

CHAPTER 7

APPOINTMENTS

7.1 PROCEDURES FOR APPOINTMENT

7.1.1 **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.

Reference: EC§ 45160, and 45272

7.1.2 **APPOINTMENT:**

Upon selection, each prospective employee shall be given an offer of employment by the Personnel Commission Office. The offer shall include the time and date to report for duty and the salary. Appointment to the position shall be subject to ratification by the Personnel Commission (approving that the employee was hired pursuant to the Merit System Rules and the Education Code) and the Board of Education (action to employ as the employer except for Commission positions).

7.1.2.1 The prospective employee 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 with the required period, the appointing authority may request that additional eligibles be certified.

Reference: EC§ 45260, and 45261

7.1.3 **DISCRIMINATION PROHIBITED:**

No applicant or eligible certified for appointment shall be discriminated against because of his/her actual or perceived race, religious creed, color, national origin, ancestry, disabled condition, medical condition (as defined in Government Code §12926), employee organization membership, marital status, sex, sexual orientation, gender or age. No questions shall be asked relating these matters during the selection and interview stages of employment.

Reference: EC§ 45260, 45261, and 45293

7.1.4 **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.

Merit System Rules
CHAPTER 7

7.1.4.1 No employee shall be transferred, assigned to or remain at a work location in any position which is in direct line of supervision under a supervisor or administrator who is a member of the employee's immediate family.

7.1.4.2 For purposes of this rule, immediate family shall include: mother, mother-in-law, father, father-in-law, grandmother, grandmother-in-law, grandfather, grandfather-in-law, grandchild, grandchild-in-law, spouse, registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, stepchild, step-parent, aunt, uncle, or any relative residing in the household of the supervisor.

Reference: EC§ 45260 and 45261
GC§ 1091.5

7.2 PROVISIONAL APPOINTMENT:

7.2.1 REASONS FOR PROVISIONAL APPOINTMENT:

The appointing authority may make a provisional appointment when the Director Human Resources-Classified certified that:

7.2.1.1 No eligibility list exists for the class; or

7.2.1.2 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: EC§ 45260, 45261, 45287, 45288, and 45289

7.2.2 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: EC§ 45260, 45261, 45287, 45288, and 45289

7.2.3 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:

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

7.2.3.2 Satisfactory evidence is presented indicating: adequate recruitment effort has been and is being made, extension of this provisional assignment is necessary

to carry on vital functions of the district or the position cannot be satisfactorily filled by use of other employment lists or procedures.

Reference: EC§ 45260, 45261, 45287, 45288, and 45289

7.2.4 SUCCESSIVE 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:

7.2.4.1 Continuous examination procedures have been authorized by the Commission or the position is less than twenty (20) hours per week.

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

7.3 SPECIAL APPOINTMENTS:

7.3.1 PROCEDURE FOR EMERGENCY APPOINTMENTS:

If it should become necessary in time of declared emergency, to fill positions in the Classified Service to prevent the stoppage of public business, the Board through its authorized management representatives, may request the Director Human Resources-Classified to make emergency appointments without reference to eligibility lists, for a period not to exceed fifteen (15) working days.

Reference: EC§ 45260, 45261, and 45290

7.3.2 SUMMER, INTERSESSION AND OTHER RECESS PERIOD ASSIGNMENTS:

When the Board establishes temporary positions during any recess period occurring between September to June or during other recess periods including summer recess, those positions shall be offered to regular permanent employees of the District. Appointment to these positions shall be made on the basis of whether the recess period is for intersession or summer school. If there are insufficient employees in the classification, appointment shall be made on the basis of seniority of employees who are qualified to perform the duties of the position, as determined by the Director Human Resources-Classified.

7.3.2.1 Intersession recess periods may be District based or site based (funded by the individual school site). The priority to staff positions during intersession recess shall be on the basis of the following:

Merit System Rules
CHAPTER 7

- 7.3.2.1.1 Site-based intersession vacancies shall be offered first to the current employee in the classification assigned to that site and/or classroom, who has applied.
- 7.3.2.1.2 If more than one (1) employee in the classification at a site and/or classroom applies for the vacancy, the vacancy shall be offered based on seniority.
- 7.3.2.1.3 If employees in the current classifications in the site-based program do not apply for the vacancies, then the seniority process shall apply.

