PLEASE POST

SIMI VALLEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION AGENDA

Board Room
101 W. Cochran Street
Simi Valley, CA

December 9, 2020
5:00 P.M.
Meeting # 869

THIS MEETING IS BEING HELD VIA ZOOM WEBINAR. Follow this link: SVUSD Personnel Commission Meeting

To submit a public comment or request to speak, please follow the instructions on the Classified Personnel website. Public comments and requests to speak must be submitted by 2:00 PM on the day of the meeting.

Personnel Commission Members

Kathleen Hobiger, Chairperson
Lori Rhoades, Vice Chairperson
Sandy Handin, Member

Staff Members

Sophia Crocker, Director of Classified Personnel Services
Sallie Kleingarn, Senior Administrative Assistant

CALL TO ORDER

FLAG SALUTE

APPROVAL OF AGENDA/CONSENT AGENDA

- Agenda
- Consent Agenda

APPROVAL OF MINUTES – Regular Meeting November 18, 2020 – *Action*

COMMENT, PRESENTATIONS AND HEARINGS

- Commission Comments
- Public Comments (Regarding items not on the agenda)

PERSONNEL ITEMS

- Personnel Director's Report – *Information; Discussion*

GENERAL ITEMS

- 2020-2021 Budget Status – *Information; Discussion*
- Revision of Personnel Commission Rule 7.20 – Second Reading and Adoption – *Action*
- Revision of Personnel Commission Rules, Articles 1 and 2 – Second Reading and Adoption – *Action*
- Revision of Personnel Commission Rules, Article 3 – Second Reading and Adoption – *Action*
- Annual Election of Officers – Chairperson and Vice Chairperson – *Action*

INFORMATION

- Calendar of Personnel Commission Meetings – *Information*
- Job Opportunities – *Information*

CLOSED SESSION

- The Personnel Commission will meet in Closed Session in accordance with provisions in Government Code Sec. 54957, Public Employment Matters: Appointment, Employment, Performance Evaluation, Discipline, Dismissal, Release: Report Employee Dismissal

RETURN TO OPEN SESSION

- Report of any action taken during Closed Session

ITEMS FOR FUTURE CONSIDERATION

ADJOURNMENT

Pursuant to Government Code Section 54957.5, any document, that is public record, and relates to an open session agenda item of a regular meeting of the PC, is available for public review at the Educational Service Center, Classified Personnel Services, 101 W. Cochran Street, Simi Valley, CA 93065.

Simi Valley Unified School District accommodates individuals with disabilities. Forty-eight (48) hours advance notice is required to meet special needs for public meetings. Upon written request, materials in alternative formats will be provided for individuals with disabilities. Please contact Classified Personnel Services, 805.306.4500, ext. 4062.

SIMI VALLEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION – REGULAR MEETING
MINUTES

The Board Room
101 W. Cochran Street
Simi Valley, CA 93065

November 18, 2020
5:00 P.M.
Meeting # 868

Personnel Commission Members	Arrived
Kathleen Hobiger, Chairperson	5:00 P.M.
Lori Rhoades, Vice Chairperson	5:00 P.M.
Sandy Handin, Member	5:00 P.M.

Staff Members	
Sophia Crocker, Director, Classified Personnel Services	5:00 P.M.
Karen Burnside, Senior Administrative Assistant (substitute)	5:00 P.M.

The meeting was called to order at 5:00 P.M. by Kathleen Hobiger, Chairperson. **Call to Order**

The flag salute was led by Ms. Hobiger. **Flag Salute**

On a motion by Ms. Handin, seconded by Ms. Rhoades and carried, the Personnel Commission approved the agenda, as presented. Vote 3-0; Aye-Hobiger, Rhoades, Handin; No-None; Abstained-None; Absent-None. **Agenda** Motion #20.1118.1

On a motion by Ms. Handin, seconded by Ms. Rhoades and carried, the Personnel Commission approved the consent agenda, as presented. Vote 3-0; Aye-Hobiger, Rhoades, Handin; No-None; Abstained-None; Absent-None. **Consent Agenda** Motion #20.1118.2

On a motion by Ms. Handin, seconded by Ms. Rhoades and carried, the Commission approved the Minutes of the Regular Meeting of October 14, 2020. Vote 3-0: Aye – Hobiger, Rhoades, Handin; No-None; Abstained-None; Absent-None. **Minutes** Motion #20.118.3

Ms. Hobiger commented on the tremendous volume of work in the Classified Personnel Department and complimented Ms. Crocker and staff for their hard work. Commission Comments

Kathy Birdt suggested virtual meetings for future Commission meetings. Public Comments

