

CHAPTER 3

POSITION CLASSIFICATION

3.1 THE CLASSIFIED SERVICE

3.1.1 POSITIONS INCLUDED:

All positions established by the Board of Education which are not exempt from the classified service by law shall be a part of the classified service of the District. All employees serving in the District's classified positions shall be classified school employees. The employees and positions shall be known as the Classified Service.

3.1.1.1 No person whose contribution to the District consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established by law shall be employed outside the classified service.

Reference: EC§ 44065, 44066, 44068, 44069, 45103, 45104, 45105, 45105.1, 45106, 45108, 45256, 45256.5 and 45259

3.1.2 EXEMPTION FROM THE CLASSIFIED SERVICE:

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.

Positions and employees exempt from the classified service:

1. Positions required by law to have certification qualifications.
2. Part-time playground positions.
3. Full-time day students employed part-time.
4. Apprentices-
5. Part-time students employed part-time in any college work-study program or in a legally authorized work experience program conducted by a community college district.
6. Professional experts employed on a temporary basis for a specific project by the Board of Education or by the Personnel Commission provided that the Commission has agreed to designate such persons as professional experts.

Reference: EC§ 44065, 44066, 44068, 44069, 45103, 45204, 45205.1, 45106, 45108, 45256, 45256.5, 45257, 45258, 45259, 51760, 51760.3 and 51764

3.1.3 PART-TIME DEFINED:

A part-time position, for the purpose of exemption under Personnel Commission Rule #3.1.2 is a temporary position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis is less than eighty-seven and one half percent (87.5 %) time of the normally assigned time for the majority of employees in the classification to

which assigned, or the majority of the employees in the classified service, whichever amount of time is the lesser.

Reference: EC§ 45256, 45260

3.1.4 **EFFECT OF EXEMPTION:**

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

Reference: EC§ 44065, 45103, 45105.1, 45106, 45256, 45257, 45258 and 45260

3.1.5 **PROFESSIONAL EXPERT ASSIGNMENTS:**

Whenever the use of a professional expert assignment is being considered, the administration shall submit to the Director Human Resources Classified a description of the project, its duration, and the duties to be performed. Professional expert appointments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by the assignment of a professional expert if the duties and responsibilities to be performed by the person fit an existing class for which a reemployment or an eligibility list exists.

3.1.5.1 When the person is known who is to be employed as a professional expert, the person's name as well as the data relative to his/her qualifications shall be submitted the Director of Human Resources Classified. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession. Evidence of professional qualifications must be presented to the Personnel Commission at the time that the written request for temporary appointment is made. The duration of the authorization for a person to serve as a professional expert shall be determined by the Commission, based upon the request of the Board of Education. However, authorization for service as a professional expert shall not exceed six (6) months, unless the Commission approves an extension of the assignment, the total period of the original assignment and extension shall not exceed twelve (12) months.

Reference: EC§ 45256 and 45260

3.1.6 **RESTRICTED POSITIONS**

If specially-funded programs of the District are required to employ persons based on criteria that limit the privilege of all citizens to compete for employment in such positions, those positions shall be classified as "restricted." The selection and retention of employees in such positions shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program, except that persons employed in the following "restricted" classifications need not participate in the same type of selection processes as other similar non-restricted positions.

3.1.6.1 Persons employed in "Restricted" positions shall be classified employees for all purposes except:

- a. They shall not attain permanent status.
- b. They shall not be accorded seniority rights in the event of layoff.
- c. They shall not be eligible for promotions with the classified service until they have complied with the provisions of Merit System Rule 3.1.6.2.

3.1.6.2 Employees serving in “Restricted” positions shall, after completion of six (6) months of satisfactory service, be given the opportunity to take an appropriate competitive examination for the class in which they are serving. Should such persons satisfactorily complete the examination, regardless of his/her final qualifying numerical standing on an eligibility list, he/she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in the regular classified service shall be counted from the original date of employment in the “restricted” position.

