. A decision pursuant to a legal proceeding declaring that the
12 commissioner is physically or mentally incapacitated due to
13 disease, illness, or accident and that there is reasonable cause to
14 believe the commissioner will not be able to perform the duties of
15 the office for the remainder of the term.
- 16 C. The Commissioner's resignation.
- 17 D. The Commissioner's removal from office by a court of
18 competent jurisdiction.
- 19 E. The Commissioner ceasing to meet all of the legal requirements
20 to continue to be a Commissioner as outlined in Rule 2.100.1.
- 21 F. The Commissioner ceasing to discharge the duties of the office
22 for a period of three consecutive months, except when prevented
23 by sickness.
- 24 G. The Commissioner's absence exceeding four (4) total regular
25 meetings in a calendar year, except when prevented by sickness.
- 26 H. The Commissioner's conviction of a felony or of any offense
27 involving a violation of the official duties of a Commissioner as
28 required by these rules and/or the law. A Commissioner shall be
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deemed to have been convicted under this rule when trial court judgment is entered.

I. The decision of a competent tribunal declaring void the Commissioner's appointment.

Section 20.100 Revised 10/8/2014

1 20.200 Notice of Meetings

2 20.200.1 Regular Meetings (California Government Code [GC] Section 54954)

3 Subject to cancellation or proper change, the Commission shall meet
4 on the second Wednesday of each month at the time designated on the
5 posted agenda, at the District Office Board Room. When the regular
6 meeting date falls on a holiday, the Commission shall meet on the next
7 succeeding business day. In cases of emergency, the Commission may
8 meet at some other time and/or place.

9 20.200.2 Notice of Meetings and Changes (GC 54955)

10 The Commission may adjourn any regular or adjourned meeting to a
11 time and place specified in the order of adjournment. When an order
12 of adjournment of a regular or adjourned meeting fails to state the hour
13 at which the adjourned meeting is to be held, it shall be held at the
14 hour designated for regular meetings.

15 20.200.3 Special Meetings (GC 54956)

16 Special meetings may be called at any time by the Chairman and shall
17 be called upon written request of any two members. Written notice
18 shall be delivered personally or by mail to each member of the
19 Commission and to the Superintendent's Office. Notice must also be
20 given to each of the following who have filed written requests for such
21 notice: each local newspaper of general circulation, radio or television
22 station and recognized employee or other organization. Such notice
23 must be delivered personally or by mail at least 24 hours before the
24 time of such meeting as specified in the notice. A copy of the notice
25 shall be posted on the Commission's official bulletin board. The order
26 shall specify the time and place of the special meeting and business to
27 be transacted. No other business shall be considered at such meeting
28 by the Commission.

1 20.200.4 Public Meetings (GC 54953)

2 All regular and special meetings of the Commission shall be open and
3 public, and all persons shall be permitted to attend any meetings of the
4 Commission, except as provided in Rule 20.200.5. This rule shall not
5 be construed as permitting employees to be absent from duty to attend
6 Commission meetings.

7 20.200.5 Closed Sessions (GC 54957.1)

8 The Commission may hold closed sessions to consider the
9 employment or dismissal of any employee or to hear complaints or
10 charges brought against such employee, unless such employee requests
11 a public hearing. The Commission shall not consider any such matter
12 in closed session relating to an employee unless the employee has been
13 notified of his right to a public hearing and has declined the public
14 hearing or properly failed to request same.

15 20.200.6 Agenda and Supporting Data

- 16 A. At least 72 hours prior to every regular or 24 hours prior to every
17 special Commission meeting, the agenda shall be provided to the
18 designated representatives of all employee organizations
19 representing District classified employees and the Superintendent's
20 Office. The agenda shall be posted on the bulletin board and at
21 other places readily available to classified employees such as
22 schools' bulletin board, Instructional Materials Center, District
23 Office, Support Services Building, where district employees and
24 members of the public may view it, and distributed to news media
25 which have requested it. (Government Codes 54954.2 and 54956)
- 26 B. Individual employees, employee organizations, and other
27 interested parties may submit their written views on any matter
28 before the Commission, except those matters listed in Rule
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1 20.200.5, and will be provided reasonable opportunity to present
2 their views orally. The Commission will consider their comments
3 and recommendations prior to arriving at a course of action.

4 C. At its regular meetings, the Commission may hear and briefly
5 respond to statements or questions posed by persons exercising
6 their testimonial rights. No action shall be taken on any item not
7 appearing on the posted agenda at regular or special meetings
8 unless the item qualified for emergency action. The agenda must
9 contain a brief general description of each item of business.

10 (Government Codes 54954.2, 54954.3, and 54956.5)

11 20.200.7 Minutes

12 The Personnel Director shall record in the minutes, the time and place
13 of each meeting, and names of the Commissioners present, all official
14 acts of the Commission, and the votes of the Commissioners. A
15 Commissioner may request that his/her dissent or approval, and the
16 reasons therefore, be recorded. The minutes shall be written and
17 presented for correction and approval at the next regular meeting. The
18 minutes or a true copy thereof shall be open to public inspection.
19 Copies of the official minutes shall be distributed to recognized
20 employee organization representatives who have requested them and
21 to the Superintendent's Office.

22 20.200.8 Conduct of Meetings

23 Except where otherwise specified in these rules or at law, all meetings
24 will be conducted in accordance with Roberts Rules of Order.

25 20.200.9 Violations

26 Any interested person may seek a judicial determination that an action
27 taken by the Personnel Commission in violation of the public meeting
28 or agenda posting requirements is null and void. The written demand
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1 shall be made within 90 days from the date the action was taken unless
2 the action was taken in an open session but in violation of Section
3 54954.2, in which case the written demand shall be made within 30
4 days from the date the action was taken. If the Personnel Commission
5 takes no curative action within 30 days of receipt of the demand, the
6 interested person must file suit within the earlier of: (1) 15 days after
7 the expiration of the 30-day period; or (2) 15 days after receipt of
8 written notice from the Personnel Commission of its decision to cure,
9 or not to cure, the challenged action. Notwithstanding the foregoing,
10 an action of the Personnel Commission cannot be determined to be
11 null and void if: (1) the action was taken in substantial compliance
12 with the Ralph M. Brown Act (GC 54950 et seq.); (2) the action was
13 taken in connection with the issuance of an evidence of indebtedness;
14 (3) the action taken gave rise to a contractual obligation upon which a
15 party has, in good faith, and without notice of a challenge to the
16 validity of the action, detrimentally relied; or (4) the action was taken
17 in connection with the collection of any tax. (Government Code
18 54960.1)

1 20.300 Commission Employees

2 20.300.1 Status of Commission Employees (45264)

3 The Personnel Director and other persons required to carry out the
4 responsibilities of the Commission shall be employees of the
5 Personnel Commission. However, they shall be considered part of the
6 classified service, and the rules, procedures, benefits, and burdens
7 pertinent to the classified service shall apply to Commission
8 employees.

9 20.300.2 General Duties of the Personnel Director (45266)

- 10 A. The Personnel Director shall perform all of the duties and carry out
11 all of the functions imposed upon him/her by law and these rules.
12 He/she shall act as secretary to the Commission and shall issue and
13 receive all notifications on its behalf. He/she shall direct and
14 supervise the employees of the Commission and conduct
15 administrative transactions consistent with the law and necessary
16 to the proper functioning of the office and staff of the Commission.
- 17 B. The Personnel Director shall conduct classification, salary, and
18 rules studies and shall make such other investigations as directed
19 by the Commission or as he/she deems necessary to his/her
20 responsibilities and may be designated as an “other representative”
21 in accordance with Education Code Section 45312.
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1 20.400 Miscellaneous Provisions

2 20.400.1 Communications (45260)

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

12 20.400.2 Budget (45253)

- 13 A. The Personnel Director shall prepare and submit to the
14 Commission a proposed operating budget for the Commission for
15 the next ensuing year. The budget shall be submitted no later than
16 the first Commission meeting in April.
- 17 B. The Commission shall designate one of its meetings in May at
18 which a public hearing on its proposed budget will be held. At the
19 time the Commission schedules the public hearing, it shall direct
20 the Personnel Director to forward a copy of the proposed budget to
21 the Board of Education and the Superintendent and notify the
22 Board of the time, date and place of the public hearing. Board and
23 Administration representatives shall be invited to attend the public
24 hearings and present their views on the proposed budget.
- 25 C. Prior to adoption of its budget, the Commission will hear and fully
26 consider all comments and suggestions that may be offered by
27 District Administration, the Board, or other concerned persons or
28 organizations. Efforts shall be made to resolve any difference that
29 may exist between the Commission and the Board.
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1 D. When approved, the Commission shall forward its proposed
2 budget to the county superintendent of schools for action.

3 20.400.3 Annual Report (45266)

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

8 B. The report shall be prepared for Commission approval in August.
9 The report shall cover Commission activities for the preceding
10 months.

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CHAPTER 30

POSITION CLASSIFICATION PLAN

30.100 The Classified Service

30.100.1 Positions Included (45256)

- A. All positions established by the Governing Board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No persons whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.

30.100.2 Exemption from the Classified Service (45256)

Positions required by law to have certification qualifications, full-time day students employed part-time, apprentices, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission, shall be exempt from the classified service. The Superintendent shall ensure that all such persons employed by the Board meet the requirements of Sections 40.100.3 and 80.400 of these Rules and Regulations.

30.100.3 “Part-Time” Defined (45256)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis is less than 87½ percent of the normal assigned workweek of 40 hours.

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30.100.4 Effect of Exemption

Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Education.

1 30.200 General Classification Rules

2 30.200.1 General Nature of the Classification Plan (45256)

3 The Personnel Commission shall establish and maintain a plan of
4 classification for all positions in the classified service. Classes will be
5 placed in groups according to general occupational nature and, within
6 groups, shall be listed in series by specific occupation. The plan shall
7 be considered as “promotional classes”, provided that the Personnel
8 Commission shall decide, when it orders an examination, whether the
9 examination shall be open, promotional, or a combination thereof.

10 The list of classes shall contain designation of the salary rate or range
11 applicable to each class.

12 30.200.2 Class Specifications (45256)

13 For each class of positions, as initially established or subsequently
14 approved by the Commission, there shall be established and
15 maintained a class specification, which shall include:

- 16 A. The official class title;
- 17 B. A definition of the class, indicating the type of duties and
18 responsibilities and placement within the organizational scheme;
- 19 C. A statement of typical tasks to be performed by persons holding
20 positions allocated to the class;
- 21 D. A statement of the minimum qualifications for service in the class.
22 The minimum qualifications may include education, experience,
23 knowledge, skills, abilities, and personal and physical traits and
24 characteristics;
- 25 E. A statement of distinguishing characteristics which differentiates
26 the class from other related or similar classes; and
- 27 F. License or other special requirements for employment or service in
28 the class.
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1 30.200.3 Interpretation of Class Specifications

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

- 4 A. The definition and typical tasks are descriptive and explanatory
5 only and not restrictive. They indicate the kinds of positions that
6 should be allocated to the respective classes as determined by their
7 duties, responsibilities, and qualification requirements, or other
8 attributes as typical or descriptive of the class and does not exclude
9 others not mentioned but of similar kind and/or quality as
10 determined by the Personnel Commission.
- 11 B. In determining the class to which any position shall be allocated,
12 the specification for each class is considered as a whole.
13 Consideration is given, not to isolated clauses, phrases, or words,
14 apart from their context and from illustrative information in other
15 parts of the specifications, but to the general duties,
16 responsibilities, specific tasks, and qualification requirements as
17 affording a picture of the positions that the class includes.
- 18 C. Each class specification is construed in its proper relationship to
19 other specifications, particularly those of classes in the same series
20 and group of classes, in such manner as to maintain a proper
21 gradation in the series in which the class is located and proper
22 differentiation within the group of classes.
- 23 D. Qualifications commonly required of the incumbents of all or
24 many offices or positions, such as good physical condition;
25 freedom from work-related disabling defects; communicable
26 diseases; ability and strength commensurate with the duties of the
27 class; honesty; sobriety; and industry, even though not specifically
28 mentioned in the specifications, are implied in the qualification
29 requirements.
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1 E. The statement of qualification requirements, when considered with
2 other parts of the specification, is to be used as a guide in the
3 announcement and preparation of tests and the evaluation of the
4 qualification of candidates seeking appointment to positions
5 allocated to the class, but does not require a particular form or
6 content of test or testing procedure.

7 30.200.4 Allocation of Positions to Classes

8 All positions substantially similar as to the duties performed and the
9 responsibilities exercised by the incumbents of such positions and as to
10 their qualification requirements shall be allocated to the same class.

11 30.200.5 Changes in Duties of Positions

12 Any substantial changes in the duties of existing positions where such
13 changes affect at least 10% of the employee's time shall be promptly
14 reported in writing by the appointing authority to the Personnel
15 Director, who shall determine whether the positions should be
16 allocated to different classes.

17 30.200.6 Working Out of Classification (45110)

18 Whenever a classified employee is required to perform duties other
19 than those assigned by the Board, or reasonably related thereto, for a
20 period of more than five days in a fifteen calendar day period, the fact
21 shall be reported immediately to the Personnel Director. The
22 Personnel Director shall conduct, or cause to be conducted, an
23 immediate investigation to determine the nature of the extraordinary
24 duties assigned and shall notify the Personnel Commission and the
25 appointing authority of his/her findings. If the Personnel Director
26 finds that the extraordinary duties would be assigned normally to a
27 class with higher salary range than that of the incumbent, he/she shall
28 indicate in his/her notification the class to which such duties would be
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1 assigned normally and the salary to be paid by the Board to the
2 incumbent as long as such duties are assigned. The provisions of
3 Section 45110 of the Education Code which allow school districts to
4 temporarily work employees outside of their normal duties will be
5 applied only when normal appointment procedures are inefficient
6 and/or impossible to follow. (The burden of proof of inefficient or
7 impossible conditions shall be upon the appointing authority.)
8 Nothing in this rule shall be construed as permitting an employee to
9 refuse to perform duties legally assigned by competent authority. The
10 decisions of the Personnel Director which are reached in the
11 application of this rule may be appealed in accordance with Rule
12 80.100.1 by any of the parties involved in each particular case.

