

## CHAPTER 70

### APPOINTMENT TO CLASSIFIED POSITIONS

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#### 70.1 PROCEDURES FOR APPOINTMENT

**70.1.1 PROCEDURES FOR SELECTION:** The appointing authority shall interview eligibles certified from appropriate employment or eligibility lists. A selection shall be required when sufficient eligibles are certified for a given vacancy to total three (3) ranks of eligibles. Appointments shall be made from eligibles having the first three (3) ranks on the list who are ready and willing to accept the position(s).

**REFERENCE:** Education Code Section 45260, 45261, and 45272

**70.1.2 APPOINTMENT:** Upon selection, each prospective employee shall be given an offer of employment by the Classified Personnel Services office. The offer shall include the time and date to report for duty and the salary at time of hire. Appointment to the position shall be subject to certification by the Director, Classified Personnel Services, ratification by the Personnel Commission (approving that the employee was hired pursuant to the rules and the Education Code) and the Board of Education (action to employ as the employer except for Commission positions).

**70.1.2.1** The prospective employee, upon criminal records clearance, shall be allowed two (2) weeks to report for duty after an offer of employment to a permanent position has been made or one (1) month in the case of management classes. Should the prospective employee be unable or unwilling to report for duty within the required period, the appointing authority may request that additional eligibles be certified.

**70.1.2.2** Whenever interviews for multiple vacancies in a class from one site are conducted, the effective date of hire for new employees, who have Criminal Records Clearance, will be based on the following:

- 1st - Ranking on Eligibility List
- 2nd - Quality Appraisal Interview Score
- 3rd - Written Score

**REFERENCE:** Education Code Sections 45260 and 45241

**70.1.3 DISCRIMINATION PROHIBITED:** No applicant or eligible certified for appointment shall be discriminated against because of his political or religious opinions or affiliations, race, color, national origin or ancestry, sex, marital status, employee organization membership or non-membership and legal activities thereto, physical or mental disability, medical condition, sexual orientation, or gender identity. No questions shall be asked relating to these matters during the selection and interview stages of employment.

**REFERENCE:**

1. Education Code Section 45293
2. Government Code Sections 12941, 12926 and 12940

**70.1.4 NEPOTISM:** No person shall be employed in any position which is in a direct line of supervision under a supervisor or administrator who is a member of that person's immediate family.

**70.1.4.1** For purposes of this rule, immediate family shall include the father, mother, grandparent, grandchild of the supervisor or his spouse; also included is the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person residing in the household of the supervisor.

**70.1.4.2** District administrators, supervisors and other public officials should make every effort to prevent hiring situations which may be considered nepotism. This includes the advocacy of hiring or promoting a relative, whether or not that relative is by definition an immediate family member or whether or not that relative is in the direct line of supervision of the District official. Advocacy, for the purpose of this rule, shall mean using one's official capacity to exhort, encourage, recommend or demand the hiring of a relative.

**REFERENCE:**

1. Education Code Sections 45260, and 45261
2. Government Code Section 1091.5

## **70.2 PROVISIONAL APPOINTMENT**

**70.2.1 REASONS FOR PROVISIONAL APPOINTMENT:** The appointing authority may make a provisional appointment when the Director of Classified Personnel Services certifies that:

**70.2.1.1** No eligibility list exists for the class or;

**70.2.1.2** An eligibility list exists, but there is an insufficient number of available eligibles, and the appointing authority requests three (3) ranks of eligibles to interview.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

**70.2.2 LENGTH OF PROVISIONAL APPOINTMENT:** A provisional appointment may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall elapse before an employee is again eligible to serve in any full-time provisional assignment. In no case may a person be employed in full-time provisional assignments for a total of more than 126 working days in any fiscal year.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

**70.2.3 EXTENSION OF PROVISIONAL APPOINTMENT:** The Commission may extend the ninety (90) working day provisional appointment for a period not to exceed thirty-six (36) additional working days provided:

**70.2.3.1** An examination for the class was completed during the initial ninety (90) working days of an employee's provisional assignment.

**70.2.3.2** Satisfactory evidence is presented indicating:

1. Adequate recruitment effort has been and is being made.
2. Extension of this provisional assignment is necessary to carry on vital functions of the District or;

3. The position cannot be satisfactorily filled by use of other employment lists or procedures.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

**70.2.4 SUCCESSIVE NINETY (90) DAY APPOINTMENTS:** In the absence of an appropriate eligibility list, successive ninety (90) working day appointments may be made to a position for a period exceeding the 126 working day limitation when:

**70.2.4.1** Continuous examination procedures have been authorized by the Commission or;

**70.2.4.2** The position is less than twenty (20) hours per week.

**70.2.4.3** Such appointment shall continue only until certification from an appropriate list can be made.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

**70.2.5 QUALIFICATIONS OF PROVISIONAL APPOINTEES:** Provisional appointees must meet the qualifications for the classification stated in the class specification. The appropriateness of qualifications shall be made by the Director of Classified Personnel Services prior to appointment.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

**70.2.6 STATUS OF PROVISIONAL EMPLOYEES:** To be eligible for appointment to a regular position, the provisional appointee must qualify by competitive examination for a place on the eligibility list.

**70.2.6.1** Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class in which the provisional appointment is made.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

**70.2.7 TERMINATING PROVISIONAL APPOINTMENT:** The services of a provisional appointee shall be terminated within fifteen (15) working days after the date on which certification for interview from an eligibility list has been made, provided that this 15-day period does not extend beyond the 90-day working provisional assignment. A provisional appointment may be terminated at any time, at the discretion of the appointing authority.