Ms. Crocker reported COVID-19 updates: the district re-opened to in-person instruction on November 2 to students in TK-3rd grade under a hybrid model; classified employees at the school sites participated in a COVID safety training to prepare them for assisting their sites with safely welcoming students back on campus; Ventura County is back in the Purple Tier; Secondary Campus Supervisors have been temporarily reassigned to elementary sites as needed, and Elementary Campus Supervisor hours have been temporarily increased to 3.75 hours/day if they were not already; the department has been conducting Campus Supervisor and Paraeducator I-Special Education tests on a weekly basis to meet increased COVID-19-related staffing needs. Sallie Kleingarn is on a leave of absence; Karen Burnside is subbing in her position and in the vacant HR Assistant II position; Anthony Trimarchi is subbing 4 hours/day in the vacant HR Assistant II position. Ms. Crocker reported that there are currently 13 recruitments in progress and that 3 classification studies have been completed in the current fiscal year. **Personnel Items** Director's Report

Ms. Crocker reported on the status of the current 2020-2021 Commission budget. **General Items** 2020-2021 Budget Status

Ms. Crocker reported that she met with District Administration and the CSEA President regarding concerns presented by a few employees within the Paraeducator I - Special Education classification. A meeting will be held with District Administration, CSEA leadership, and a representative Paraeducator from each site that has concerns to learn more about their concerns.

Paraeducator I - Special Education Classification – Information/ Discussion

Ms. Crocker presented proposed revisions to Personnel Commission Rule 7.20 to allow for compliance with California minimum wage requirements in the application of the Classified Salary Schedule and to align with the current CSEA Contract of Agreement. Discussion ensued among the Commissioners and Ms. Crocker. The Commissioners were in agreement with the proposed revisions and designated December 9, 2020 for the second reading and adoption.

Revision of Personnel Commission Rule 7.20 – First Reading

Ms. Crocker presented the basis for the recommendation to place Elementary and Secondary Campus Supervisors on the Campus Supervisor Salary Schedule, approved by the Board of Education on November 17, 2020, effective January 1, 2021. On a motion by Ms. Rhoades, seconded by Ms. Handin and carried, the Personnel Commission approved placement of the Elementary and Secondary Campus Supervisor classifications on the Campus Supervisor Salary Schedule effective January 1, 2021.
Vote 3-0; Aye-Hobiger, Rhoades, Handin; No-None; Abstained-None; Absent-None.

Placement of Elementary and Secondary Campus Supervisor Classifications on the Campus Supervisor Salary Schedule Motion #20.1118.4

Ms. Crocker presented proposed revisions to Personnel Commission Rules, Articles 1 and 2 to reflect attorney feedback. Discussion ensued among the Commissioners and Ms. Crocker. The Commissioners were in agreement with the proposed revisions and designated December 9, 2020 for the second reading and adoption.

Revision of Personnel Commission Rules, Articles 1 and 2 – First Reading

Ms. Crocker presented proposed revisions to Personnel Commission Rules, Article 3 to reflect Commission and attorney feedback. Discussion ensued among the Commissioners and Ms. Crocker. The Commissioners were in agreement with the proposed revisions and designated December 9, 2020 for the second reading and adoption.

Revision of Personnel Commission Rules, Article 3 – First Reading

Future Commission meeting dates were announced:
December 9, 2020…January 13, 2021….February 10, 2021….5:00p.m...Board Room

Information Meeting Dates

Job Opportunities were announced for: Accounting Technician-Special Funds; Adult Education Instructional Assistant, Welding; Budget & Finance Supervisor; Cafeteria Assistant; Community Liaison; Custodian I; Human Resources Assistant II; Maintenance Specialist, Irrigation Systems; Paraeducator-Spanish.

Job Opportunities

The Commission met in Closed Session at 5:40 P.M., in accordance with provisions in Government Code Section 54957, Public Employment Matters: Appointment, Employment Performance Evaluation, Discipline, Dismissal, Release: Discuss Employee Performance.

Closed Session

The Commission returned to Open Session at 6:03 P.M. No action was taken during Closed Session.

Return to Open Session

Future Consideration

Items for future consideration include: Second reading and adoption of Personnel Commission Rule 7.20; Second reading and adoption of Personnel Commission Rules, Articles 1 and 2; Second reading and adoption of Personnel Commission Rules, Article 3.