13 30.200.7 Review of Positions (45162, 45285)

14 The Personnel Director shall review the duties and responsibilities of
15 the positions as necessary to determine their proper classification and
16 shall cause all positions to be reviewed on a regular basis. If the
17 Director finds that a position or positions should be reclassified, he/she
18 shall advise the administration of his/her findings. If the
19 administration verifies the duties of the position or if the duties are not
20 revised to fit within the current classification, the Director shall report
21 his/her findings and recommendations to the Commission. He/she
22 shall also report his/her findings in cases where his/her review
23 indicates that no change in classification is necessary.

24 30.200.8 Creation of New Positions (45276)

25 When the Board creates a new position, it shall direct Administration
26 to inform the Personnel Director of the duties to be assigned to the
27 position. The Board, or Administration acting for it, may recommend
28 minimum educational and work experience qualification for the
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1 position. The Personnel Director shall prepare a position description,
2 recommend position classification, title, and salary placement to the
3 Commission. The Commission shall consider the Personnel Director's
4 recommendations and advise the Board of its action by furnishing a
5 copy of its minutes.

6 30.200.9 Classification of New Positions

7 The Personnel Director has the authority to classify new positions
8 established by the Board of Education if the position fits into an
9 existing classification. The Personnel Commission shall be notified of
10 such classification action at its next scheduled meeting. If the duties
11 of the new position do not fall within an existing classification, then
12 the Personnel Director will process this new position in accordance
13 with Personnel Commission Rules and Regulations.
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1 30.300 Reclassification

2 30.300.1 Requests for Study (45256, 45258)

3 Requests for classification study of existing positions shall be
4 presented to the Personnel Director together with a statement of the
5 reasons for requesting study. Requests for study may be initiated by
6 the administration, with the approval of the Superintendent, or by
7 employees with the knowledge of the supervisor and Superintendent or
8 employee organizations. Requests initiated by the administration shall
9 be accompanied by a statement of the current authorized duties of the
10 positions(s) and any prospective changes.

11 30.300.2 Effective Date of Reclassification

12 Reclassification of a position shall become effective upon a date set by
13 the Commission and shall not have retroactive effect. Effective dates
14 may be set sufficiently in the future to allow time for examinations to
15 be completed, but not for more than three months from the date on
16 which reclassification is approved by the Commission.

17 30.300.3 Effects on Incumbents (45285)

18 A. When positions or whole classes are reclassified upward, the rights
19 of incumbents are determined in accordance with Education Code
20 Section 45285. The basis for reclassification of positions must be
21 a gradual accretion of duties and not a sudden change occasioned
22 by a reorganization or the assignment of completely new duties
23 and responsibilities. Determinations as to gradual accretion will be
24 on the basis of guidelines provided by Personnel Commission
25 rules.

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27 When all positions in a class are classified to a class with a higher
28 salary range, incumbents of the positions who have been in the
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1 class for two or more years will be granted status in the higher
2 class without further competitive examination provided the last
3 two performance reports on the incumbents on file in the office of
4 the Personnel Commission have each been satisfactory.

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6 Incumbents of the position who have been in the class less than
7 two years and whose last two performance reports on file in the
8 office of the Personnel Commission are each satisfactory, will be
9 granted status in the higher class provided that their names must
10 have appeared on an appropriate eligibility list established within
11 two years of the effective date of the reclassification.

12
13 Appropriateness of eligibility lists shall be determined by the
14 Personnel Commission. Incumbents granted status pursuant to this
15 paragraph shall be granted all the rights and benefits in the higher
16 class attained in the lower class.

17
18 When a portion of the positions in a class are reclassified to a class
19 with a higher salary range, an incumbent who has a continuous
20 employment record of two or more years in one or more of the
21 positions being reclassified will be granted status at the higher
22 lever without further competitive examination provided that the
23 last two reports of performance on file in the office of the
24 Personnel Commission have each been satisfactory.

25
26 An incumbent who has a continuous employment record of less
27 than two years in one or more of the positions being reclassified,
28 must receive an appointment from an appropriate eligibility list for
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1 the higher class in order to remain an incumbent of one of the
2 reclassified positions. Such incumbents will have up to one year
3 from the date of the study to appear on the appropriate eligibility
4 list for the higher class.

5
6 Those incumbents not able to be reclassified with their positions
7 will have one opportunity to compete in a competitive examination
8 for the higher class.

9
10 B. When a position or group of positions is reclassified to a class with
11 a lower wage or salary range, an incumbent shall have the
12 following rights:

- 13 1. The right to bump the employee in the same class with the least
14 seniority in the class, provided that the incumbent has greater
15 seniority in the class;
- 16 2. The right to bump the employee with the least seniority in any
17 equal or lower class in which the incumbent formerly served;
18 provided that he had greater seniority in the class;
- 19 3. The right to be demoted without examination, to the class to
20 which his position is reclassified.

21 The employee may choose to transfer, demote or exercise bumping
22 rights at the employee's option. This choice shall not affect rights
23 under Rule 30.300.4, below.

24
25 Reclassification at the Same Level – Incumbents of positions
26 reclassified to a class at the same salary level shall be granted
27 status in the new class without further examination.

1 C. Any employee whose position is reclassified to a lower class, and
2 any employee who is bumped by an incumbent who is so
3 reclassified, shall receive 45 days advance written notice of the
4 change and any available bumping rights.

5 30.300.4 Reemployment List for Displaced Incumbents (45298)

6 A. Any displacement of a regular employee resulting from a
7 reclassification of a position, positions, or class of positions shall
8 be considered a layoff for lack of work, and an appropriate
9 reemployment list will be established in accordance with these
10 rules.

11 B. This rule shall be followed in all instances of reclassification
12 whether it results in upgrading, downgrading, lateral class
13 movement, bumping, or complete displacement of incumbents.
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1 CHAPTER 40

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3 APPLICATION AND EXAMINATION

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5 40.100 Application for Employment

6 40.100.1 Filing of Application

7 All applications for employment must be made upon official forms
8 furnished by the Commission, filled out as therein directed, and filed
9 on or before the date specified in the examination announcement.
10 Applicants taking more than one examination must file a separate and
11 complete application for each such examination.

12 40.100.2 General Qualifications of Applicants (45261)

- 13 A. Aliens lawfully authorized to work in the United States may apply
14 for any District position for which they qualify.
- 15 B. Applicants must meet all entrance requirements, including the
16 minimum qualifications of the class specification officially
17 adopted by the Commission and set forth on the examination
18 announcement.
- 19 C. No application will be rejected on the basis of the applicant's race,
20 religious creed, color, sex, national origin, ancestry, marital status,
21 physical or mental disability (unless it directly affects the
22 applicant's ability to perform an essential function of the job),
23 sexual orientation, medical condition, or age.
- 24 D. The Personnel Director may refuse to examine an applicant, or
25 after examination may withhold from certification from an
26 eligibility list the name of an applicant for any of the following
27 reasons:
- 28 1. Failure to meet the general qualification for employment.
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2. Knowing membership in the Communist Party. (45303)
3. Advocacy or membership in any organization which the employee knew during the time of his or her membership advocated for the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
4. Conviction of or pleading guilty or nolo contendere in court to a charge of moral turpitude, any sex or controlled substance offense enumerated in sections 44010 or 44011 of the Education Code, serious or violent felony, or mistreatment of children.
5. Conviction of a felony.
6. Intentionally making a false statement or intentionally omitting a statement as to any material fact on the application form.
7. Practicing any deception or fraud in connection with an examination or to secure employment.
8. Current use, distribution or possession of illegal drugs.
9. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District or previous dismissal from this District.
10. A record of unsatisfactory service with this District even though separation has not occurred.
11. Physical or mental condition that renders the individual unable to perform an essential function of the job, with or without reasonable accommodation, or that poses a direct threat to the individual or others in the workplace.
12. Failure to report for duty after an assignment has been offered and accepted.

1 13. Refusal to furnish non-privileged testimony at a hearing or
2 investigation before the Personnel Commission or Board of
3 Education.

4 14. Other reasons deemed sufficient by the Personnel Commission.

5 40.100.3 Elimination of Unfit Applicants, Candidates and Eligibles

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

- 9 A. Failure to meet the general qualification of Rule 40.100.2.
- 10 B. Advocacy of overthrow of the Government of the United States or
11 the State of California by force, violence, or other unlawful means.
- 12 C. Conviction of or pleading guilty or nolo contendere in court to a
13 charge of moral turpitude, any sex or controlled substance offense
14 enumerated in sections 44010 or 44011 of the Education Code,
15 serious or violent felony, or mistreatment of children.
- 16 D. Criminal, infamous, dishonest, or immoral conduct according to
17 standards approved by the Personnel Commission. Conviction of a
18 felony is evidence of criminal conduct.
- 19 E. Falsifying or omitting any information requested on the
20 application, where such information, if truthfully presented, would
21 disqualify the applicant under any provisions of 40.100.2 or
22 40.100.3.
- 23 F. Practicing any deception or fraud in connection with an
24 examination or to secure employment.
- 25 G. Current or recent use, distribution, or possession of illegal drugs.
- 26 H. Dismissal from a previous employment for cause if the cause
27 would have subjected the applicant to dismissal by the District.
- 28 I. Previous dismissal from this District unless the District waives this
29 subsection.
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- J. A record of unsatisfactory service with this District even though separation has not occurred.
- K. Physical or mental condition that renders the individual unable to perform an essential function of the job, with or without reasonable accommodation, or that poses a direct threat to the individual or others in the workplace.
- L. Dishonorable discharge from the armed forces of the United States.
- M. Failure to report for duty after an assignment has been offered and accepted, or failure to report for an interview.
- N. Failure, after due notice, to report promptly for review of any of the above bases for rejection.
- O. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Education.

40.100.4 Rejection and Appeal from Rejection

- A. Eligibles not employed by the District may be notified of rejection. Employees who are rejected for any of the reasons enumerated in Rule 40.100.3, other than for failure to meet the minimum qualifications, shall be notified in writing by the Personnel Director. The notification shall state:
 - 1. The reason(s) for rejection.
 - 2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.
 - 3. That within seven calendar days, the employee may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

- 1 B. If there has been an administrative review, as provided above, and
2 the rejection is sustained, the individual shall be:
3 1. Given a written notice outlining the reason(s) for sustaining the
4 rejection, and
5 2. Informed of his right to make a written appeal of the rejection
6 and/or the period of disqualification, within seven calendar
7 days, to the Personnel Commission. The appeal may be based
8 on any of the following reasons:
9 a. Discrimination because of affiliations, political or
10 religious acts or opinions, race, color, sex or marital status.
11 b. Abuse of discretion.
12 c. Inconsistency of the reasons given for the rejection with the
13 facts.
14 C. Upon receipt of an appeal, the Commission shall set a date for
15 hearing, hear all of the evidence, and render a decision. Its
16 decision shall be transmitted in writing to the appellant and the
17 Personnel Director. The decision shall be final.

18 40.100.5 Action When Rejection Is Not Sustained

19 If a rejection is not sustained by the Personnel Director or the
20 Personnel Commission, the Personnel Director shall institute
21 immediate action to ensure the rights of the applicant, candidate, or
22 eligible as if the rejection had not been made. However, appointments
23 made in the interim shall not be disturbed unless they were, in the
24 determination of the Commission, fraudulently made.

25 40.100.6 Veteran's Preference (45294, 45295, 45296, 45280)

- 26 A. In the case of all competitive examinations, veterans who obtain
27 passing scores shall be allowed an additional credit of 5 points.
28 Disabled veterans shall be allowed an additional credit of 10
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1 points. Classified Personnel Director; Director, Facilities,
2 Maintenance, Operations and Transportation; Director of Food
3 Service; and Maintenance Supervisor are not entrance level
4 classifications and are exempt from the Veteran's preference.
5 "Veteran" means any person who has served in the United States
6 Armed Forces in time of war or national emergency declared by
7 the President of the United States, and who has a discharge or
8 release other than dishonorable. Armed Forces means in the United
9 States Army, Navy, Air Force, Marines, or Coast Guard.

10 B. In order to obtain credit, the applicant shall furnish, prior to
11 establishment of the eligibility list, satisfactory proof that
12 qualifying military service occurred. No adjustment of rank on the
13 list shall be made when such proof is presented thereafter.
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1 40.200 Examinations (45261)

2 40.200.1 Examinations (45272)

- 3 A. Upon approval of the Commission, the Personnel Director, as the
4 needs of the service require, may announce and hold promotional
5 examinations which shall be limited to District employees.
- 6 B. Applicants for promotional examination must meet the established
7 minimum qualifications for the class and their last performance
8 evaluation shall have been satisfactory or higher in all categories.
- 9 C. Employees may take promotional exams and upon qualification in
10 the exams shall be eligible for appointment upon satisfactorily
11 completing the required probationary period. Employees who have
12 achieved permanency in any District position are eligible for
13 promotion.
- 14 D. If there are fewer than three eligible permanent employees on the
15 promotional list, probationary employees may be certified before
16 candidates on an open eligibility list.
- 17 E. Any limited term or provisional appointee who immediately
18 preceding his current appointment held permanent status in an
19 eligible class shall be deemed to meet the requirement of
20 permanent status for eligibility to compete in a promotional
21 examination.
- 22 F. When an open competitive examination and a promotional
23 examination for a particular class are held at the same time, the
24 Commission may, prior to the examination, authorize certification
25 for employment of candidates from the open competitive eligibility
26 list before the promotional eligibility list has been exhausted if the
27 candidate on the open list has a higher score before adjustment for
28 preferential credits than the score of the highest available candidate
29 on the promotional list after seniority credits have been added.
30 (45284)

1 G. Classified employees laid off because of lack of work or lack of
2 funds have the right to participate in promotional examinations
3 within the school district during the 39-month period after layoff.