**REFERENCE:** Education Code Sections 45260, 45261, 45287, 45288, and 45289

## **70.3 SPECIAL APPOINTMENTS**

**70.3.1 PROCEDURE FOR EMERGENCY APPOINTMENT:** It if should become necessary in time of declared emergency to fill positions in the classified service to prevent the stoppage of public business, the appointing authority may make emergency appointments without reference to eligibility lists, for a period not to exceed fifteen (15) working days in accordance with Commission rules.

**70.3.1.1** When such emergency appointments are made the Board of Trustees shall provide the Director of Classified Personnel Services with written information outlining the date of appointment and nature of duties performed, giving a statement justifying the emergency nature of such appointments, and any other additional information requested by the Director. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

**REFERENCE:** Education Code Sections 45260, 45261, and 45290

**70.3.2 CONDITIONAL APPOINTMENT:** Temporary appointments in an existing class, not to exceed thirty (30) days, may be made in lieu of an appointment to fill a new position pending the classification of the new position by the Commission. Salary shall be determined by the Director of Classified Personnel subject to ratification by the Personnel Commission.

**REFERENCE:** Education Code Sections 45260, and 45261

**70.3.3 SUMMER AND OTHER RECESS PERIOD ASSIGNMENTS:** When the Board of Trustees establishes temporary positions during the recess period between the regular September to June school year, or during other recess periods during the school year, those positions shall be offered to regular classified employees of the District not regularly employed during these periods. Appointment to these positions shall be made first among employees who have requested recess period work and are working in the classification needed. Second, appointment shall be made among qualified employees working in other classifications, and finally among qualified persons not currently employed by the District.

**REFERENCE:** Education Code Sections 45102, 45260, and 45261

## **70.4 LIMITED TERM AND SUBSTITUTE APPOINTMENTS**

**70.4.1 POSITIONS DEFINED:** Positions established to perform duties which are not expected to exceed six (6) months and appointments in lieu of an absent employee (substitute positions) shall be designated limited term positions.

**REFERENCE:** Education Code Sections 45260, 45261, and 45286

**70.4.2 PROCEDURE FOR ESTABLISHMENT OF LIMITED TERM:** When a limited term position is established, the appointing authority shall notify the Classified Personnel Services office in writing of the hours, starting date and length of the assignment. Establishment of limited term positions shall be subject to approval of the Director of Classified Personnel Services, and ratified by the Personnel Commission and the Board of Trustees.

**70.4.2.1** A limited term appointment may not exceed six (6) months. A substitute assignment may not exceed the duration of the absence of a regular employee. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class.

**70.4.2.2** Limited term positions shall be classified by the Director of Classified Personnel Services and shall be subject to ratification by the Personnel Commission.

**REFERENCE:** Education Code Sections 45260, 45261, and 45286

**70.4.3 ELIGIBILITY FOR APPOINTMENT:** Limited term and substitute appointments shall be made from eligibility lists and employment lists.

**70.4.3.1** If an eligible is appointed from an eligibility list to a substitute or limited term position, he shall continue to be eligible for substitute or limited term appointments in the same or a related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and has accepted a limited term appointment within thirty-nine (39) months after resignation.

**70.4.3.2** When no eligible is available to accept a substitute or limited term position, the Director of Classified Personnel Services is authorized to certify applicants or candidates for appointment.

**REFERENCE:** Education Code Sections 45260, 45261, 45286 through 45290

**70.4.4 RIGHTS AND BENEFITS DURING LIMITED TERM ASSIGNMENTS:** Regular classified employees who are serving in limited term assignments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.

**70.4.4.1** No credit toward completion of probation shall accrue from service in a limited term or substitute appointment.

**REFERENCE:** Education Code Sections 45260, 45261, and 45301

**70.4.5 TERMINATION OF LIMITED TERM APPOINTMENT:** A limited term or substitute appointment may be terminated at any time at the discretion of the appointing authority. The appointing authority shall immediately notify the Classified Personnel Services office when a limited term assignment is being terminated.

**REFERENCE:** Education Code Sections 45260 and 45261



## **70.5 EMPLOYMENT OF PERS RETIREES**

**70.5.1 GENERAL POLICY:** Any person receiving a retirement allowance from the Public Employees' Retirement System may be employed as a substitute employee only up to 960 hours per fiscal year. The retired person must be informed that employment is restricted to 960 hours in any fiscal year with the District and continuance in employment is at the discretion of the District.

**REFERENCE:**

1. Education Code Section 45135
2. Government Code Section 21220 et seq

**70.5.2 COMPENSATION OF RETIREES:** A retired employee under authority of this Rule shall be entitled only to the appropriate salary earned including overtime compensation.

**70.5.2.1** Retired employees appointed to positions in their last permanent classification shall be placed on the step of the salary schedule closest to their last rate of pay (excludes differential pay). Retired personnel appointed to positions in any other class shall be placed on the first step of the appropriate range on the salary schedule.

**70.5.3 ASSIGNMENT:** A retired employee employed under this rule is not subject to reinstatement to the Public Employees' Retirement System nor does the compensation period provide for retirement allowance adjustment.

**70.5.3.1** The appointing authority shall certify to the Director of Classified Personnel Services that a retired employee employed under this rule meets the provisions of this rule and the combined fiscal year employment will not exceed 960 hours.

**REFERENCE:** Education Code Sections 45260, and 45261