Adjournment

On a motion by Ms. Handin, seconded by Ms. Rhoades and carried, the Personnel Commission adjourned the meeting at 6:09 P.M. Vote 3-0; Aye-Hobiger, Rhoades, Handin; No-None; Abstained-None. Motion #20.1414.8

_____ _____

Kathleen Hobigier, Chairperson Lori Rhoades, Vice-Chairperson

_____

Sandy Handin, Member

Simi Valley Unified School District Personnel Commission

Current Classified Recruitments as of 12-3-20

Classification Title	Number of Vacancies	Vacancy Locations	Open Date	Closing Date	Type of Exam	T&E Completed By	Test Date	Structured Interview Date	Eligibility List Established By
Administrative Services Assistant I	1	Superintendent's Office	12/1/2020	12/22/2020	Multiple Choice Test; Stuctured Interview	N/A	1/6/2021	1/14/2021	1/19/2021
Adult Ed Instructional Assistant - Welding	2	SICE	11/2/2020	12/18/2020	Multiple Choice Test; Structured Interview	N/A	week of 1/4	week of 1/11	1/20/2021
Certified Educational Sign Language Interpreter	1	Certificated Personnel	9/4/2020	12/16/2020	Multiple Choice Test; Structured Interview	N/A	week of 1/4	week of 1/11	1/20/2021
Community Liaison	1	Hillside Middle School	Continuous	11/20/2020	Multiple Choice Test; Structured Interview	N/A	week of 11/30	week of 12/7	12/15/2020
Elementary Campus Supervisor	Multiple	Various	Continuous	One week prior to test date	Multiple Choice Test	N/A	Weekly (approximately)	N/A	Ongoing
Library Media Technician II	1	Santa Susana HS	11/18/2020	12/14/2020	Multiple Choice Test; Structured Interview	N/A	week of 1/4	week of 1/11	1/20/2021
Maintenance Specialist, Irrigation Systems	1	M&O	10/23/2020	11/16/2020	Multiple Choice Test; Structured Interview	N/A	12/7/2020	12/16/2020	12/18/2020
Paraeducator, Spanish	Multiple	Various	Continuous	11/20/2020	Multiple Choice Test; Structured Interview	N/A	week of 11/30	week of 12/14	12/22/2020
Paraeducator I, Special Education	Multiple	Various	Continuous	One week prior to test date	Multiple Choice Test	N/A	Weekly (approximately)	N/A	Ongoing
Secondary Campus Supervisor	Multiple	Various	Continuous	One week prior to test date	Multiple Choice Test	N/A	Weekly (approximately)	N/A	Ongoing
Senior Mechanic	1	Student Safety & Transit	11/20/2020	12/16/2020	T&E; Structured Interview	12/23/2020	N/A	week of 1/4	1/12/2021
Skilled Maintenance Specialist	1	M&O	11/18/2020	12/14/2020	Multiple Choice Test; Structured Interview	N/A	12/18/2020	week of 1/4	1/12/2021

Simi Valley Unified School District Personnel Commission

Requested Position Classification Studies

FY 2020-21

Classification	Location	Request Date	Status	Reclassified
Administrative Services Assistant I	Superintendent's Office	Aug-20	Complete	No
Payroll Technician (3 positions)	Fiscal Services	Feb-20	Complete	Yes
School Services Assistant III	Simi Institute for Careers & Education	May-20	Complete	No