4 40.200.2 Continuous Examinations

5 A. When there is a shortage of eligibles to fill vacancies in the service
6 in any class, the Commission may authorize recruitment by
7 continuous examinations.

8 B. All qualified applicants who have applications on file at the
9 beginning of a continuous examination process for a class shall be
10 notified.

11 C. The continuous examination shall be promulgated under similar
12 conditions and techniques as previous examinations for the same
13 class and resulting eligibility lists may be merged with previous
14 lists for the class in the relative order of merit of the eligibles.

15 D. Termination of continuous examination procedures for any class
16 may be effected by action of the Commission.

17 40.200.3 When Held

18 Whenever it is necessary to fill existing or anticipated vacancies in the
19 classified service and an appropriate eligibility list does not exist as
20 determined by the Commission, the Commission shall direct the
21 holding of an examination to provide eligibles. At least ten working
22 days advance public notice of such examinations shall be given. The
23 notice shall contain the following facts:

24 A. Information concerning the location of employment, the expected
25 number of vacancies, and other conditions of employment;

26 B. Description of the scope of duties and responsibilities of the
27 position and the class;

28 C. Minimum qualifications required;
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- D. The salary and other forms of compensation;
- E. The last date for filing an application;
- F. The subjects about which competitors may be examined and the weights of the various parts of the examination; and
- 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.

40.200.4 Who May Compete (45272, 45280, 45281)

- A. Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 40.100.4 except that examinations may be restricted to promotional candidates at the discretion of the Commission.
- B. An examination for Business Manager will be open and promotional, in order to attract competent and qualified applicants from any source.
 - 1. All permanent employees of the District, classified and certified, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates.
 - 2. Seniority credits, if any, shall be equally applicable to both classified and certified promotional candidates.
 - 3. Eligibility lists resulting from the examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for seniority credits, if any.
 - 4. The examination for Business Manager shall not be construed to be an entrance level position examination.

1 C. A candidate who took a written test but failed the testing process
2 will not be eligible for re-examination including the same written
3 test for a period of six calendar months.

4 40.200.5 Notice of Examination

5 Each applicant whose application has been approved shall be notified a
6 reasonable time in advance of the time, date, and place of the
7 examination, and such notice shall be the applicant's authorization to
8 take the examination. No candidate may be admitted to any
9 examination without such authorization or other satisfactory evidence
10 of having filed an acceptable application.

11 40.200.6 Character of Examinations (45273)

12 Examinations shall be administered objectively and fairly and consist
13 of test parts that relate to job performance. Examinations may be
14 written or oral or in the form of a practical demonstration of skill and
15 ability, or any combination of these. Any lawful investigation of
16 education or experience, and test of technical knowledge, manual skill,
17 or physical and mental ability to perform the essential functions of the
18 position, which, in the judgment of the Personnel Commission, serves
19 this end, may be employed.

20 40.200.7 Examination Procedures

21 The following examination procedures shall be observed:

22 A. The Personnel Director shall prepare or cause to be prepared the
23 performance, the written, and/or oral examinations. With the
24 approval of the Commission, he/she may secure the assistance of
25 any competent person or agency outside the District service.

26 B. All competitors in the written examination must take the
27 examination on the prescribed date and under the same or similar
28 conditions. Upon the Personnel Director's discretion, emergency
29 retesting may occur.

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- 1 C. All necessary explanations will be made to the whole group.
2 Examiners are forbidden to explain the meaning of or to make
3 remarks relating to any question that may assist in its solution.
- 4 D. Communication between competitors during examination is strictly
5 forbidden and competitors are forbidden to receive aid from one
6 another or to use any unauthorized help in any form. Before the
7 commencement of an examination, competitors will be required to
8 hand to the examiner any printed or written material in their
9 possession that might serve to aid them in the examination, unless
10 such material is expressly permitted as part of the examination
11 process. Evidence of copying or collusion by a competitor may
12 result in the cancellation of his/her examination papers and the
13 exclusion of the competitor from future examinations. Copies of
14 questions in the examination shall not be made or taken from the
15 examination room.
- 16 E. Any competitor in an examination who places any identifying
17 mark upon his/her examination papers (other than the identifying
18 mark prescribed at the time of the examination), or who makes any
19 attempt to disclose to others the identity of his/her papers prior to
20 the completion of the examination may be deprived of all benefits
21 under such examination.

22 40.200.8 Examination Weighting

23 The relative weights of the different parts of the examination shall be
24 determined by the Commission and set forth in the announcement of
25 the examination. All examination papers shall be prepared and rated
26 under the direction of the Personnel Director.

27 40.200.9 Minimum Examination Rating

28 Competitors may be required to attain a designated minimum rating in
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1 each part or in combined parts of the examination to qualify for
2 participation in the next succeeding part.

3 40.200.10 Testing Accommodation

4 Candidates who so request will be provided reasonable
5 accommodation in the testing process. Need for accommodation must
6 be identified at least 48 hours in advance of the examination.

7 40.200.11 Qualifications Appraisal Interview (Oral Examination) (45273)

- 8 A. If any examination includes a Qualifications Appraisal Interview
9 (QAI), those competitors eligible for the QAI will be examined at the
10 earliest practicable date after conclusion and rating of the earlier
11 test(s).
- 12 B. A QAI Board will consist of at least two persons, at least one of whom
13 shall be technically qualified to interview for knowledge in the area of
14 the class of positions being examined.
- 15 C. The Personnel Director may designate a district employee, with the
16 concurrence of his/her supervisor, to serve as a member of an oral
17 board; however, the employee may not be in the first or second level
18 of supervision over a vacant position in the class for which the
19 examination is being held.
- 20 D. The proceedings of the QAI will be electronically recorded and the
21 record will be available for the applicant's review.

22 40.200.12 Seniority Credit -- Promotional Examinations

23 In promotional examinations only, seniority credit shall be added to
24 the final passing scores of candidates in the amount of one point for
25 each year of service, not to exceed a total of ten points. Credit shall be
26 granted for time spent in regular employee status (see definition) in the
27 classified service and on leave from the classified service while
28 otherwise employed in this District. A full year's credit shall be
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1 granted to employees whose regular position is assigned on less than a
2 calendar-year basis. Credits shall be calculated for units of not less
3 than a half year, unless greater accuracy is required in order to break
4 ties in examination scores, and fractions of years shall not normally be
5 counted.

6 40.200.13 Ties in Examination Scores (45272)

7 The final scores of candidates shall be rounded to the nearest whole
8 percent for all eligibles. All eligibles with the same percentage rank
9 will be considered as having the same rank. Appointments shall be
10 made from the eligibles having the first three ranks on the list who are
11 ready and willing to accept the position.

12 40.200.14 Notice of Final Score

13 Each competitor shall be notified of his final score and of his relative
14 standing on the eligibility list, if qualified.

15 40.200.15 Review of Examination (45274)

16 A. When the examinations of all competitors have been rated, each
17 candidate will be notified of his grade, on each part passed, and the
18 place, date, and time at which he may review his test paper and
19 QAI recording, if any. No candidate may copy or remove from the
20 review room any questions or answers.

21 B. Examination records, including examination answer sheets, tape
22 recordings of interviews, and the rating sheets of each member of
23 an oral interview panel shall be retained for a period of at least
24 ninety (90) calendar days after promulgation of an eligibility list.

25 C. Review by applicants of written examination questions, except
26 standardized test questions, shall be allowed during the four
27 working days following the administration of the test. (For
28 purposes of this section, 40.200.15, working days is defined as any
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1 day the District Administrative Offices are open for business.)
2 Protests of questions shall be made within four working days, shall
3 be in writing, and must contain rationale to support the protest.
4 Failure to submit a written request for review within the four days
5 shall constitute waiver of the right to appeal that part of the
6 selection process.

7 D. A candidate may review and protest any part of an examination
8 provided:

- 9 1. The protest must be received in the office of the Personnel
10 Director not later than the fourth working day following the
11 day the candidate receives notification of the results of the
12 pertinent part of the examination.
- 13 2. The protest shall be made in writing.
- 14 3. The protest must include rationale to support the protest.

15 E. The written protest shall be submitted to the Personnel Director for
16 review and investigation. The Personnel Director shall review and
17 act upon all protests. If protests result in any change, the test
18 papers of all applicants will be reviewed and re-rated accordingly.
19 The Personnel Director shall inform the protestant of his/her
20 decision. If the Personnel Director rules against the protest, the
21 applicant may appeal to the Personnel Commission, but the appeal
22 shall not delay other parts of the examination process. The
23 Commission shall review the protest, together with the
24 recommendations of the Personnel Director, as well as any
25 additional information requested by the Commission. The decision
26 of the Commission shall be final, and the Personnel Director shall
27 notify the candidate lodging the protest of the Commission's
28 decision. In promotional examination for classes for which
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1 continuous examination procedures have not been authorized, the
2 review and protest period shall be held prior to regular
3 appointment from the eligibility list.

- 4 F. Examination records shall be available only to the candidate or
5 eligible or his/her representative and shall be restricted to papers,
6 tapes and scores of the candidate or eligible. Such candidate, or
7 eligible, or his/her representatives may not review the examination
8 records of another person or confidential records from previous
9 employers. Review of examination material for the purpose of test
10 counseling may be scheduled at the mutual convenience of the
11 applicant and the Personnel Director or his/her designee.

12 40.200.16 Penalties (45317)

13 Any person who willfully or through culpable negligence violates
14 any of the provisions of Article 6 of chapter 5, part 25, division 3
15 of the Education Code is guilty of a misdemeanor. It is also
16 unlawful for any person:

- 17 A. Willfully by himself, or in cooperation with another person, to
18 defeat, deceive, or obstruct any person with respect to his/her
19 right of examination, application, or employment under this
20 article or Personnel Commission rule.
- 21 B. Willfully and falsely to mark, grade, estimate, or report upon
22 the examination or proper standing of any person examined or
23 certified under this article or Personnel Commission rule, or to
24 aid in so doing, or make any false representation concerning
25 the same or the person examined.
- 26 C. Willfully to furnish to any person any special or secret
27 information regarding contents of an examination for the
28 purpose of either improving or injuring the prospects or
29 chances of any person examined, or to be examined under this
30 article or Personnel Commission rule.

1 40.300 New Employee Clearances

2 40.300.1 Physical Examinations (45122)

3 A. Initial Employment

- 4 1. Every person being initially employed by the District, whether
5 in a regular position, as a substitute, relief, limited-term, or
6 provisional employee, shall be required to comply with the
7 provision of Education Code Section 49406 – Requirement for
8 TB Exam.
- 9 2. Prior to employment, each person is required to submit
10 adequate proof that he/she has undergone a test for tuberculosis
11 and has been found to be free of active tuberculosis. The
12 examination must have been conducted within 60 days
13 preceding the date of employment.
- 14 3. An offer of employment may be conditioned upon the
15 satisfactory completion of a medical examination given to
16 determine fitness for employment in the job classification. The
17 applicant may submit, at the time of the examination, any
18 pertinent medical evidence, including an independent medical
19 opinion. Any additional medical evidence supplied by the
20 applicant shall be obtained at the applicant’s own expense. An
21 appeal of a decision for disqualification will follow procedures
22 outlined in section 40.100.4; however, only current District
23 employees may appeal medical disqualification. Neither the
24 District nor the Commission shall request or receive
25 information from the examining physician regarding a
26 candidate’s medical condition, prognosis, or treatment without
27 the prior written consent of the candidate. All information
28 obtained from the examining physician shall relate solely to the
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1 functional limitations, if any, of the candidate.

2 The examination shall address the applicant's ability to
3 perform the duties described in the job description. The
4 Personnel Director shall identify classifications for which a
5 medical examination will be required.

6 For purposes of this regulation, initial employment is defined
7 as an offer to an employee new to the District or an offer of a
8 position in a different job classification to a current employee.

9 B. After Employment

- 10 1. Every employee is required to undergo an examination to
11 determine that he is free from active tuberculosis at least
12 once every four years after initial employment.
- 13 2. The District shall maintain adequate records on each
14 employee which indicate compliance with these rules and
15 the law. Such records shall be kept in a confidential, secure
16 location.

17 C. School Bus Drivers (Vehicle Code Section 12517.2)

- 18 1. In addition to any other examination that may be required
19 by these rules, school bus drivers must have a valid school
20 bus driver's certificate which requires a medical
21 examination report submitted on the proper government
22 approved form. School bus drivers over 65 must undergo a
23 physical examination annually.
- 24 2. The District shall arrange for and defray the costs of the
25 school bus driver's examination for its employees and shall
26 reimburse new employees for the costs of the required
27 examination, but not to exceed the amount which it pays
28 for the examination required of its regular employee bus
29 drivers.

1 D. Medical Review Board

2 1. The Personnel Commission may employ outside medical
3 experts to give a medical advisory opinion.

4 2. The Personnel Commission, based on evidence submitted
5 and the advice of medical experts to the Personnel
6 Commission, shall determine whether or not the denial of
7 appointment or return from leave shall be sustained.

8 40.300.2 Criminal Records Check (45125, 45126)

9 A. Fingerprinting

10 Every new employee shall submit to a criminal records check in
11 accordance with prescribed procedures, or shall forfeit eligibility
12 for employment. The District will notify each such employee
13 where and when to report for fingerprinting, which shall take place
14 before employment.