Reference: EC§ 45105, 45105.1, 45108, 45259, 45260 and 45261

3.1.7 **EMPLOYMENT OF COLLEGE STUDENTS UNDER CERTAIN PROGRAMS:**

Full-time students employed part-time and part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Education Code Sections 51760-51770, and which is financed by state or federal funds, shall not be part of the classified service. The District may employ such students pursuant to the Education Code. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

Reference: EC§ 45256, 45260, 45261, 51760 and 51770

3.2 **GENERAL CLASSIFICATION RULES**

3.2.1 **ASSIGNMENT OF DUTIES**

The Board shall prescribe the duties and responsibilities of all positions in the classified service except those on the Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to a specific position, the Director Human Resources-Classified shall report the facts to the appropriate administrator in order that appropriate action be taken.

Reference: EC§ 45100, 45104, 45105, 45105.1, 45109, 45240, 45241, 45264 and 45266

3.2.2 **GENERAL CLASSIFICATION RULES**

The Commission shall classify all employees and positions within the jurisdiction of the Board or the Commission, except those positions which the Commission determines are exempt from the Classified Service pursuant to M.S. Rule 3.1.2. The Commission shall maintain a classification plan for all positions in the Classified Service, organized by class series and occupational hierarchy. The Commission may create new classes and

abolish, divide, or combine existing classes with the classification plan as the needs of the Classified Service require as determined by the Commission. For purposes of this rule, classification shall include, but not limited to:

3.2.2.1 Allocation of all positions to appropriate classes.

3.2.2.2 Arrangement of classes into occupational hierarchies (job families).

3.2.2.3 Determination of reasonable percentage relationships between classes within the occupational hierarchies.

3.2.2.4 Determination of reasonable percentage relationships between occupational hierarchies.

3.2.2.5 Preparing written class specifications.

Reference: EC§ 45100, 45104, 45105, 45105.1, 45109, 45241 and 45256

3.2.3 **CLASS SPECIFICATIONS**

For each class, the Personnel Commission shall establish and maintain a class specification which shall include:

3.2.3.1 The official class title.

3.2.3.2 A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.

3.2.3.3 A statement of the representative duties performed by persons holding positions allocated to the class. The Commission shall develop this statement from the list of duties presented by the Board of Education.

3.2.3.4 A statement of the minimum qualifications for service in the class. The minimum qualifications shall be based upon knowledge, skills, abilities, personal and physical traits and characteristics.

3.2.3.5 If appropriate, a statement of distinguishing characteristics which differentiates the class from other related or similar classes.

3.2.3.6 A statement of licenses, certificates or other special requirements for employment or service in the particular classification.

3.2.3.7 A statement about any physical requirements required of positions in the class.

3.2.3.8 A statement about any additional qualifications considered to be so desirable that any person applying for employment who possesses such qualifications may be given additional credit in the evaluation of his/her qualifications, even though such additional qualifications were not listed as a prerequisite.

- 3.2.3.9 Minimum qualifications shall not require a teaching, administrative or other credential, nor may they require work experience which would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

Reference: EC§ 45256, 45260, 45273, 45276, 45277, 45285 and 45285.5

3.2.4 **INTERPRETATION OF CLASS SPECIFICATIONS**

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

- 3.2.4.1 The definition and typical tasks are descriptive and explanatory only. They indicate the positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Commission.
- 3.2.4.2 The specification for each class is considered as a whole in determining the class to which any position shall be allocated, giving consideration, not to isolated clauses, phrases or words, but to the general duties, responsibilities, specific tasks and qualification requirements as affording a description of the position that the class includes.
- 3.2.4.3 Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes.
- 3.2.4.4 Qualifications commonly required of all incumbents in all classes, such as appropriate physical condition and agility and strength commensurate with the duties of the class; honesty, integrity, industriousness, initiative, dependability, appropriate judgment, teamwork; sobriety, even though not specifically mentioned in the specification, are implied in the qualification requirements.
- 3.2.4.5 The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualifications of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

Reference: EC§ 45256, 45260, 45273, 45276, 45277, 45285 and 45285.5

3.2.5 **CREATION OF NEW POSITIONS**

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

- 3.2.5.1 Determine if the new position shall be a part of the Classified Service or exempt under Rule 3.1.2.
- 3.2.5.2 Classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established.
- 3.2.5.3 If a new class is recommended, the Director Human Resources-Classified shall set forth a proposed class specification setting out the title, duties, qualifications, and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Education.
- 3.2.5.4 The Commission shall designate the proper salary placement on the appropriate classified salary schedule.