Updated: 11/10/20

SVUSD Classified Personnel Services

PERSONNEL COMMISION REPORT

2020-2021 P.C. BUDGET

521, 530, and 540 Accounts

(shortcut) fund-obj.-resrc-gl-func- loc-mgmt-psuedo	Description	2020-2021 Approved Budget	Revised Budget	Current Budget Status as of 11/30/20 Encumbered	Expensed	Balance
530-H&W	**RETIREE BENS**					
(176766) 010-3902-0000-0-0000-7490-165-530-0RET-0	OTH BENS Cls, Undistrib, Un	2,400.00	2,400.00		2,233.20	166.80
		2,400.00	**2,400.00**	**0.00**	**2,233.20**	**166.80**
530-0257	**PERSONNEL COMISSIONERS SALARIES**					
(084564) 010-2302-0000-0-0000-7490-165-530-0257-0	Cls Supv HR	2,700.00	2,700.00		600.00	2,100.00
(111818) 010-3202-0000-0-0000-7490-165-530-0257-0	Pers/Clas Undistrib.Unres	616.00	616.00			616.00
(087481) 010-3302-0000-0-0000-7490-165-530-0257-0	OASDI/Clas	207.00	207.00		21.13	185.87
(089153) 010-3402-0000-0-0000-7490-165-530-0257-0	H&W Clas	30,653.00	30,653.00	12,769.48	8,757.27	9,126.25
(090825) 010-3502-0000-0-0000-7490-165-530-0257-0	SUI Clas	2.00	2.00		.33	1.67
(092497) 010-3602-0000-0-0000-7490-165-530-0257-0	WrkComp Clas	88.00	81.00		16.53	64.47
Total for Optional 0257		**34,266.00**	**34,259.00**	**12,769.48**	**9,395.26**	**12,094.26**
530-0270	**PERSONNEL COMISSION STAFF OT**					
(084798) 010-2403-0000-0-0000-7490-165-530-0270-0	Off Sal OT	2,049.00	2,049.00		218.20	1,830.80
(111819) 010-3202-0000-0-0000-7490-165-530-0270-0	PERS/Clas	468.00	468.00			468.00
(087482) 010-3302-0000-0-0000-7490-165-530-0270-0	OASDI/Clas	157.00	157.00		16.69	140.31
(090826) 010-3502-0000-0-0000-7490-165-530-0270-0	SUI Class	2.00	2.00		.09	1.91
(092498) 010-3602-0000-0-0000-7490-165-530-0270-0	WrkComp Clas	67.00	61.00		6.00	55.00
Total for Optional 0270		**2,743.00**	**2,737.00**	**.00**	**240.98**	**2,496.02**
530-0271	**OFFICE SUPPLIES**					
(095154) 010-4300-0000-0-0000-7490-165-530-0271-0	MATLS/SUPPS (includes equip <$500)	1,200.00	1,044.00			1,044.00
Total for Optional 0271		**1,200.00**	**1,044.00**	**.00**	**.00**	**1,044.00**
530-0276	**CONTRACTED PERSONNEL SERVICES**					
(096913) 010-5800-0000-0-0000-7490-165-530-0276-0	PROF SRV	4,750.00	4,750.00		2,500.00	2,250.00
(146152) 010-5897-0000-0-0000-7490-165-530-0276-0	ROYALTY/LICENSE	15,576.00	16,200.00		18,698.88	2,498.88-
Total for Optional 0276		**20,326.00**	**20,950.00**	**.00**	**21,198.88**	**248.88-**
530-0278	**STAFF MILEAGE**					
(096542) 010-5200-0000-0-0000-7490-165-530-0278-0	TRAVEL/CONF	160.00	160.00		14.60	145.40
Total for Optional 0278		**160.00**	**160.00**	**.00**	**14.60**	**145.40**
530-0279	**ADVERTISING**					
(096914) 010-5800-0000-0-0000-7490-165-530-0279-0	PROF SRV	1,767.00	1,767.00		788.60	978.40
Total for Optional 0279		**1,767.00**	**1,767.00**	**.00**	**788.60**	**978.40**
530-0284	**DUES & MEMBERSHIP**					
(096696) 010-5300-0000-0-0000-7490-165-530-0284-0	DUES/MEMB	3,007.00	3,007.00		1,005.00	2,002.00
Total for Optional 0284		**3,007.00**	**3,007.00**	**.00**	**1,005.00**	**2,002.00**