15 B. Review of Criminal Records

16 1. All criminal record reports are to be treated as confidential.

17 Any employee charged with receiving and/or reviewing them
18 who divulges information contained therein to an unauthorized
19 person is subject to disciplinary action.

20 2. The criminal records report from the California Department of
21 Justice will be reviewed together with the person's application
22 form. If there is a criminal record, the appointing authority
23 shall decide whether or not the person should be employed or
24 retained in employment. If the record discloses no information
25 beyond that supplied by the person on his/her application form,
26 and nothing in that information disqualifies the person from
27 employment, the person shall be considered employable.

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

1 CHAPTER 50

2
3 EMPLOYMENT LISTS

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5 50.100 Eligibility Lists (45260, 45261, 45300)

6 50.100.1 Establishment and Life of Eligibility Lists (45300)

7 A. After an examination, the names of successful competitors shall be
8 arranged on a list in the order of examination score, plus additional
9 points where applicable. The list shall be presented for approval of
10 the Personnel Commission at its next meeting.

11 1. To facilitate the orderly process of business, the Personnel
12 Director may submit eligibility lists for ratification and
13 approval by the Commission subsequent to appointments from
14 the list. Such appointments shall be on a provisional basis until
15 the list is ratified by the Personnel Commission. An employee
16 hired prior to this process shall accrue rights and benefits
17 effective to the date of employment. (Education Code Section
18 45272)

19 B. After approval, an eligibility list shall be in effect for one year,
20 unless exhausted, and may be extended for up to two additional
21 years at the discretion of the Commission. The Commission may
22 approve the establishment of an eligibility list for a period of six
23 (6) months when announced on the recruitment bulletin for the
24 examination. Names of successful competitors may be merged
25 with the eligibility lists resulting from continuous examinations
26 without prior approval by the Commission.

27 50.100.2 Reemployment Lists (45298)

28 There shall be established for each class a reemployment list which
29 shall take precedence over all other employment lists in appointment.
30 This list shall contain the names of all permanent classified service
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1 employees who have been laid off or demoted from any position
2 because of lack of work or lack of funds. Persons laid off because of
3 lack of work or funds, and persons who have taken voluntary
4 demotions in lieu of layoff, are eligible for reemployment for a period
5 of 39 months and shall be reemployed in preference to new applicants.
6 Such persons laid off have the right to participate in promotional
7 examinations within the District during the 39-month period.

8 50.100.3 Termination of Eligibility Lists (45300)

- 9 A. An eligibility list is automatically terminated one year from the
10 date of its approval unless previously extended by the
11 Commission.
- 12 B. An eligibility list cannot be extended more than two years after its
13 original termination date.
- 14 C. An eligibility list is automatically terminated when no eligibles
15 remain on the list. An eligible remains on the list until he or she is
16 offered and declines an appointment for the third time.
- 17 D. An eligibility list may be terminated by the Commission prior to its
18 expiration either when the list is exhausted of eligibles, or when it
19 contains fewer than three eligibles for appointment to current
20 vacancies.
- 21 E. An eligibility list is automatically terminated upon the expiration
22 of the period for which the list was established, or when a new list
23 for the class is established.

24 50.100.4 Consolidation of Eligibility Lists (45278, 45291, 45300)

25 If a new examination for a class is given during the first year of the life
26 of an existing list, the examination shall be sufficiently similar to the
27 previous examination to ensure the comparability of the scores of
28 eligibles. The new list shall then be merged with the existing list with
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1 eligibles ranked in the order of examination score, plus additional
2 points where applicable. Promotional lists shall be merged only with
3 promotional lists, except that, where “dual certification” applies, open
4 and promotional lists shall be merged for certification.

5 50.100.5 Eligibility After Appointment (45300)

6 An eligibility list shall be used for full-time, part-time, regular, and
7 limited-term appointment in the class. An eligible who accepts a part-
8 time appointment shall continue to be eligible for full-time
9 appointment, and an eligible who accepts a limited-term assignment
10 shall continue to be eligible for regular appointment.

11 50.100.6 Removal of Names from Eligibility Lists

12 The name of an eligible may be removed from an eligibility list by
13 action of the Commission for any of the following reasons:

- 14 A. A written request by the eligible for removal;
15 B. Failure to respond to a written inquiry regarding availability for
16 employment, or to keep an interview appointment;
17 C. Waiver of three offers of regular appointment; or
18 D. Any of the causes listed in Rule 50.100.3, above.
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1 50.200 Certification from Employment Lists (45272, 45277, 45279, 45284)

2 50.200.1 Order of Precedence

3 A. Names shall be certified for appointment from employment lists in
4 the following sequence:

- 5 1. Reemployment list
- 6 2. Promotional eligibility list (three ranks)
- 7 3. Open eligibility list (three ranks)
- 8 4. Appointments may be made from other than the first three
9 ranks on the eligibility list when the ability to speak, read, or
10 write a language in addition to English or possession of a valid
11 driver's license is a requirement of the position to be filled.

12 The recruitment bulletin announcing the examination shall
13 indicate the special requirements which may be necessary for
14 filling one or more of the positions in the class. Where such a
15 position is to be filled, the appointment shall be made from
16 among applicants in the highest three ranks on the appropriate
17 eligibility lists who meet the special requirements and who are
18 ready and willing to accept the position. If there are
19 insufficient applicants who meet the special requirements, the
20 Commission shall certify the top applicant or applicants plus
21 those who meet the special requirements.

22 B. All appointments shall be made from the first three ranks who are
23 ready, willing and able to accept employment.

24 50.200.2 Dual Certification (45284)

25 When the same examination is held on an open competitive and
26 promotional basis to provide a list of eligibles for any class having
27 fewer than three permanent positions or for which the most recent
28 promotional eligibility list failed to provide sufficient available
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1 eligibles to fill all the vacancies occurring in permanent positions
2 during the first year of life of the eligibility list, the Commission may,
3 prior to the examination, authorize dual certification from the resultant
4 eligibility lists. The names certified shall be those of open and
5 promotional eligibles who have the highest examination scores,
6 without veterans' credit and including seniority credit from
7 promotional eligibles. When all promotional eligibles have been
8 removed from the list, through appointment or otherwise, veterans'
9 credit shall be added to scores of remaining open eligibles, and their
10 ranks shall be adjusted accordingly.

11 50.200.3 Procedure When Fewer Than Three Names Remain

- 12 A. When fewer than three eligibles are available on the promotional
13 list, sufficient names shall be certified from the open list to allow a
14 choice among three eligibles.
15 B. When fewer than three eligibles are available for certification, the
16 available eligibles shall be certified; however, the appointing
17 authority may choose not to appoint any of them and may request a
18 new examination.

19 50.200.4 Other Sources of Eligibility

- 20 A. In the absence of a reemployment list for a class, a vacancy may be
21 filled by transfer, demotion, reinstatement or reemployment (after
22 resignation), restoration to former class after voluntary demotion,
23 or other means provided in the rules, without regard for existence
24 of eligibility lists.
25 B. In the absence of an eligibility list for a class in which a vacancy
26 exists, or occurs, certification may be made from a list for a
27 comparable class or a higher class if the following criteria are met:
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- 1 1. The duties and qualifications of the comparable or higher job
2 classification for which the examination was given must
3 include substantially all of the duties of the position to be
4 filled.
- 5 2. The necessary skills and knowledge were adequately tested in
6 the examination process.
- 7 3. The District Administration requests the use of this procedure
8 to expedite the hiring process.
- 9 4. The Personnel Commission finds that the use of the list is in
10 the best interest of the school district. Each request will be
11 reviewed on an individual basis.
- 12 5. Appointment from such lists will be voluntary on the part of
13 eligibles, and no waiver will be charged for those candidates
14 declining such appointment.
- 15 6. The Personnel Commission determines the use of the list is in
16 the best interest of the District.

17 50.200.5 Procedure of Certification and Appointment (Employment)

- 18 A. When a position is to be filled, the appointing power shall notify
19 the Personnel Director of that fact and of the date of the anticipated
20 need. The request for certification shall state the class title, hours
21 and location of employment, and other pertinent information as
22 required by the Personnel Director.
 - 23 B. The Personnel Director shall first determine whether there is a
24 reemployment list for the class, in accordance with Rule 50.100.2.
25 Qualified persons on the reemployment list shall be given the
26 opportunity to accept or decline the appointment. Declining an
27 appointment shall not result in removal of a person from the
28 reemployment list.
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- 1 C. If there is no reemployment list for the class, the Personnel
2 Director shall ascertain the availability of eligibles and shall certify
3 names to the appointing power in accordance with these rules.
4 D. The appointing power shall make its selection and shall notify the
5 Director, who shall see that the necessary employment procedures
6 are carried out.

7 50.200.6 Waivers of Certification

- 8 A. An eligible may request a waiver of certification to specific
9 locations or shifts and to part-time or full-time positions and to
10 limited-term or permanent positions by notifying the personnel
11 office in writing within five calendar days of the offer of interview.
12 After three such requests of waiver by an eligible, the eligible will
13 be removed from the Eligibility List.
14 B. Certification of eligibles who have waived shall not be made,
15 provided that eligibles may revise or withdraw their waivers in
16 writing prior to the actual transmittal of the list of eligibles to the
17 supervisor.
18 C. A current permanent instructional assistant who has successfully
19 been placed on a certified list of eligibles for other instructional
20 assistant categories, may request in writing that his/her
21 eligibility not go into effect for up to one full year following
22 certification. Upon written activation of his/her eligibility, the
23 employee will remain on the eligibility list for one year. Any
24 candidate electing to defer eligibility may still be employed as a
25 substitute in this classification.

26 50.200.7 Refusals of Appointment

27 If an eligible refuses appointment to any position or positions three
28 times, the eligible shall be removed from the list.
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1 50.200.8 Reduction in Eligibility

2 A reduction in eligibility from a higher class to a lower class may be
3 granted provided the individual meets the qualifications for the lower
4 class. A person granted a reduction in eligibility will have his name
5 removed from the eligibility list for the higher class and placed at the
6 bottom of the eligibility list for the lower class, if such eligibility list
7 exists.

8 50.200.9 Withholding Names from Certification

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

- 10 A. He/she expresses unwillingness or inability to accept
11 appointment.
- 12 B. He/she fails to respond within five business days following
13 the mailing of written inquiry regarding availability for permanent
14 employment or request to appear for interview regarding such
15 employment.
- 16 C. He/she fails to present himself/herself for duty at the time
17 agreed upon after having accepted an appointment, or fails to keep
18 an appointment for an interview or test.
- 19 D. He/she cannot be reached in time for appointment when
20 immediate temporary employment is required. (This provision
21 shall apply only to such immediate temporary employment.)
- 22 E. He/she fails to present the license, registration, certificate, or
23 any other credential required. (The name of any such eligible shall
24 be restored by the Personnel Director for certification when the
25 particular requirement has been met.)
- 26 F. For any reason listed in Rule 40.100.3.

27 50.200.10 Restoration to Certification

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

3 A. When the withholding or removal was because of the waiver or
4 inability of the eligible to accept employment, or failure to respond
5 to enquiry as to his/her availability, to appear for an interview,
6 or to present himself/herself for duty, and the applicant presents
7 a good and valid reason and certifies to the Personnel Commission
8 that he/she is now willing and able to accept appointment.

9 B. When the withholding or removal was for a reason stated in Rule
10 40.100.3 and such action was improper or the defect has since been
11 corrected.

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

14 50.200.11 Duties of Eligible

15 A. It shall be the duty of every eligible to respond promptly after
16 receiving the notice of certification if he/she cannot accept
17 immediate appointment.

18 B. An eligible who has been certified shall be allowed two weeks to
19 report for duty after an offer of appointment to a permanent
20 position has been made. If he/she is unable or unwilling to
21 report by the end of two weeks, he/she may be considered to
22 have refused appointment; and the appointing power may request
23 certification of another name from the eligibility or reemployment
24 list.

25 1. The date of the offer of appointment shall be the date on which
26 the eligible is notified by the Personnel Director of his/her
27 selection.

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2. Notification may be made by telephone (and confirmed in writing), telegram, or registered or certified mail.
 3. The appointing power may allow a period longer than two weeks at its discretion.
 4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- C. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Commission any change of his/her correct mailing address and place of residence. This address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his/her order of certification and/or appointment from any such list or lists.

1 50.300 Appointments

2 50.300.1 Types of Appointments

3 A. The appointing power may fill a vacant position by any of the
4 following (as provided in sections 60.200 and 60.700): transfer of
5 a current employee; reinstatement of a formerly separated
6 employee as provided in Section 60.700 of these rules;
7 appointment from a 39-month reemployment list; appointment
8 from a layoff list; appointment from a promotional or open
9 competitive eligibility list; or by provisional, limited term, or
10 emergency appointment.

11 B. When vacancies occur, the following procedures will apply in
12 regard to filling vacancies:

- 13 1. All persons on a reemployment list pursuant to Rule 50.100.2
14 who have been laid off or demoted from a position because of
15 lack of work or lack of funds, and any persons on a 39-month
16 reemployment list who are able to assume the duties of the
17 vacant position, shall be contacted in order of their seniority in
18 the class, plus higher classes. (Education Code 45195, 45298,
19 45308.)
- 20 2. All current employees who have written requests for transfer,
21 lateral transfer, increased working hours or voluntary demotion
22 will be scheduled for an interview with the appointing
23 authority.
- 24 3. In addition to any transfer requests, the appointing authority
25 will have the right to interview the top three candidates on the
26 eligibility list who are ready, willing and able to work.
- 27 4. The Personnel Commission must approve requests for lateral
28 transfers or voluntary demotions submitted by employees who
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1 have been deemed eligible for appointment by the appointing
2 authority.