Reference: EC§ 45104, 45105, 45105.1, 45109, 45241 and 45256

3.2.6 **ALLOCATION OF POSITIONS TO EXISTING CLASSES**

All positions which substantially consist of comparable duties, responsibilities and qualifications shall be allocated to the same class.

Reference: EC§ 45256, 45260, 45273, 45276, 45277, 45285 and 45285.5

3.2.7 **CHANGES IN DUTIES OF POSITIONS**

Any substantial changes in the duties of existing positions shall be reported in writing by the appointing authority to the Director Human Resources-Classified, who shall conduct a review to determine whether the position should be allocated to a new or different class. Should a change in classification be warranted or necessary, the Director Human Resources-Classified shall submit a recommendation to the Commission for action.

Reference: EC§ 45256, 45260, 45273, 45276, 45277, 45285 and 45285.5

3.2.8 **WORKING OUT OF CLASSIFICATION**

Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the Board in accordance with Section 45109 of the Education Code, unless the duties reasonably relate to those fixed for the position by the Board, for any period of time which exceeds three (3) working days within a fifteen (15)-calendar-day period except as authorized herein. An employee may be required to perform duties inconsistent with those assigned to a position by the Board for a period of more than two (2) working days provided that the employee's salary is adjusted as follows:

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- 3.2.8.1 Whenever an employee is required to perform all or the majority of the functions and duties for a higher classification, the salary shall be adjusted upward to the salary range of the higher classification, and then to the step of that range that will provide the employee at least a 5% salary increase. An employee may receive less than a 5% increase if the top step of the higher classification's salary range is less than a 5% above the employee's regular salary. In that instance the employee shall be placed at said top step and the employee shall not be entitled to further compensation.
- 3.2.8.2 If an employee is required to perform duties which are not allocated to an existing class, the assignment shall be reported to the Director Human Resources-Classified as soon as possible after the assignment has been made.
- 3.2.8.3 Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a permanent assignment in a higher or different classification.
- 3.2.8.4 The Director Human Resources-Classified shall review the duties assigned to the position and shall determine if the assigned duties are at a higher level and shall recommend an appropriate pay differential consistent with these rules.
- 3.2.8.5 If the Director Human Resources-Classified review determines that the assigned duties are not at a higher level, the H.R. Director shall notify the employee and the appropriate supervisor and present the findings to the Commission at the next regular meeting of the Commission.

Reference: EC§ 45110, 45256, 45260, 45285 and 45285.5

3.2.9 **POSITION REQUIRING SPECIAL LANGUAGE OR OTHER SKILLS**

The Board of Education may request that the Personnel Commission designate certain positions within a class or classes to require the holder of the position to possess a special skill, license, or language. The Board of Education must clearly set forth valid reasons for requesting such special requirements.

- 3.2.9.1 The Commission shall have the right to designate a differential salary rate to compensate incumbents in such special positions for their special skills.
- 3.2.9.2 An announcement calling for an examination for a class with position(s) containing special requirements will contain appropriate information and will indicate that successful candidates possessing the special skill will be given preference over other successful candidates, but only as to those specific positions.
- 3.2.9.3 When a vacancy occurs in a position which has approved special skill requirements, the position shall maintain the requirements for the special skill unless the Board of Education certifies that the special skill is no longer required for the position.

- 3.2.9.4 If a request to designate a position in a class as requiring a special skill is challenged, the Personnel Commission shall cause a proper investigation to be made and shall consider the finding and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

Reference: EC§ 45104, 45105, 45105.1, 45109, 45241, 45256 and 45277

3.3 **RECLASSIFICATION**

3.3.1 **RECLASSIFICATION POLICY:**

The Personnel Commission shall maintain a system whereby classification review will be continuous. The Personnel Commission will conduct studies as it deems necessary to review classifications and maintain internal alignment in the classified service.

- 3.3.1.1 The only basis for reclassification of a position shall be a significant change in job duties. Recommendations for reclassification will be made by the Director Human Resources-Classified including a determination as to whether the change is the result of a gradual accretion of duties or reorganization. The Commission shall be the final approving authority.