SVUSD Classified Personnel Services

PERSONNEL COMMISION REPORT

2020-2021 P.C. BUDGET

521, 530, and 540 Accounts

(shortcut) fund-obj.-resrc-gl-func- loc-mgmt-psuedo	Description	2020-2021 Approved Budget	Revised Budget	Current Budget Status as of 11/30/20 Encumbered	Expensed	Balance
530-0286	**EQUIPMENT > $500**					
(105916) 010-4300-0000-0-0000-7490-165-530-0286-0	MATLS/SUPP	1,266.00	1,110.00			1,110.00
Total for Optional 0286		**1,266.00**	**1,110.00**	**.00**	**.00**	**1,110.00**
530-0669	**TRAVEL & CONFERENCE**					
(096544) 010-5200-0000-0-0000-7490-165-530-0669-0	TRAVEL/CONF	5,000.00	5,000.00			5,000.00
Total for Optional 0669		**5,000.00**	**5,000.00**	**.00**	**.00**	**5,000.00**
530-0BV5	**POSTAGE**					
(100280) 010-5710-0000-0-0000-7490-165-530-0BV5-0	DIR COST TFRS, UNDISTRIB,	500.00	344.00			344.00
Total for Optional 0BV5		**500.00**	**344.00**	**.00**	**.00**	**344.00**
530-0DER	**CONSULTANTS**					
(096916) 010-5800-0000-0-0000-7490-165-530-0DER-0	PROF SRV, UNDISTRIB, UNRE	6,484.00	6,484.00	4,899.75		1,584.25
Total for Optional 0DER and Expense accounts		**6,484.00**	**6,484.00**	**4,899.75**	**.00**	**1,584.25**
530-0E92	**DIRECTOR'S SALARY**					
(084552) 010-2301-0000-0-0000-7490-165-530-0E92-0	CLS SUPV/ADM MO, UNDISTRI	134,408.00	134,408.00	78,770.37	55,636.77	0.86
(111823) 010-3202-0000-0-0000-7490-165-530-0E92-0	PERS/CLAS, UNDISTRIB, UNR	30,645.00	30,645.00	16,305.45	11,516.80	2,822.75
(087486) 010-3302-0000-0-0000-7490-165-530-0E92-0	OASDI/CLS, UNDISTRIB, UNR	10,283.00	10,283.00	6,025.95	4,256.22	0.83
(089158) 010-3402-0000-0-0000-7490-165-530-0E92-0	H&W CLASS, UNDISTRIB, UNR	24,526.00	24,526.00	15,081.39	10,258.35	-813.74
(090830) 010-3502-0000-0-0000-7490-165-530-0E92-0	SUI CLASS, UNDISTRIB, UNR	68.00	68.00	39.41	27.83	0.76
(092502) 010-3602-0000-0-0000-7490-165-530-0E92-0	WRK COMP CLS, UNDISTRIB,	4,369.00	4,033.00	2,166.22	1,530.03	336.75
(133554) 010-3752-0000-0-0000-7490-165-530-0E92-0	OPEB CLAS, UNDISTRIB, UNR	360.00	160.00	70.00	30.00	60.00
		204,659.00	**204,123.00**	**118,458.79**	**83,256.00**	**2,408.21**
530-0MWW	**EMPLOYEE RECOGNITION**					
(095157) 010-4300-0000-0-0000-7490-165-530-0MWW-	MATLS/SUPPS	212.00	212.00			212.00
Total for Optional 0MWW		**212.00**	**212.00**	**.00**	**.00**	**212.00**
530-0N55	**PRINTING & XEROX USAGE**					
(105602) 010-5710-0000-0-0000-7490-165-530-0N55-0	PRINT SHOP	750.00	594.00			594.00
Total for Optional 0N55		**750.00**	**594.00**	**.00**	**.00**	**594.00**
530-0RFN	**ATTORNEY FEES**					
(096917) 010-5899-0000-0-0000-7490-165-530-0RFN-0	ATTY FEES	50,000.00	50,000.00	18,461.00	1,539.00	30,000.00
Total for Optional 0RFN		**50,000.00**	**50,000.00**	**18,461.00**	**1,539.00**	**30,000.00**
530-0W95	**INTERVIEW PANEL EXPENSES**					
(105457) 010-4300-0000-0-0000-7490-165-530-0W95-0	MATLS/SUPPS	590.00	590.00			590.00
(096918) 010-5800-0000-0-0000-7490-165-530-0W95-0	PROF SRV - CONTRACTED SERV.	2,000.00	2,000.00		28.18	1,971.82
Total for Optional 0W95		**2,590.00**	**2,590.00**	**.00**	**28.18**	**2,561.82**
Total for Mgmt Code 530		**337,330.00**	**336,781.00**	**154,589.02**	**119,699.70**	**62,492.28**

SVUSD Classified Personnel Services

PERSONNEL COMMISION REPORT

2020-2021 P.C. BUDGET

521, 530, and 540 Accounts

(shortcut) fund-obj.-resrc-gl-func- loc-mgmt-psuedo	Description	2020-2021 Approved Budget	Revised Budget	Current Budget Status as of 11/30/20		
				Encumbered	Expensed	Balance
540 - 0242	**CONFIDENTIAL PC STAFF SALARIES**					
(084651) 010-2401-0000-0-0000-7490-165-540-0242-0	Off Sal Mo	127,498.00	127,498.00	73,460.52	51,569.43	2,468.05
(111821) 010-3202-0000-0-0000-7490-165-540-0242-0	PERS/Clas	29,070.00	29,057.00	15,206.38	10,674.89	3,175.73
(087484) 010-3302-0000-0-0000-7490-165-540-0242-0	OASDI/Clas	9,754.00	9,754.00	5,603.01	3,933.12	217.87
(089156) 010-3402-0000-0-0000-7490-165-540-0242-0	H&W Clas	10,802.00	10,802.00	6,263.97	4,374.45	163.58
(090828) 010-3502-0000-0-0000-7490-165-540-0242-0	SUI Clas	64.00	64.00	36.61	25.72	1.67
(092500) 010-3602-0000-0-0000-7490-165-540-0242-0	Wrk Comp Clas	4,144.00	3,831.00	2,020.13	1,418.16	392.71
(133552) 010-3752-0000-0-0000-7490-165-540-0242-0	OPEB Clas (Oth Post Empl Benefits)	720.00	320.00	140.00	60.00	120.00
Total for Optional 0242 and Expense accounts		**182,052.00**	**181,326.00**	**102,730.62**	**72,055.77**	**6,539.61**
540-0353	**NON-CONFIDENTIAL PC STAFF SALARIES**					
(084652) 010-2401-0000-0-0000-7490-165-540-0353-0	OFF SAL MO, UNDISTRIB, UN	19,238.00	19,238.00	507.85	7,012.95	11,717.20
(111822) 010-3202-0000-0-0000-7490-165-540-0353-0	PERS/CLAS, UNDISTRIB, UNR	4,387.00	4,387.00	105.14	1322.06	2,959.80
(087485) 010-3302-0000-0-0000-7490-165-540-0353-0	OASDI/CLS, UNDISTRIB, UNR	1,472.00	1,472.00	38.85	536.50	896.65
(089157) 010-3402-0000-0-0000-7490-165-540-0353-0	H&W CLASS, UNDISTRIB, UNR	10,000.00	10,000.00			10,000.00
(090829) 010-3502-0000-0-0000-7490-165-540-0353-0	SUI CLASS, UNDISTRIB, UNR	10.00	10.00	0.28	3.22	6.50
(092501) 010-3602-0000-0-0000-7490-165-540-0353-0	WRK COMP CLS, UNDISTRIB,	626.00	576.00	14.00	192.88	369.12
(133553) 010 3702 0000-0-0000-7490-165-540-0353-0	OPEB CLAS, UNDISTRIB, UNRES	180.00	80.00		10.00	70.00
Total for Optional 0353 and Expense accounts		**35,913.00**	**35,763.00**	**666.12**	**9,077.61**	**26,019.27**
Total for Mgmt Code 540		**217,965.00**	**217,089.00**	**103,396.74**	**81,133.38**	**32,558.88**
TOTAL		**555,295.00**	**553,870.00**	**257,985.76**	**200,833.08**	**95,051.16**