3 5. The appointing authority will submit his or her choice(s) for
4 appointment to the Personnel Office on the Record of
5 Personnel Interview form.

6 6. Employees who are interviewing for increased hours in their
7 same job classification must be appointed from among the top
8 three on the basis of seniority. Total time calculated on the
9 basis of hours worked shall determine seniority, except for
10 those employees hired from January 1, 2000, whose seniority
11 shall be determined by original date of employment.

12 50.300.2 Limited Term Appointments (45286)

13 The length of a limited-term appointment shall not exceed six months.
14 However, if a limited-term (substitute) appointment is made in lieu of
15 an absent regular employee, the appointment must not exceed the
16 authorized absence of the regular employee. The appointing power
17 shall submit a request in which the probable duration of the
18 appointment is stated. The limited-term employee shall automatically
19 be separated when the maximum assignment has been reached or the
20 regular employee returns. This automatic separation shall apply to all
21 summer school assignments.

22 50.300.3 Provisional Appointments (45287, 45288, 45289)

23 A. Upon request by the appointing authority, when no eligibility list
24 exists for a vacant classified position, the Personnel Director may
25 authorize a provisional appointment, which may accumulate to a
26 total of 90 working days, followed by a 90-calendar-day interval
27 during which the person will be ineligible to serve in any full-time
28 provisional capacity. No person shall be provisionally employed
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1 for more than 126 working days in any one fiscal year.

- 2 B. The Commission may extend a 90-working-day, full-time
3 provisional assignment for an additional 36 working days,
4 provided that an examination for the class was completed during
5 the initial 90 working days of a person's provisional assignment,
6 but despite an adequate recruitment effort, the position cannot be
7 satisfactorily filled, and extension of the provisional assignment is
8 necessary to carry on vital functions of the District.
- 9 C. In the absence of an appropriate eligibility list, successive
10 provisional appointments of 90 working days or less may be made
11 in any class, provided that continuous examination procedures for
12 the class have been authorized by the Commission. Such
13 successive provisional appointments may be made, and persons
14 may be employed thereunder in temporary capacities, for more
15 than six months in any one year. Such appointments may not be
16 extended if a certification can be made from an appropriate
17 eligibility list.
- 18 D. Provisional appointees must meet the minimum qualifications
19 prescribed for the class.
- 20 E. Upon completion of the recruitment, the provisional appointee
21 must be one of the top three eligibles to be certified for
22 appointment to the vacant position.
- 23 F. The services of provisional appointees who have failed to qualify
24 for a position in their class after having taken an examination for
25 such position shall be terminated within fifteen calendar days after
26 the date on which an eligibility list has been established. This
27 fifteen day period shall not extend beyond their 90-day provisional
28 assignment.

1 50.300.4 Emergency Appointments

2 A. When eligibles are not immediately available and in order to
3 prevent stoppage of public business, the appointing power may
4 make an emergency appointment of not more than fifteen working
5 days. When such emergency appointments are made, it shall be
6 the duty of the appointing power immediately to notify the
7 Personnel Director naming the appointees and such data as may be
8 required by the Personnel Director who shall pass on the
9 sufficiency of the reasons and the compliance with the provisions
10 of this rule before any salary can be paid under any such
11 emergency appointment. Time served under such emergency
12 appointment shall be considered as part of the period permitted
13 under the Act for provisional appointments.

14 B. A retired person may serve without reinstatement from retirement
15 or loss or interruption of benefits provided by the system upon
16 appointment by a school employer or by the Trustees of the
17 California State University either during an emergency to prevent
18 stoppage of public business or because the retired employee has
19 skills needed in performing specialized work of limited duration, if
20 that service does not exceed, in any fiscal year, a total of 960 hours
21 for all employers. The retired person's rate of pay for this
22 employment shall not be less than the minimum, nor exceed that
23 paid by the employer to other employees performing comparable
24 duties.

25 50.300.5 Restricted Appointments (45105, 45108, 45109, 45259)

26 A. Restrictions limiting the opportunity for employment to specific
27 groups are allowed only when a position is established under a
28 specially funded state or federal project requiring the appointment
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1 of individuals in low income groups or from designated
2 impoverished areas or other required criteria which limits the
3 privilege of all citizens to compete for employment.

4 B. Selection and retention to a restricted position shall be made on the
5 same basis as that of persons in positions that are part of the
6 regular service.

7 C. Persons employed in restricted positions shall not:

- 8 1. be accorded employment permanently following the initial
9 probation period;
- 10 2. acquire seniority;
- 11 3. be placed in provisional assignments;
- 12 4. be eligible for promotion into the regular classified service;
13 until completing six months of satisfactory service in the
14 "Restricted" assignment, and successfully completing the
15 qualifying examination, regardless of final numerical listing on
16 an eligibility list, as required for all other persons serving in the
17 same class. If such conditions are met, he/she shall be
18 accorded full rights, benefits, and burdens of any other
19 classified employee. His/her service date shall be the
20 original date of employment in the restricted position.

21 50.300.6 Summer Session Appointments (45102)

22 A. Every classified employee shall be deemed to be employed for 12
23 months during each school year regardless of the number of
24 months in which he is normally in paid status in compliance with
25 the Education Code Section 45102.

26 B. Those employees assigned to a particular position will have
27 preference for assignment during summer school. Seniority in the
28 class will determine any other assignment if the regular incumbent
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1 declines. When it is necessary to assign classified employees not
2 regularly assigned to serve between the end of one academic year
3 and the commencement of another, such assignment shall be made
4 on the basis of qualifications for employment in each classification
5 of service which is required.

6 50.300.7 Conditional Provisional Appointments

7 Insofar as possible, provisional appointees shall be required to meet
8 the minimum qualifications for the class of the appointment as stated
9 in the class specification. When no one who meets the minimum
10 qualifications is available, a conditional provisional appointment may
11 be made.
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- B. An employee may be released from employment during the initial probationary period with or without any reason without prior notice.
- C. A new employee who is suspended during his or her initial probationary period shall be notified in writing of the action taken. He or she shall not have the right of appeal.
- D. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be involuntarily returned during the probationary period to his or her former class without recourse to an appeal or hearing by the Commission except when the demotion results in separation from the permanent classified service. He or she shall be notified in writing of the action.
- E. A permanent employee who is suspended or dismissed or demoted to other than his or her former class during a probationary period retains full rights of appeal.
- F. 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 his/her 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 toward completion of the probationary period in any subsequent position to which he/she is appointed in that same classification.

1 60.200 Changes in Position and Class

2 60.200.1 Transfer (45260, 45261, 45308)

- 3 A. An employee may be transferred at his/her request or for the
4 good of the service from one position to another in the same class
5 at the discretion of the department head(s) involved, provided that
6 such action shall not be taken for punitive or preferential reasons.
- 7 B. A permanent employee may be transferred to a position in the
8 same salary range where the Commission determines the employee
9 meets the minimum qualifications.
- 10 C. Transfers shall be made without change in salary rate, anniversary
11 date, accumulated illness leave, and accumulated vacation credits.
- 12 D. A permanent employee who meets the qualifications for another
13 class is eligible for transfer to that class.
- 14 E. A permanent employee who transfers to a position in a class in
15 which he/she has not previously completed a probationary
16 period shall be considered probationary in that class for a period of
17 six months or 130 working days, whichever is longer.
- 18 1. At any time during the probationary period, the employee may
19 be returned (transferred) to his/her former class without right of
20 appeal, unless such action results in layoff, demotion, or
21 reduction in assigned time. In the latter case of demotion, the
22 employee shall have the same appeal rights as a permanent
23 employee who is demoted or dismissed.
- 24 2. Within 45 days of the transfer to the new class, the employee
25 may voluntarily transfer back to his/her former position if the
26 former position is vacant.
- 27 F. Transfers shall have the following effects on seniority:
- 28 1. Within the same class: none.
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1 2. From one class to another: the employee shall receive seniority
2 credit in a lower class for service in higher classes; but shall
3 not receive seniority credit in a higher class for service in lower
4 classes. All such service shall be credited as seniority in the
5 classified service.

6 G. Transfers shall not be used as a device to alter the effects of
7 impending layoff, although employees whose positions are to be
8 eliminated may transfer to other classes as this rule contemplates.

9 H. Reasons for any transfer which is not voluntary shall be discussed
10 with the employee by his or her immediate supervisor before the
11 transfer is effected.

12 I. Where two or more employees request transfers to the same vacant
13 position, the Administration shall grant priority based on the
14 following factors:

- 15 1. Seniority in the classified service.
- 16 2. The request is based on reclassification, impending layoff or
17 health.
- 18 3. Education and experience required in the new class.

19 60.200.2 Demotions (45298, 45302)

20 A. A permanent employee may request voluntary demotion to a class
21 with a lower maximum salary rate. Such requests require the
22 approval of his/her department head and that of the head of the
23 department into which the employee seeks demotion. (See
24 sections 60.200.3D1 and 70.200.5 for range and step placement
25 upon demotion.)

26 B. Voluntary demotion is a privilege available to a probationary
27 employee only in cases when he or she would otherwise be laid off
28 for lack of work or lack of funds.

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1 C. Employees who take voluntary demotions in lieu of layoff or to
2 remain in their present positions rather than be reclassified or
3 reassigned, shall be granted the same rights as persons laid off
4 (reemployment for a period of 39 months) and shall retain
5 eligibility to be considered for reemployment for an additional
6 period of up to 24 months; provided that the same tests of fitness
7 under which they qualified for appointment to that class shall still
8 apply. Employees who take voluntary demotions in lieu of layoff
9 shall be, at the option of the employee, returned to a position in
10 their former class as vacancies become available, and without
11 limitation of time, but if there is a valid reemployment list they
12 shall be ranked on that list in accordance with their proper
13 seniority.

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

16 60.200.3 Restorations and Reemployment (45298, 45309)

17 A. A former employee who resigned in good standing may be
18 reinstated in his/her former class and status within 39 months of
19 the last date of paid service. Also, he/she may be reemployed in a
20 lower related class, if qualified, or in limited-term status in the
21 same or lower class. Such actions are discretionary with the
22 appointing authority.

23 B. Effects of Reinstatement within 39 Months of the Last Date of
24 Paid Service:

- 25 1. Restoration to the former step in the salary range for the class,
26 or, if reemployed in a lower class, or voluntarily demoted, to
27 the rate closest to that of the step to which he or she would be
28 reassigned if he/she were reinstated in his or her former
29 class.

2. If restored to permanent status, restoration of accumulated sick leave and seniority.
3. Evaluation and salary review dates will not be affected by a period of layoff up to three months. This date will be recomputed to exclude all absence or layoff exceeding three months.

60.200.4 Changes in Assigned Time (45137, 45260, 45261)

A. General Rule

1. If a part-time employee is required to work for 30 minutes or longer per day for 20 consecutive workdays in excess of the regular assigned time, the assigned time of the position will be changed to reflect the longer hours.
2. 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. The three most senior employees requesting additional time shall be certified as eligible to be selected for the vacant positions.
3. A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority-bid list shall accept or reject a “vacant” position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a “vacant” position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made.
4. A permanent employee displaced by virtue of this rule shall be entitled to bumping rights in accordance with proper seniority.
5. All part-time employees eligible for full-time employment shall be notified when a full-time vacancy occurs if a written request for more hours has been filed in the personnel office.

1 The three most senior employees in the classification
2 requesting additional hours and with satisfactory ratings on the
3 two most recent evaluations shall be certified to the appointing
4 authority.

5 B. Decreases in Assigned Time (45117, 45308, 45298)

- 6 1. When the regular hours of employment of a position or
7 positions are to be reduced due to lack of work or lack of
8 funds, the Administration shall:
- 9 a. Determine the class(es) and location(s) affected by the
10 reduction;
 - 11 b. Notify the Personnel Director so that a 45-day notification
12 of impending reduction can be delivered to the employee.
 - 13 c. Work with the Personnel Director to alleviate the effect of
14 reduction on employees.
- 15 2. When a permanent position is to be reduced in assigned time
16 per day, week, month, or year, the incumbent shall have the
17 right to transfer into any vacant position in the class. If a
18 vacant, permanent position is not available, the incumbent may
19 bump the incumbent of the position who has the least seniority
20 in the class, provided that he or she has greater seniority. An
21 employee so bumped shall have similar bumping rights.
- 22 3. When an employee is faced with a reduction in assigned time,
23 the rules on transfer and demotion shall be given a
24 liberal interpretation in order to relieve the effect of such
25 reduction.
- 26 4. Reduction in assigned time shall not be applied for punitive or
27 preferential reasons. Nothing in this rule shall preclude an
28 employee from volunteering for a reduction in assigned time or
29 from waiving preferential rights to increases in assigned time.
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1 60.300 Assignments of Disabled Employees (45279)

2 60.300.1 General Policy

3 When a permanent employee becomes unable, with or without
4 reasonable accommodation to perform the duties of his or her
5 classification because of illness or injury as determined by medical
6 authority designated by the Board of Education, effort shall be made to
7 place him or her in a vacant position the duties of which are within his
8 or her capabilities. Reassignment, if any, shall be at the discretion of
9 the appointing authority, with the approval of the Personnel
10 Commission in the cases noted below.

11 60.300.2 Reassignments

- 12 A. A disabled employee's duties in his/her regular position may be
13 modified in accordance with his or her functional limitations.
14 Essential functions of a position shall not be removed for this
15 purpose. Such changes in duties shall be reported to the Personnel
16 Director, who shall determine if the position requires a
17 reclassification study.
- 18 B. A disabled employee who cannot perform the essential functions
19 of his or her position may accept demotion or transfer to a less
20 demanding class, with the approval of the Personnel Commission
21 if a vacancy exists.
- 22 C. A disabled employee may be assigned to a vacant position in a
23 higher class, with the approval of the Commission, but shall
24 receive no salary benefit from such assignment until he or she can
25 be appointed to the higher class in accordance with the rules and
26 procedures on eligibility and appointments.