- 3.3.1.2 Requests for a reclassification study of an existing position shall be presented in writing to the Director Human Resources-Classified, together with a statement setting forth the reasons for the request. Requests for the reclassification study of a position may be initiated by an employee, the District administration, or a recognized employee organization. Requests initiated by an employee or an employee organization shall include a listing of duties and a statement indicating the reasons the employee feels a reclassification is justified. Requests initiated by the District Administration shall include the above information as well as a statement by the employee's supervisor verifying the authorized duties of the position.

Reference: EC§ 45256, 45260, 45268, 45285 and 45285.5

3.3.2 **EFFECTIVE DATE OF RECLASSIFICATION**

Reclassification of a position or positions shall become effective on the date prescribed by the Personnel Commission, but shall not have retroactive effect. Changes in classification and salary resulting from the permanent reclassification of a position(s) shall be effective no later than whichever of the following dates is applicable: The first of the month following the Personnel Commission approval of the reclassification, provided the employee is eligible to be reclassified with the position without examination as specified in these rules; or the first of the month following the date on which the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure.

Reference: EC§ 45256, 45260, 45268, 45285 and 45285.5

3.3.3 **NOTIFICATION OF RECLASSIFICATION:**

Notification of a recommendation for reclassification of a position or employee shall be given to the employee(s) affected, the employee's supervisor, their exclusive representative, and the District administration before the classification proposal is adopted, by inclusion as an agenda item at a regular or special meeting of the Personnel Commission.

Reference: EC§ 45256, 45260, 45268, 45285 and 45285.5

3.3.4 **EFFECTS OF RECLASSIFICATION ON INCUMBENTS:**

Whenever a position or entire classes of positions are reclassified the rights of incumbents will be determined in accordance with these rules and regulations.

3.3.4.1 **Reclassification Upward:**

When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two (2) or more years may be reclassified by the Personnel Commission with their positions.

3.3.4.1.1 When one (1) or more positions within a class, but not all of the positions are reclassified upward, the incumbent(s) in the position who has a continuous employment record of two (2) or more years in one (1) or more of the positions being reclassified may be reclassified by the Personnel Commission with the position.

3.3.4.1.2 In order for an incumbent to be reclassified with the position, the basis for the reclassification of the position must be the gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determination as to the gradual accretion of duties will be made by the Personnel Commission.

3.3.4.1.3 An employee who has been reclassified with his/her position is ineligible for subsequent reclassification with his/her position for a period of at least two (2) years from the date of the prior classification action.

3.3.4.1.4 Those incumbents not able to be reclassified with their positions shall have an opportunity to compete in a Personnel Commission's selection process for promotion into the higher class.

3.3.4.2 **Reclassification Equal or Lower:**

When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:

3.3.4.2.1 The right to bump a less senior employee in the same class pursuant to bumping procedures outlined in the layoff provisions of these rules.

- 3.3.4.2.2 The right to bump a less senior employee in any equal or lower class in which the incumbent formerly served, pursuant to bumping procedures outlined in the layoff provisions of these rules.
- 3.3.4.2.3 The right to be demoted or to transfer, without examination, to the class to which his/her position is reclassified.
- 3.3.4.2.4 The employee may choose to transfer, demote, or exercise bumping rights at the employee's option, and his/her choice shall not affect the employee's rights under Commission Rule 3.3.6.

Reference: EC§ 45256, 45260, 45268, 45285 and 45285.1

3.3.5 GRADUAL ACCRETION DEFINITION:

For purposes of these guidelines, two (2) or more years of regular service shall be interpreted to mean assignment for at least two (2) complete years within the assignment of the class or position. Determination as to gradual accretion will be based on the following guidelines:

- 3.3.5.1 The nature and scope of each identified change in duties and responsibilities.
- 3.3.5.2 The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
- 3.3.5.2 The conditions which led to the association of the added duties and responsibilities with the subject position(s).
- 3.3.5.3 Evidence of the employee's performance of the added duties and responsibilities.

Reference: EC§ 45256, 45260, 45268, 45285 and 45285.1

3.3.6 REEMPLOYMENT LIST FOR DISPLACED INCUMBENTS

Any displacement of a regular employee resulting from a reclassification of a position, positions, or class of positions shall be considered as a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these rules. These rules shall be followed in all instances of reclassification; whether or not it results in an upgrading, downgrading, lateral class movement, bumping, or a complete displacement of incumbents.