SIMI VALLEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION
REVISION OF PERSONNEL COMMISSION RULE 7.20 –
APPLICATION OF SALARY SCHEDULES – SECOND READING

EXPLANATION:

The proposed revisions are to allow for compliance with California minimum wage requirements in the application of the Classified Salary Schedule and to align with the current CSEA Contract of Agreement.

The rule revisions are supported by the CSEA President and District Administration.

REVISIONS:

7.20 APPLICATION OF SALARY SCHEDULES

7.20.1 Initial Placement

A. All new classified employees shall be paid in accordance with the salary range established for the class to which assigned. The hiring rate will normally be the first step of the salary range. However, upon approval of the Director of Classified Personnel Services, a new employee may be provided with advanced step placement up to Step 3 based upon such factors as:

   1. Additional qualifying experience beyond that required for entry into the class (limited to no more than one step for each two years of experience related to the classification). Credit for work experience less than full-time will be granted on a pro-rated basis in the proportion that the amount of time worked per day, per week or per year bears to an eight hour day, forty (40) hour week.

   2. Additional education at the college level beyond the educational requirements established for entry into the class (limited to no more than one step for ~~each two years of education related to the position~~an associate degree and two steps for a bachelor's degree or above).

B. Upon recommendation of the appointing authority if recruitment difficulties exist or when considering a candidate with qualifications significantly exceeding the minimum for the classification, and with the approval of the Personnel Commission and Board of Education, a new employee may be granted step placement up to Step 5.

C. New employees may be placed up to Step 5 to comply with either federal and/or state minimum wage requirements.

D. The Director of Classified Personnel Services shall evaluate the qualifications of all candidates recommended for employment into the classified service in accordance with the provisions above and make the recommendation regarding appropriate step placement. All experience and/or proof of education will be verified by the Director of Classified Personnel Services or designee for the purposes of determining and recommending advanced step placement.

7.20.2 Step Advancement

A. Employees placed on Step 1 of the range will advance to Step 2 on the first day of the pay period (month) following completion of twelve months of service in the class. Each succeeding step will be attained one year from the preceding step. New employees placed above Step 1 of any range will advance on one-year intervals until the maximum step has been achieved.

B. For the purpose of this rule, an appointment made between the first and fifth day of the pay period (month) shall be considered as effective on the first day. Later appointments shall be considered as effective at the beginning of the next pay period (month).

7.20.3 Promotions

An employee who is promoted to a class allocated to a higher salary range shall be placed on the step of the new salary range that is at least five percent above the rate the employee received in the previous class, excluding any differential. Advancement will be at one-year intervals thereafter until the maximum is achieved.

7.20.4 Additional Appointments

When an employee is appointed to an additional class on a permanent basis which is at a salary range equal to or below ~~his/her~~their current range, ~~s/he~~they shall be placed on the first step of the additional class provided the step is compliant with federal and/or state minimum wage requirements.