27 60.300.3 Effect of Refusal by Employee

28 A disabled employee may refuse assignments to other classes without
29 effect on his or her rights under sick leave provisions of the law and
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these rules. However, there is no obligation for the appointing authority to renew offers of reassignment which have been refused or to make alternative offers.

1 60.400 Evaluation

2 60.400.1 Evaluation of Bargaining Unit Members

3 Evaluation of employees in the classified bargaining unit is governed
4 by the provisions of the applicable collective bargaining agreement.

5 60.400.2 Evaluation of Unrepresented Classified Employees

6 A. When Evaluations Are To Be Made

7 All unrepresented employees in the classified service (who are not
8 members of the bargaining unit) shall be evaluated by their
9 immediate supervisor in accordance with the following schedule:

- 10 1. Probationary employees will be evaluated on an ongoing basis
11 and formally in writing at least twice during the probationary
12 period. Normally the evaluations shall be made prior to the
13 end of the third and sixth months of service. Failure to provide
14 a timely evaluation shall not affect the District's right to release
15 a probationary employee during the probationary period.
- 16 2. Permanent employees who are not at the maximum step in their
17 salary range shall receive an evaluation each year. An annual
18 evaluation shall be completed prior to the last day of each
19 school year.
 - 20 a. Employees receiving a satisfactory evaluation shall move
21 to the next step in their salary range.
 - 22 b. Employees receiving an unsatisfactory evaluation shall be
23 denied step increase at their anniversary date.
- 24 3. Permanent employees who have reached Step Five on the
25 salary schedule shall receive an evaluation every two years.
26 Evaluation shall be completed prior to the last day of the
27 school year in the evaluation year.

1 4. If an employee is absent for fifteen (15) consecutive days or
2 more during the last two months of the evaluation period, the
3 evaluator shall be given another thirty (30) working days to
4 complete the evaluation. If the absence is for more than sixty
5 (60) consecutive days, the evaluation may be extended by the
6 length of the absence.

7 B. Who Evaluates

- 8 1. Each currently employed supervisor under whom the
9 permanent employee has served during the current rating
10 period may provide input into the performance evaluation,
11 even though the employee may have left the supervisor's
12 control.
- 13 2. Unrepresented employees are to be evaluated by persons in the
14 District's management or administrative unit.

15 C. Evaluation Procedure

- 16 1. Evaluations shall be reviewed with the employee. Both the
17 evaluator and the employee will sign the evaluation form,
18 whether or not the employee agrees with the evaluation.
- 19 2. The employee may attach written comments to his/her
20 evaluation within five working days after the review and
21 his/her comments shall be attached to the evaluation.
- 22 3. Evaluation shall be based on the observation, knowledge, or
23 investigation of the evaluator or other person with supervisory
24 or administrative responsibility for the employee, and not
25 solely upon hearsay statements. The content of the evaluation
26 language and substantive judgment of the evaluator shall not be
27 subject to any complaint procedure or appeal except as
28 provided in this Rule.
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1 D. Performance Improvement Plan

- 2 1. When the evaluator or immediate supervisor determines that
3 improvement is required, the evaluator shall meet with the
4 employee and outline the following in writing:
5 a. specific suggestions for improvement
6 b. specific performance area(s) where improvement is needed
7 c. additional resources that will be utilized to assist with
8 improvement
9 d. the evaluator's role in assisting the employee
10 e. techniques for measurement of improvement
11 f. time schedule for monitoring progress including a date for
12 review of progress which does not exceed a six-month
13 period except where the performance area does not reoccur
14 during the six-month basis.
15 2. At the conclusion of the remediation period, a new evaluation
16 will be written and a new performance improvement plan may
17 be written at this time.

18 E. Appeal Procedure

- 19 1. An employee who is dissatisfied with his/her evaluation may
20 request personal review of the report by the Assistant
21 Superintendent, Human Resources. The decision of the
22 Assistant Superintendent, Human Resources shall be final.
23 2. The request for review shall be made in writing to the Assistant
24 Superintendent, Human Resources no later than ten (10)
25 working days after the evaluation report was received by the
26 employee. The Assistant Superintendent, Human Resources
27 will render a decision ten (10) working days after the written
28 request is received.
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1 3. No aspect of this appeal procedure shall be subject to any
2 further appeal or complaint process.

3 60.400.3 Evaluations of the Director, Classified Personnel

- 4 A. The Chair, Personnel Commission will be responsible for
5 accomplishment for required performance evaluations of the
6 Director, Classified Personnel.
- 7 B. Due to the Director’s unique functional position—working under
8 day-to-day supervision of the Administration while being directly
9 responsible to the Personnel Commission—the Director’s
10 performance evaluation will be supplemented by letters of
11 evaluation.
- 12 C. Letters of evaluation will normally be requested from the
13 Superintendent and the President of the recognized employee
14 association(s). Other letters of evaluation may be requested at the
15 discretion of the Personnel Commission.
- 16 D. In their performance evaluation of the Director, Classified
17 Personnel, the Personnel Commission is obligated to comment
18 regarding specific strengths and weaknesses referenced in each
19 letter of evaluation received. These letters will be attached to the
20 Performance Evaluation Report.

21 60.500 Leaves of Absence

22 60.500.1 Leaves of Absence for Bargaining Unit Members

23 Leaves of absence for employees in the classified bargaining unit are
24 governed by the provisions of the applicable collective bargaining
25 agreement.

26 60.500.2 Leaves of Absence for Unrepresented Classified Employees

27 All unrepresented employees in the classified service (who are not
28 members of the bargaining unit) shall be entitled to leaves of absence
29 as provided by the Education Code and other federal and state laws
30 and District policy as it applies to those employees.

1 60.600 Layoff (45114, 45117, 45195, 45272, 45298, 45308)

2 60.600.1 Procedure Regarding Layoff

- 3 A. When classified employees are laid off for lack of work or lack of
4 funds, layoff shall be made in inverse order of seniority in the class
5 in which the layoff occurs. The employee who has been employed
6 the shortest time in the class, and District, shall be considered to
7 have the least seniority and, therefore, shall be laid off first.
- 8 B. The names of permanent and probationary employees thus laid off
9 shall be placed upon the reemployment list for the class from
10 which they were laid off. Names on the reemployment list shall be
11 in the relative order of seniority. (For transfers, voluntary
12 reductions, recall, reinstatement, restoration, and reemployment,
13 see: Sections 60.200.1, and 60.200.3.)

14 60.600.2 Limited-Term Positions (45286)

- 15 A. No regular employee shall be laid off from any position while
16 employees serving under limited-term appointment are retained in
17 positions of the same class in the same organization unit unless the
18 regular employee declines the limited-term position.
- 19 B. A limited-term employee may be laid off at the completion of his
20 or her assignment without regard to the procedure set forth in this
21 rule.

22 60.600.3 Notice

23 Written notice of layoff shall be provided by Administration to each
24 employee at least 60* days prior to the effective day of layoff.

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26 *Per AB1908 notification changed from 45 to 60 days, effective 8/23/2012.*
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1 60.700 Resignation (45201)

2 When an employee desires to resign from his/her position, he/she
3 shall present his/her resignation in writing to the appointing power, and
4 a copy of such resignation shall immediately be filed by the appointing
5 power with the Personnel Director.

6 A resignation relates only to the specific position from which the
7 employee resigns and does not impair his/her rights to other positions
8 which he/she may hold on eligibility lists.

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1 60.800 Disciplinary Action and Appeal

2 60.800.1 Causes for Suspension, Demotion, Dismissal (45302, 45307, 44010,
3 44011)

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

- 6 1. Incompetency, inefficiency, inattention to or dereliction of
7 duty. Negligence in the performance of duty, or in the care and
8 use of District property.
- 9 2. Insubordination or failure to follow directions of supervisor.
- 10 3. Discourteous, disrespectful, offensive, or abusive conduct or
11 language toward the public, pupils, or fellow employees.
- 12 4. Any willful failure of good conduct tending to injure the public
13 service.
- 14 5. Willful or persistent violation of the provisions of the
15 Education Code or rules, regulations, or procedures adopted by
16 the Board of Education or the Personnel Commission pursuant
17 to valid authority.
- 18 6. Dishonesty.
- 19 7. Possession or being under the influence of alcohol or drugs
20 while on duty or other evidence of alcohol or drug use
21 affecting duties or the work environment; use of illegal drugs
22 or prescription drugs without a valid prescription.
- 23 8. Immoral conduct.
- 24 9. Political activities engaged in by an employee during the
25 employee's assigned hours of employment.
- 26 10. Conviction of, including a plea or verdict of guilty or a
27 conviction following a plea of nolo contendere, a felony or
28 serious crime, including but not limited to, any sexual offense
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1 or crime of dishonesty or moral turpitude; a record of one or
2 more convictions which indicates that the person is a poor
3 employment risk; failure to disclose material facts regarding
4 criminal records; and other false or misleading information on
5 application forms or examination and employment records
6 concerning material matters.

- 7 11. Frequent tardiness or unexcused absence or failure to report
8 tardiness or absence.
- 9 12. Continuous absence or abandonment of position, defined as a
10 failure to report or notify supervisor within five days from
11 start of absence.
- 12 13. Failure to report for review of criminal records or for health
13 examination after due notice.
- 14 14. Discovery of an inability to perform, with or without
15 reasonable accommodation, the essential functions of the
16 employee's position, that was known by the employee and not
17 disclosed during the hiring process.
- 18 15. Duplication of a key to any school building without written
19 permission from the Business Manager. (P.C. 469)
- 20 16. Unlawful discrimination, including harassment, on the basis of
21 race, religious creed, color, national origin, ancestry, physical
22 handicap, marital status, sex, or age against pupils, the public
23 or other employees.
- 24 17. Possession of unauthorized, dangerous and/or deadly weapons
25 on District property.
- 26 18. Unauthorized access to, creating, changing, or deleting of data
27 or other information and/or use of same for personal or other
28 unauthorized purposes or unauthorized release of confidential
29 or private information from District records.
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19. Retaliation against any District employee, pupil, or member of the public who, in good faith, reports, discloses, divulges or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
20. Offering anything of value or offering any services in exchange for special treatment in connection with the classified employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee, pupil, or member of the public. Improper conduct during a selection process. Offering or accepting anything of value that creates a conflict of interest.
21. Conduct which harms the interests of the District for the purpose of inappropriately benefiting the employee.
22. Falsification of any District document.
23. Commission of acts outside of duty hours which injure the performance of the employee's assigned task.
24. Inability to meet requirements of job description, including but not limited to loss of a license or certificate.
25. Failure to obey a work-related subpoena duly served, or refusal to furnish testimony or documents at a work-related hearing or investigation.
26. Refusal to comply with shift assignments, working hours, or work locations.
27. Uninsurability to drive a District vehicle when such is a requirement of the employee's position.
28. Withholding information needed for employment, insurance or other necessary purposes.

1 29. Failure to report injuries or damage to property which occurred
2 while on duty.

3 30. Evident unfitness for service.

4 60.800.2 Procedure for Disciplinary Action (45116)

5 A. No employee in the classified service shall be suspended, demoted,
6 dismissed, or in any way discriminated against because of his/her
7 affiliations, political or religious acts or opinions, race, color, sex,
8 or marital status, subject to the provisions of Paragraph A.8, Rule
9 60.800.1, or for any cause that arose more than two years before
10 the date of filing the charges, unless the cause was concealed or
11 not disclosed by the employee when it could reasonably be
12 assumed the employee should have disclosed the facts to the
13 District.

14 B. The written charges must contain causes as set forth under Rule
15 60.800.1 along with supporting instances sufficient to provide the
16 employee with adequate information to respond.

17 C. Notice to the employee shall include a copy of the charges and a
18 statement of his/her right to appeal, if any, together with a copy of
19 Rule 60.800.3.

20 D. Notwithstanding the procedures prescribed above, an employee
21 may be suspended prior to Board approval at the discretion of the
22 Superintendent, subject to later ratification by the Board within
23 three (3) weeks. If the Board is unable to meet within this period
24 for ratification, the employee's pay may be suspended for a
25 maximum of three weeks. After the three-week period, the
26 employee will be paid on a daily basis until the Board is able to
27 meet. During this time the employee will remain on suspension.
28 Requirements in regard to charges and notifications must be met
29 when the Board ratifies the Administration action.
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- 1 E. An employee charged with the commission of any sex offense as
2 defined in Section 44010 of the Education Code by complaint,
3 information, or indictment filed in a court of competent jurisdiction
4 may be suspended as provided for in Section 45304 of the
5 Education Code. Such suspension will be processed as an
6 involuntary personal leave in accordance with the provisions of
7 this rule relative to suspensions. The employee may receive
8 compensation as provided for in the Code section. Such
9 suspension shall be reviewed by the Personnel Commission every
10 90 calendar days.
- 11 F. Dismissal shall cause removal of the employee's name from all
12 employment lists.
- 13 G. Failure to appeal, as provided below, shall make the action of the
14 Governing Board final and conclusive.
- 15 H. A substitute, limited term, provisional, temporary, or other
16 classified employee not part of the permanent classified service,
17 may be released at any time during his/her assignment without
18 regard to procedures set forth under Rule 60.800.

19 60.800.3 Appeal (45305, 45306)

- 20 A. A permanent employee who has been suspended, demoted, or
21 dismissed may appeal to the Personnel Commission within 14 days
22 after having been furnished with a copy of the written charges by
23 filing a written answer to such charges. Grounds for appeal may
24 include, but are not limited to, the following:
- 25 1. That the procedures set forth in these rules have not been
26 followed.
 - 27 2. That the removal was made because of political or religious
28 affiliations, acts or opinions, or on the basis of a status or
29 characteristic protected by state or federal law.
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1 3. That there has been abuse of discretion.