- 3.3.6.1 Persons laid off or who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff because of a reclassification are eligible for reemployment for a period of thirty-nine (39) months, and shall be reemployed in preference to new applicants. In addition, such laid-off persons have the right to participate in promotional examinations, within the District during that thirty-nine month period.

Reference: EC§ 45260, 45285, 45298 and 45308

3.4 **SENIOR MANAGEMENT EXEMPTIONS**

3.4.1 **BOARD MAY DESIGNATE POSITIONS AS SENIOR MANAGEMENT:**

The Board of Education may adopt a resolution designating certain positions as senior management of the Classified Service. Notwithstanding the provisions of Chapter 10.7 (commencing with Section 3540) of Division 4 or Title 1 of the Government Code, the decision of the Board of Education shall not be deemed a matter subject to negotiation, but shall be subject to review by the Public Employment Relations Board.

3.4.1.2 No position funded in whole or in part by the Commission shall be made a part of the senior management of the classified service.

Reference: EC§ 45256.5, 45260 and 45261
GC§ 3540 – 3549.3

3.4.2 **SENIOR MANAGEMENT PART OF THE CLASSIFIED SERVICE:**

Employees whose positions are designated as senior management in the Classified Service shall be a part of the Classified Service and shall be afforded all rights, benefits, and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status in a senior management position.

Reference: EC§ 45256.5, 45260 and 45261

3.4.3 **FILLING SENIOR MANAGEMENT POSITIONS:**

Positions in the senior management of the Classified Service shall be filled using the Rules and Regulations of the Personnel Commission except as noted below:

3.4.3.1 The position shall be filled from an unranked eligibility list developed by the Personnel Commission and arrived at by competitive examination(s) as determined by the Commission. The examination shall include test segments that will allow the candidates to demonstrate managerial ability.

3.4.3.2 The appointing authority shall have the right to interview all eligible candidates certified by the Commission from an unranked list.

Reference: EC§ 45256.5, 45260 and 45261

3.5 **EXECUTIVE SECRETARY EXEMPTIONS**

3.5.1 **BOARD MAY REQUEST EXEMPTIONS FOR EXECUTIVE SECRETARIES:**

Upon the request of a majority of the members of the Board of Education, the Board may request that the Personnel Commission consider exempting certain executive secretary positions from specific provisions of the Education Code and these Rules and Regulations. The Personnel Commission shall have the power to grant or not grant such

a request. The granting of waivers by the Personnel Commission shall be considered only if the Commission determines that it is in the best interests of the District, and not detrimental to the philosophy, intent, and purpose of the merit system. If a waiver is granted, it shall only be done pursuant to these rules and regulations.

Reference: EC§ 452560, 45261 and 45272

3.5.2 **DEFINITION OF EXECUTIVE SECRETARY**

Positions designated as executive secretary by the Personnel Commission and thus exempt under provisions of Rule 3.5 shall be limited to executive secretarial positions reporting directly to members of the Board of Education, the District Superintendent, or not more than four (4) principal deputies of the District Superintendent, or all of these positions.

Reference: EC§ 452560, 45261 and 45272

3.5.3 **FILLING EXECUTIVE SECRETARY POSITIONS**

Positions declared by the Personnel Commission as executive secretary for purposes of this rule shall be filled using the Rules and Regulations of the Personnel Commission except as noted below:

3.5.3.1 The position shall be filled from an unranked eligibility list developed by the Personnel Commission and arrived at by competitive examination(s) as determined by the Commission.

3.5.3.2 The appointing authority shall have the right to interview all eligible candidates certified by the Commission from an unranked list.

3.5.3.3 The Personnel Commission shall determine the minimum qualifications for the position designated executive secretary, taking particular note of the qualifications necessary to perform successfully at this level, and that the final eligibility list shall be unranked rather than ranked.

Reference: EC§ 452560, 45261 and 45272

3.5.4 **IMPACT OF EXECUTIVE SECRETARY DESIGNATION ON INCUMBENTS**

Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits and burdens of any other classified employee serving in the regular Classified Service of the District, except that the employee shall not attain permanent status in the executive secretarial position.

Reference: EC§ 452560, 45261 and 45272