7.20.5 Placement After Leave of Absence

A. Upon return from leave of absence, an employee shall be placed on the same step of the range for the class which ~~s/he~~they had achieved prior to the leave provided the step is compliant with federal and/or state minimum wage requirements, regardless of changes in rate or range applicable to the class, except that step advancement within range shall be granted when:

1. The time period required for step advancement has elapsed and the employee had served in active duty on at least seventy-five (75%) percent of the working days in ~~his~~ their assignment in the required time period prior to the leave, or

2. The law and/or these rules provide that credit for step advancement shall accrue during the leave of absence.

B. Credit for step advancement shall accrue during leaves of absence for military service or to serve in limited-term assignments in the district and during any paid absence, accident, and industrial leave.

C. When an employee is restored, after leave of absence, to ~~his/her~~ their previous salary step, ~~s/he~~they shall receive credit for step advancement for service prior to the leave. ~~His/her~~Their anniversary date shall be adjusted accordingly in order that ~~s/he~~they shall be granted step advancement after having completed the amount of service required by Rule 7.20.2.

7.20.6 Placement When Demoted

A. An employee who is permanent in the class who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate ~~s/he~~they earned in the higher class, excluding any differential, provided that ~~s/he~~they shall not receive a salary increase thereby

and that the rate is compliant with federal and/or state minimum wage requirements. If an employee has not become permanent in the higher class, ~~s/he~~they shall be placed on the step of the range of the lower class in which ~~s/he~~they served prior to the promotional appointment provided the rate is compliant with federal and/or state minimum wage requirements. ~~S/he~~They 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 7.20.2.

7.20.7 Differential Pay (See Unit Contract)

All regular positions, the regularly assigned time of which requires the incumbents to work one-half time or more between the hours of 4:00 p.m. and 7:00 a.m. shall be paid ~~at a monthly rate of $40.00 more than the day-time rate for that class for the second shift and $55.00 more than the day-time rate for that class for the third shift~~a shift differential at the rate designated in the bargaining unit contract. If such shifts normally occur less frequently than five days per week, such higher rates shall be paid only for those days on which the shifts occur.

SIMI VALLEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION
REVISION OF PERSONNEL COMMISSION ARTICLES 1 AND 2 –
SECOND READING
PRESENTED TO THE PERSONNEL COMMISSION ON DECEMBER 9, 2020

EXPLANATION:

The Personnel Commission requested that the Personnel Commission Rules be revised by article to ensure they are clear and up-to-date.

REVISIONS:

ARTICLE I
DEFINITIONS AND PRELIMINARY STATEMENT

1.10 DEFINITIONS, GENERAL

Unless otherwise required by context and/or prevailing law, words used in these ~~rules~~ Rules are understood to have the following meanings:

Act or The Act: The Act shall mean those sections of the Education Code of the State of California which apply to the merit system for classified employees in certain school districts. It shall include all of the provisions of Title 2, Division 3, Part 25, Chapter 5, Articles 5 and 6.

Allocation: The official placing of a position in a given class and the placement of a class on a salary schedule, rate range, or a flat range.

Anniversary Date: The date upon which an employee is granted a salary step advancement earned by completion of a required period of service. This is the first day of the pay period following completion of the required period of service.

Applicant: A person who has filed an application to take a merit system examination.

Appointing Authority: The Board of Education of the Simi Valley Unified School District.

Appointment: The official act of the appointing authority in approving the employment of a person.

Candidate: A person who has competed in one or more portions of a merit system examination.

Certificated Service: All positions and employees required by law to possess credentials issued by the State Department of Education.

Certification: The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the department which selects employees prior to the approval of the appointing authority.

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

Classified Service: All positions in the District's service to which the Act applies and which are not exempted by the Act. (See Rule 3.10.2)

Class Specifications: A formal statement of the duties and responsibilities of the positions in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class.

Commission: The Personnel Commission established pursuant to the Act for the Simi Valley Unified School District.

Demotion: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate.

Director of Personnel: Personnel Director and Secretary to the Personnel Commission, also known as Director of Classified Personnel Services.

Discharge or Dismissal: Separation from service for cause.

District: The Simi Valley Unified School District.

Dual Certification: A special procedure which provides for certification, in specified cases, from an open list while a promotional list exists. (See Rule 5.20.2)

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

Eligibility List: A list of the names of persons who have qualified in a competitive examination.

Emergency Appointment: An appointment for a period not to exceed 15 working days to prevent the stoppage of public business when persons on eligibility lists are not immediately available.

Employee: A person who is legally employed by the District.

Employment List: A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated or reemployed after resignation, or be reinstated after voluntary demotion or reduction to limited-term status.

Examination: The process of testing and evaluating the fitness and qualifications of applicants.

Exempt Service: All positions and employees not in the Classified or Certificated Service, i.e., those exempted by law.

Governing Board: The Board of Education of the Simi Valley Unified School District. (Synonymous with appointing authority).