2 4. That the action taken was not in accord with the facts.

3 60.800.4 Hearing Procedure (45306, 45311, 45312)

4 A. The Personnel Commission may conduct hearings of appeals or
5 may appoint a hearing officer to conduct the hearing and report
6 findings and recommendations to the Commission.

7 B. Hearings shall be conducted in the manner most conducive to
8 determination of the truth, and neither the Commission nor its
9 hearing officer shall be bound by the technical rules of evidence.

10 Decisions made by the Commission shall not be invalidated by any
11 informality in the proceedings.

12 C. The Personnel Commission or its hearing office shall determine the
13 relevancy, weight, and credibility of testimony and evidence.

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

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

19 F. Both the Board and the employee will be allowed to be represented by
20 legal counsel or other designated representation.

21 G. Subpoenas. The Personnel Commission, or hearing officer if
22 one is appointed, may, upon its own motion or if requested, subpoena
23 percipient witnesses and/or require the production of records or other
24 material evidence.

25 1. Parties to Personnel Commission hearing proceedings may request
26 the issuance of subpoenas by the Personnel Commission or hearing
27 officer, if any. Filing of such requests with the Commission must
28 allow for sufficient time to issue and serve subpoenas and shall be
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1 made no later than five business days prior to a regularly scheduled
2 Commission meeting preceding the hearing date. If a hearing
3 officer is appointed, requests for subpoenas must be submitted to
4 the hearing officer no later than ten business days prior to the
5 hearing date.

6 2. Requests for subpoenas must be typewritten and state with
7 sufficient particularity the persons, documents, or other
8 material sought by the requesting party. A copy of the request
9 must be served on the other party at the same time it is
10 submitted to the Personnel Commission or hearing officer.

11 3. The non-requesting party shall have the opportunity to object
12 to the issuance of the subpoenas at the Personnel Commission
13 meeting or before a hearing officer. If a hearing officer is
14 appointed, the parties may confer by telephone with the hearing
15 officer, who will determine whether to issue the subpoenas.
16 Reasons for denying subpoena requests may include, but are
17 not limited to:

- 18 a. The subpoena seeks records or documents that are
19 confidential or would, if produced, constitute an invasion of
20 privacy;
- 21 b. The witness or document(s) sought under the subpoena are
22 cumulative or otherwise inadmissible;
- 23 c. The appearance of the witness or production of the
24 document(s) sought under the subpoena is not likely to lead
25 to admissible evidence; or
- 26 d. It appears the subpoena is sought for purposes of delay or
27 harassment.

1 The decision of the Commission or hearing officer with respect
2 to issuance of subpoenas is final.

3 4. Subpoenas shall be approved upon majority vote of all
4 members of the Personnel Commission or by the hearing
5 officer. Each subpoena issued shall be signed by a member of
6 the Personnel Commission or the hearing officer following
7 approval and prior to issuance. The Personnel Director or
8 designee, or the hearing officer, shall deliver the signed
9 subpoenas within two business days to the requesting party for
10 service.

11 5. Each requesting party shall serve and bear the costs of serving
12 their subpoenas. Subpoenas may not be served on District
13 employees during work hours or on a District student on school
14 grounds or during school hours.

15 6. Each requesting party shall bear the costs of attendance of
16 witnesses and production of documents.

17 7. The Commission shall not, except in extraordinary
18 circumstances and at its discretion, pursue penalties or issue
19 warrants against any witness for violation of a subpoena issued
20 under this Rule.

21 H. The Commission or hearing officer may, prior to or during a
22 hearing, grant a continuance for any reason it reasonably believes
23 to be important to its reaching a fair and proper decision.

24 I. Whether the hearing is held in a public or closed session, the
25 Commission, after it concludes the hearing, may deliberate its
26 decision in closed session. No persons other than members of the
27 Commission, its counsel, and its staff shall be permitted to
28 participate in the deliberations. If the Personnel Director or any
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1 staff is not serving solely for the Commission and/or was a witness
2 in the proceedings, he/she shall also be barred from the
3 Commission's final deliberations.

4 J. The Commission shall render its judgment as soon as possible after
5 the conclusion of its deliberations. The Commission's decision
6 shall set forth which charges, if any, are sustained and the reasons
7 therefor.

8 K. The Commission may sustain or reject any or all of the charges
9 filed against the employee. It may sustain or reject the disciplinary
10 action invoked against the employee. It may not provide for
11 discipline more stringent than that invoked by the Board.

12 L. The Commission order of judgment will be filed with the
13 Governing Board and the charged employee and will set forth its
14 findings and decision. If a dismissal is not sustained, its order shall
15 set forth the effective date the employee is to be reinstated, which
16 may be any time on or after the date of the disciplinary action.

17 M. If the Commission sustains the employee, it may order paid all or
18 part of his/her full compensation from the time of suspension,
19 demotion, or dismissal, and it shall order his/her reinstatement.
20 Upon notification of the Commissions' decision, the Board shall
21 reinstate the employee and authorize such compensation as the
22 Commission directs.

23 N. The employee may obtain a copy of the transcript of the hearing
24 upon written request. The employee will be responsible for the full
25 cost of producing the copy of the transcript. The employee may
26 obtain a duplicate copy of the tape recording at no charge from the
27 District.

1 O. In the case of Personnel Commission staff members, a hearing
2 officer shall be appointed by the Personnel Commission and
3 his/her findings shall be binding on the Personnel Commission,
4 unless this recommendation is rejected by a unanimous vote of the
5 Personnel Commission.

6 60.800.5 Effect of Action (45307)

7 A. Dismissal of any employee from the service shall, unless otherwise
8 ordered by the Commission:

- 9 1. Constitute a dismissal as of the same date from all classified
10 service positions.
 - 11 2. Result in the automatic removal of the employee's name from
12 any and all employment lists on which it may appear.
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CHAPTER 70

HOURS, WAGE AND SALARY PROVISIONS

70.100 Work Periods and Overtime

70.100.1 Workday and Workweek (45127)

The maximum number of hours of regular employment of an employee is eight hours a day, and 40 hours a week, which is eight hours per day for five days. The workweek shall begin on Sunday of each week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized Administrators, order and authorize employees to work in excess of eight hours in one day or 40 hours in one week. Regular part-time employees whose five-day workweek is daily (20 hours) are on overtime status on the 6th and 7th day of work. Regular part-time employees scheduled for less than four hours daily each five-day workweek are on overtime status on the 7th day of work. (45128)

70.100.2 Overtime Defined (45128)

Overtime is ordered and authorized working time in excess of eight hours in one day and 40 hours in one week. No one shall order or authorize overtime unless it is compensable as provided below. Overtime of less than 15 minutes shall not be credited; all overtime shall be reported and credited in multiples of 15 minutes of working time.

70.100.3 Compensation for Overtime (45129)

A. A regular employee who works authorized overtime shall be paid at a rate equal to one and one-half times the amount of overtime worked. Shift and special-assignment differentials regularly

1 received by the employee shall be included in determining the
2 regular rate of pay.

3 B. Overtime, computed at the time-and-a-half rate, may be taken as
4 compensatory time off in units of 15 minutes or more, when
5 approved by the responsible Administrator. The maximum amount
6 of compensatory time allowed to be accrued is 40 hours. The
7 compensatory time must be used within a 12-month period.

8 70.100.4 Classifications Exempt from Overtime Payment (45130)

9 Employees in the classes designated as executive or administrative by
10 Rules and Regulations Section 60.400.1 shall be excluded from
11 overtime payment provisions of this rule. These positions, with
12 supervisor approval, may be awarded compensatory time off.

13 70.100.5 Lunch Periods and Rest Periods

14 The District shall establish an unpaid duty free lunch period of not less
15 than one-half hour for a unit member scheduled five (5) or more
16 consecutive hours per day. The Board shall provide a paid 15-minute
17 rest period for each unit member for each four (4) hour consecutive
18 period worked at times approved by the immediate supervisor, but not
19 during the first or last hour of the work day.

20 70.200 Application of Salary Schedule

21 70.200.1 Initial Placement

22 All new employees shall be appointed at the hiring rate for the class.
23 The hiring rate shall be the first step of the schedule except for classes
24 where recruitment efforts have indicated difficulty in recruiting the
25 best qualified applicant on a certified list at that step. On
26 recommendation of the Personnel Director, the Superintendent may
27 authorize recruitment at a higher rate.

1 70.200.2 Step Advancement

- 2 A. Employees placed on Step 1 of a range will advance to Step 2 on
3 the first of the month following completion of six months service
4 in the class. Each succeeding step will be attained one year from
5 the preceding step. New employees placed above Step 1 of any
6 range will advance on one year intervals until the maximum step
7 has been achieved. Employees placed on Step 1 of a range in a
8 supervisory position will advance to Step 2 on the first of the
9 month following completion of one year's service in the class. In
10 all instances, step advancements will be made only if the employee
11 received at least a satisfactory (meets standards) rating by his/her
12 supervisor on his/her evaluation.
- 13 B. For the purpose of this rule, employment made between the first
14 and fifteenth day of the month shall be considered as effective on
15 the first day. Employment after the fifteenth day shall be
16 considered as effective at the beginning of the next month for
17 purposes of evaluation and salary step increases.
- 18 C. Any person employed in an established position, whether part or
19 full-time, for more than 21 consecutive working days, shall receive
20 the base step of the established range for that position for the
21 duration of such employment.
- 22 1. If a substitute appointment which was intended for a less
23 amount of time actually lasts over 21 consecutive working
24 days, the employee shall be entitled to full pay for that
25 classification from the first day of his/her appointment thereto.
- 26 2. A limited-term appointment given to a regular employee to
27 enable him to fill in for a missing employee, perform a
28 temporary job, or determine his/her suitability for promotion,
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1 shall not be governed by the above rule. No limited-term
2 appointment shall be made for any period exceeding three
3 months or 90 working days, whichever is longer. Assignments
4 in excess of this period shall be subject to reclassification.

5 3. An employee serving in a substitute capacity shall receive a
6 salary increment, if provided in the salary schedule, for each
7 225 days, and/or partial days, assigned to duty.

8 D. All regular part-time employees shall receive yearly increments as
9 indicated on the adopted salary range for their position upon
10 completion to the required service for the step (see Section
11 70.200.2A).

12 E. Any period of layoff from which recalled, reinstated, or
13 reemployed shall not interrupt “continuous, permanent
14 employment with the District”, but will not be considered as time
15 worked for the purpose of longevity advancement under this
16 section, until the period of layoff has been made up.

17 F. Longevity Advancement

18 Ten years from the date on which an employee starts his/her
19 continuous permanent employment with the District, he/she shall
20 be compensated with a sum of money, monthly, for service. The
21 sum shall be computed as an additional step to the top step on the
22 current salary schedule of that range to which the employee is
23 permanently assigned at the end of his/her 10th year of service.
24 This sum shall be in addition to, and separate from, any other step
25 assignment, nor shall it be affected by any promotion, demotion, or
26 step change occurring to the employee thereafter. Additional
27 increases, using the above method of computation, shall be
28 awarded each employee for every additional five (5) years of
29 service thereafter.
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1 70.200.3 Promotions

2 Any promotion shall result in an employee's receiving at least the
3 equivalent of the next full step he/she would have received had he/she
4 stayed in his/her old range. Where such an increment falls between
5 steps on the new range, placement shall be at the next higher step. In
6 no event may an employee receive more than the maximum step of
7 any range as a result of a promotion, above provisions
8 notwithstanding. Additional advancement will be at the beginning of
9 the 13th month after promotion, regardless of step placement except in
10 cases where an employee is promoted at the first step. In such
11 cases, the employee shall qualify for the sixth month salary
12 advancement to the second step if performing at a satisfactory level.
13 For the purpose of this rule, appointment of an employee to a class
14 with a salary range equal to or below his/her current range shall not be
15 considered a promotion and shall be made on the same rate formerly
16 earned by the employee, not to exceed the maximum of the range of
17 the class to which he/she is appointed. Merit Performance Evaluation
18 will be rescheduled to the employee's new promotional job
19 employment date as stated in 60.400.1.

20 70.200.4 Placement After Leave of Absence

21 Unless the leave taken under these rules or law provides that the break
22 in service will be disregarded, the employee upon return from a leave
23 of absence will be placed on the step range he occupied before a leave
24 started. Time spent on leave shall not be credited toward the time
25 needed for step advancement.

26 70.200.5 Placement When Demoted

27 A. An employee who accepts voluntary demotion shall be placed on
28 the step of the range of the lower class which is closest to the rate
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he/she earned in the higher class, provided that he/she shall not receive a salary increase thereby. He/she shall retain the anniversary date established in the higher class.

B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 70.200.2A.

1 70.300 Holiday Pay

2 70.300.1 Eligibility

3 All classified employees will be entitled to payment for authorized
4 holidays, provided that they were in paid status during any portion of
5 the day immediately preceding or succeeding the holiday, and
6 providing that it was a day on which the employee would have worked
7 as part of his/her normal (regular) assignment. The only exceptions to
8 this rule are cited in 70.300.2.

9 70.300.2 School Holiday

10 Regular employees who are not normally assigned to duty during the
11 school holidays which include December 24 and 25 and January 1,
12 shall be paid for those three holidays, provided that they were in a paid
13 status during any portion of the working day of their normal
14 assignment immediately preceding or succeeding the holiday period.

15 70.300.3 Paid Holidays

16 Established by the Board of Education are available for review by
17 employee by obtaining a District calendar.

1 70.400 Payrolls

2 70.400.1 Official Roster

3 The Personnel Director shall maintain, in his/her office, an official
4 roster containing the names and complete employment records of all
5 employees holding positions under the provision of the Act.