- 7.3.2.2 Summer school recess vacancies shall be staffed based on seniority in the classification. The exception shall be as follows:
 - 7.3.2.2.1 When the summer school program is site-based, vacancies shall be staffed according to the intersession staffing in Rule 7.3.2.1 above.

- 7.3.2.3 Compensation for summer, intersession or other recess period appointments shall be as follows:
 - 7.3.2.3.1 When the summer/intersession/recess appointment is in the same classification as the employee's regular assignment, compensation shall be at the same range and step as the regular assignment.
 - 7.3.2.3.2 When the summer/intersession/recess appointment is in a different classification than the employee's regular assignment, compensation shall be at the step of the range for the classification of the summer/intersession/recess assignment, which is closest to that of the employee's regular assignment but shall not exceed the top step of the range for the classification.
 - 7.3.2.3.3 Summer/intersession/recess period appointments shall be considered as limited term assignments and not as part of an employee's regular assignment. Working out of class provisions shall not apply to these assignments.

Reference: EC§ 45102, 45260, and 45261

7.4 LIMITED TERM AND SUBSTITUTE APPOINTMENTS

7.4.1 POSITIONS DEFINED:

Positions established to perform duties which are not expected to exceed six (6) months shall be designated as limited term assignments.

- 7.4.1.1 Positions established to replace temporarily absent employees shall be designated substitute positions.

Reference: EC§ 45260, 45261, and 45286 - 45290

7.4.2 PROCEDURE FOR ESTABLISHMENT OF LIMITED TERM AND SUBSTITUTE APPOINTMENTS:

When a limited term position is established, the appointing authority shall notify the Personnel Commission 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 Human Resources-Classified and ratified by the Board.

7.4.2.1 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 classification, if the Director Human Resources-Classified determined that the appropriate classification of the duties to be assigned is of a lower class.

Reference: EC§ 45260, 45261, and 45286 – 45290

7.4.3 COMPENSATION FOR LIMITED TERM/SUBSTITUTE ASSIGNMENTS:

When a regular employee is given a limited term appointment in a higher classification in addition to or in lieu of all or part of his/her regular assignment, the rate of pay in the higher class shall be the rate for working out of classification.

7.4.3.1 All other limited term and substitute employees, shall be paid on the first step of the salary range applicable to the class in which they are working.

Reference: EC§ 45260, 45261, 45286 – 45290, and 45309

7.4.4 RIGHTS AND BENEFITS DURING LIMITED TERM ASSIGNMENTS

Regular 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.

7.4.4.1 No credit toward acquiring permanent status with the District nor in any classification shall accrue from service in a limited term or substitute appointment.

Reference: EC§ 45260, 45261, 45286 – 45290, and 45309

7.5 EMPLOYMENT OF PERS RETIREES AND VOLUNTEERS

7.5.1 POLICY ON RETIREES:

Any person receiving a retirement allowance from the Public Employees' Retirement System may be employed up to 960 hours per calendar year. The retired person must be informed that employment is restricted to 960 hours in any calendar year and continuance in employment is at the discretion of the District.

Merit System Rules
CHAPTER 7

Reference: EC§ 45135
Government Code § 21150 et seq.

7.5.2 **COMPENSATION OF RETIREES:**

A retired employee under authority of this rule shall be entitled only to the appropriate salary earned including overtime compensation.

7.5.2.1 Retired employees appointed to temporary positions in their former classification or any other classification shall be paid on the first step of the salary range applicable to the classification in which they are working.

Reference: EC§ 45260 and 45261

7.5.3 **EMPLOYMENT OF VOLUNTEERS:**

Volunteers may be assigned non-instructional work which serves to assist certificated personnel. They shall be under the immediate supervision of certificated personnel. No classified positions may be abolished to use volunteer aides in lieu thereof.

Reference: EC§ 35021, 35212, and 45349