6 70.400.2 Payroll Audit (45266)

7 A. The Personnel Director shall audit all initial assignments and
8 changes of assignment for all classified personnel and, if found to
9 be in accordance with existing law and rules, shall certify the
10 assignment for payment. All changes of assignment, including
11 transfer, change of hours, etc., shall be reported for certification by
12 the Personnel Director. Each payroll following the initial
13 assignment and certification of the department authorized to
14 submit the payroll that all payments thereon are in accordance with
15 the original certification by the Personnel Director.

16 B. The Personnel Director shall make periodic audits of all payrolls,
17 and if he/she finds assignments not in accordance with the law and
18 rules, he/she shall withdraw his/her certification and order payment
19 stopped in accordance with the procedure described above.

20 70.400.3 Error in Payment of Salary or Wages (45167)

21 Whenever it is determined that an error has been made in the
22 calculation or reporting in any classified employee payroll, or in
23 the payment of any classified employee's salary, the appointing
24 authority shall, within five workdays following such determination
25 provide the employee with a statement of the correction and a
26 supplemental payment drawn against any available funds.

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3 CHAPTER 80

4 GRIEVANCE-RELATIONS AND POLITICAL ACTIVITY

5 80.100 Procedure For the Adjustment of Grievances of Classified Personnel

6 80.100.1 Purpose of the Adjustment Procedure

7 The adjustment procedure is the medium through which permanent
8 classified employees may seek adjustment of complaints arising out of
9 alleged violations of established Board rules or policies or
10 administrative procedures, working conditions, or job relations
11 including the complaint of one employee against another employee.
12 Because complaints should be adjusted as promptly as possible,
13 various time limits have been established to minimize delays in the
14 various steps that have been provided. There is an obligation on the
15 part of an aggrieved employee to make known the existence of his/her
16 complaint and the facts pertaining to his/her complaint within 30
17 working days of any specific or documented incident or at the earliest
18 possible date after the recognition of a nonspecific occurrence so that
19 efforts can be made through the adjustment procedure to resolve
20 differences and to promote harmonious relationships. Matters
21 excluded from the adjustment procedure shall be:

- 22 A. Accusatory charges relating to the moral or professional fitness of
23 an employee. Such charges shall be processed by the Board of
24 Education in closed session.
- 25 B. Matters specifically reserved for action or review by the Personnel
26 Commission under Personnel Commission rules in effect at the
27 time the events leading to the complaint occurred. Such matters
28 shall be processed through normal channels by the Personnel
29 Commission.
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1 In cases where the Personnel Commission rule regulates less than
2 the total procedure, the Commission may waive that rule and
3 thereby provide that the dispute be settled through the adjustment
4 procedure.

- 5 C. Complaints about the subject matter of a Board rule or policy or
6 administrative procedure, rather than the administration of the
7 Board rule or policy or procedure. An employee with such a
8 complaint should direct his/her suggestions for change through
9 administrative channels to the Board or to the administrator who
10 established it.

11 80.100.2 Steps in the Adjustment Procedure

12 A. Informal Discussion

13 Informal discussion between an employee (or group of employees)
14 and the immediate supervisor shall take place to attempt to resolve
15 the problem. The conference shall be confined to the parties
16 immediately concerned. A prompt and courteous examination of
17 the facts to reach a satisfactory adjustment shall be attempted
18 within one working day. The supervisor shall promptly
19 communicate his/her decision and supporting reasons to the
20 employee(s) in writing.

21 B. Informal Review

- 22 1. If the problem has not been resolved by the immediate
23 supervisor, the employee may request of his/her immediate
24 supervisor, either orally or in writing, that an informal review
25 be made by the next higher-level supervisor in whom authority
26 exists to take corrective action. In the case of school-assigned
27 personnel, this supervisor would be the principal unless the
28 informal discussion was between the principal and the
29 employee.
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2. The supervisor shall attempt to hold a conference within one working day after he/she has received the employee's request for an informal review.
3. The employee must be in attendance; he/she may present his/her own case or may present the problem through a representative of his/her own choosing at the informal review and at any subsequent stage of the adjustment procedure. The supervisor and the respondent may each have a representative at the informal review and at any subsequent stage of the adjustment procedure. Any employee of the District may serve as a representative without prejudice or loss of salary, provided that he notifies his/her supervisor in advance.
4. Following the oral presentation of the complaint to the supervisor, if the complaint has not been resolved to the satisfaction of all concerned, the employee or his/her representative shall prepare and present the complaint in writing to the supervisor and respondent, if other than the supervisor, within five working days. The respondent, if other than the supervisor, shall prepare a similar statement of his/her position and submit it to the supervisor with a copy to the appellant.
5. The supervisor shall communicate in writing his/her decision and supporting reasons to the appellant, the respondent, if other than the supervisor, the appellant's immediate supervisor, and the concerned division heads within five working days.

C. Administrative Review

1. If the appellant remains dissatisfied following the informal review, he/she may submit a written complaint within five

1 working days after receipt of the decision, requesting a formal
2 administrative review.

- 3 2. The written request shall include: a clear, concise statement of
4 the complaint; the act or condition on which it is based; the
5 remedy desired; the persons involved; and the course of action
6 that has been followed, including the decision rendered in the
7 formal review, the reasons why the decision is being appealed,
8 and the name of the appellant's representative, if any. The
9 appellant may obtain assistance from the District's Human
10 Resources Office or such other office as may be designated,
11 throughout the course of the adjustment procedure.
- 12 3. The appellant shall submit the complaint directly to his/her
13 supervisor and route one copy of the complaint through the
14 appellant's administrative chain of command, one to his/her
15 division head for information purposes only, and one to the
16 respondent.
- 17 4. The administrator or the administrator's designated
18 representative shall hold a conference with all interested parties
19 on the complaint within five working days of receipt, unless
20 there is a mutual agreement that more time shall be allowed.
21 Time limits in all subsequent stages of the adjustment
22 procedure may be modified by agreement of the parties
23 involved.
- 24 5. The administrator or his/her designated representative shall
25 submit written notice to the appellant and the appellant's
26 supervisors of the decision in the matter within five working
27 days after the conclusion of the conference. One copy shall be
28 forwarded through the administrative chain of command, one
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1 to the division head for information, and one to the respondent,
2 if other than the supervisor. The administrator shall implement
3 the decision.

4 D. Formal Hearing

- 5 1. If the appellant is dissatisfied with the decision of the
6 administrative review, he/she may send to the Superintendent,
7 within five working days after receipt of the decision, a written
8 request for a hearing before a hearing officer. A copy shall be
9 sent to the respondent.
- 10 2. With the approval of the Board, a hearing procedure will be
11 established. The Superintendent or his/her designated
12 representative shall make arrangements for the selection of a
13 hearing officer. The hearing officer may be selected jointly by
14 the appellant or his/her representative and the respondent.
15 He/she may be a District's employee or a hearing officer not
16 employed by the District. If a selection cannot be agreed upon,
17 the Superintendent shall appoint a hearing officer from an
18 agency approved by the Board. If the Board does not approve
19 of a hearing procedure, the appellate shall be notified of his/her
20 rights under Section 80.100.2E. (1016.9)
- 21 3. All fees for the services of an outside hearing officer shall be
22 paid from the appropriate funds of the District. (1016.9)
- 23 4. The District shall provide the hearing officer with all necessary
24 technical and clerical staff assistance in preparing for and
25 conducting the hearing and in preparing the findings.
- 26 5. The hearing officer shall convene a hearing at the earliest
27 practicable date after his/her selection. He/she shall establish
28 his/her own procedures. He/she shall review the written
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1 statements submitted by the parties to the grievance. The
2 appellant and the respondent may request the presence of
3 witnesses. The hearing officer shall be empowered to direct
4 the attendance of any District's employee at the hearing
5 without loss of salary to the employee.

6 6. The hearing shall be conducted in an informal manner with
7 only those having legitimate interest in the problems at issue,
8 as determined by the hearing officer, admitted. The appellant
9 and the respondent shall each be limited to two days to present
10 their respective positions. The hearing officer may admit
11 evidence and testimony regarding incidents and occurrences
12 that antedate the event giving rise to the complaint if he/she
13 concludes that they have sufficient relevance as background
14 information. He/she may also take such additional time as
15 necessary to take such further testimony as he/she deems
16 necessary. The hearing shall be conducted in accordance with
17 fundamental rules of fairness and due process.

18 7. The hearing officer shall render written findings, conclusions,
19 and the recommendations within 30 working days of the
20 termination of the hearing. The findings, conclusions, and
21 recommendations shall be sent the parties concerned and to the
22 Superintendent for implementation.

23 E. Board of Education Review

24 1. If the appellant, the respondent, or the concerned division
25 heads are not satisfied with the recommendation submitted by
26 the hearing officer or if the hearing officer or if the hearing
27 procedure was denied by the Board of Education within 14
28 working days after receipt of the findings, conclusions and
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recommendations. A copy of the appeal shall be submitted to the Superintendent.

2. A copy of the appeal shall be provided to the responding party, and he/she shall be required to submit his/her written reply to the points made in the appeal within five working days of receipt thereof.
3. The Board of Education may review the records of the hearing, including the findings, conclusions and recommendations, or conduct its own hearing or investigation of the appeal.
4. When the Board of Education has reached a decision, the Clerk of the Board of Education shall notify the Superintendent and the individuals involved as soon as possible after the completion of the review of the appeal. The Superintendent shall implement the decision.
5. The decision of the Board of Education on an appeal shall be final and conclusive.

1 80.200 Employer-Employee Relations

2 80.200.1 General Provisions

3 The Board of Education, agents, and the Personnel Commission, its
4 officers and agents, are governed, as are employees and employee
5 organizations, by the provisions of Gov. Code 3527 – 3549.3.

6 80.200.2 Board Rules

7 Any Employer/Employee Relations Rules for classified personnel
8 adopted by the Board, in accordance with law, shall apply in the same
9 manner as if adopted by the Personnel Commission.

10 80.200.3 Unlawful to Strike or Engage in Other Concerted Labor Activities

11 A. Gov. Code 3549 specifically provides that the enactment of this
12 Article shall not be construed as making the provisions of Section
13 923 of the Labor Code applicable to public school employees.

14 This section means that public school employees may not strike
15 against the District, nor may they engage in other related types of
16 activities in order to attempt to resolve grievances or differences,
17 real or fancied.

18 B. Any employee or group of employees, either by their own
19 initiative or through an employee organization, leaving their duty
20 assignment or refusing to perform or failing to report to duty as a
21 result of a strike or other concerted labor activities may be
22 considered as having abandoned their positions and, if dismissed,
23 shall not be eligible for reinstatement or subsequent employment
24 with the District. The Board may bring charges against any
25 employee or employees for abandonment of position under this
26 rule.

27 C. Any classified employee who absents himself/herself from duty,
28 for any reason, during the period of an unlawful strike, sitdown,
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slow-down, or other concerted activities shall be required to provide proper evidence that his/her absence was lawful and in no way an effort on the employee's part to further the strike or concerted activity.

D. Any rule prescribed in this Act which permits personal or illness absences without evidence of necessity is suspended and void during any attempted strike or other concerted labor activity against the District.

1 80.300 Political Activity (44034)

2 80.300.1 Political Activity Freedom

3 Every classified employee may, during off-duty hours, participate in
4 political activities not specifically prohibited by the Education Code.

5 80.300.2 Cause for Disciplinary Action

6 Any employee may be disciplined for improper political activity.

7 Improper political activity includes:

8 A. The use of any District property, equipment, or facility for any
9 political purpose unless the use thereof is authorized, by law, for
10 such purposes and the employee has obtained prior required
11 approval.

12 B. The use of any District property, equipment, or facility for any
13 political purpose or the performance of any political act during
14 regular hours of duty.

15 C. Engaging in active campaigning in behalf of any candidate,
16 including himself/herself, for public office, whether by speaking,
17 soliciting funds or support, distributing handbills, or otherwise,
18 during his/her assigned hours of employment.

19 D. Attempting to gain any advancement or privilege under the Act or
20 these rules through political activity.

21 80.300.3 Personal Candidacy

22 Any employee may be a candidate for any political office for which
23 he/she may file without suffering any loss of employment status in the
24 District unless he/she violates the provisions of Rule 80.200.2.

25 80.300.4 Leave of Absence for Political Activity

26 An employee who files for a political office may request, and shall be
27 granted, an unpaid leave of absence which shall commence not earlier
28 than one month prior to the concerned election and continue until the
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1 election processes have been completed insofar as his/her candidacy is
2 concerned. Such leave is required if the employee is a candidate for
3 election to the Governing Board.

4 80.300.5 Election to a Political Office

5 An employee who is elected to a political office, the duties of which
6 will clearly conflict with his/her normal duty hours and assignment
7 with the District, may request, and shall be granted, an unpaid leave of
8 absence which shall commence on the date he/she assumes the office
9 and shall terminate not later than 30 days after his/her last day in the
10 elected office. Reelection to the same office or election to a different
11 office which provides reasonable continuity of elected public service
12 shall cause extension of the approved leave.

13 An employee granted a leave under this rule may be used as a
14 substitute employee during the period of the leave. He/she will be
15 placed on (an) appropriate employment list(s), and notified that he/she
16 may be offered limited-term employment.

17 80.300.6 Intent

18 It is the District's intent and purpose in enacting these rules to allow
19 employees their lawful privilege of political freedom and activity, but
20 to ensure that political activities are not engaged in during normal duty
21 hours and normal duty assignments. The District has a reasonable
22 obligation to make certain that personnel are aware of their political
23 rights and can exercise those rights but, at the same time, to ensure that
24 its employees do not wrongfully use their duty hours or District
25 facilities for political purposes.
26