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

Layoff: Separation from a regular position because of lack of work or lack of funds. Layoff also includes a reduction in hours of employment due to lack of work or lack of funds.

Limited Term Position: A position created by the appointing authority for a period not to exceed six months or a substitute employee during the authorized absence of a permanent employee, which may exceed six months.

Limited-Term Employee: An employee who is serving as a substitute for a regular employee on approved leave, or in a position established for a limited period of less than six months.

Permanent Employee: In reference to District employment status, an employee who has completed an initial probationary period in the Classified Service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class, or who entered the class by transfer, demotion, or reinstatement/reemployment without serving a probationary period.

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

Probationary Period: The trial period immediately following an original or promotional appointment to a regular position from an eligibility list.

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

Promotional List: An eligibility list resulting from a promotional examination limited to qualified employees of the District.

Provisional Appointment: A temporary appointment made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances. (See Ed Code Sections 45287, 45288, and 45289).

Provisional Employee: An employee employed under a provisional appointment.

Reclassification: A change in classification that could result in the reallocation of a position to a new class or to a class at a higher, lower or equal level according to the duties and responsibilities assigned.

Reemployment: A ~~Mandated~~ mandated return to duty of an employee who has been laid off.

Reemployment List: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reasons specified in these ~~rules~~Rules, or who have exhausted all leave privileges after illness or injury, and who are eligible for reemployment without competitive examination in their former class, arranged in order of their right to reemployment.

Regular Employee: An employee who has probationary or permanent status.

Regular Position: A position established for a continuing and indefinite or unlimited period of time.

Reinstatement: A discretionary reappointment of a former permanent employee within thirty-nine (39) months after the last day of paid service, without examination, to a position in the employee's former class or in a lower related class. The employee must have resigned in good standing. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

Salary Schedule: The complete list of ranges, steps, and rates of pay established for the classified service.

Salary Step: A specific location in a salary range, not the dollar amount. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees).

Salary Range: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range normally consists of five salary steps.

Salary Rate: A specific amount of money paid for a specified period of service, i.e., dollars per hour or month.

Separation: The ending of all status as an employee with the District - includes resignation, dismissal, layoff, retirement, etc.

Series: A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

Status: An employee's status may be either Regular (Probationary or Permanent) or Temporary (Provisional or Limited-term), and determines the employee's rights to certain benefits.

Suspension: An enforced absence of an employee without pay for disciplinary purposes.

Temporary: Employment on a basis other than permanent or probationary, i.e., in limited-term or provisional status.

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

Transfer-Administrative: Movement of a person and/or position from one location to another for the good of the service.

Waiver: The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.

1.20 PRELIMINARY STATEMENT

1.20.1 Statutory Authority for These Rules

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

~~It shall be the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:~~

~~A. The rule obviously requires Board approval, and~~

~~B. It is difficult to define the division of Commission and Board authority regarding the rule in question.~~

~~In such cases, the rule in question shall not become effective until it has been approved by the Governing Board.~~

1.20.2 Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule, amendment, or new rule shall have retroactive applicability.

The Merit System for the Simi Valley Unified School District is entered into force in a spirit of cooperation, is based upon the principle of equality, and is intended to pervade the performance of classified employees, the Personnel Commission, and the Board of Education throughout the life of the system. On the basis of this spirit and principle, any reasonable request of classified employees, Personnel Commission, or Board of Education shall be duly considered and acted upon by the other parties providing it is mutually acceptable.

1.20.3 Generic Terminology

As used in these ~~rules~~Rules, singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

1.20.4 Judicial Review

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

1.20.5 Effect of Data Contained in Addendum to Rules

The salary schedule and related data, class placement on the salary schedule, a classification plan, job descriptions, and other written material contained in the addendum to these ~~rules~~ Rules are to be interpreted as having the same force and effect as Commission Rules.

Article I Revised 5/13/2020

ARTICLE 2

THE PERSONNEL COMMISSION

2.10 ORGANIZATION OF COMMISSION

2.10.1 Terms (Ed Code 45247)

A. By law, the term of each Commissioner is for three years and expires at noon, December 1st. The term of one Commissioner expires each year. On or about September 1st of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner appointed by the Board or nominated by the classified employees and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Section 45247.

B. One member of the Commission shall be appointed by the Governing Board of the district and one member, nominated by the classified employees of the district, shall be appointed by the Governing Board of the district. Those two members shall publicly announce the name of the person they intend to appoint and in an open hearing, provide the public and employees and employee organization the opportunity to express their views on the qualifications of each candidate recommended for the vacancy.

Those two members may make their appointment or recommendation without further notification or public hearing.

2.10.2 Officers

At its first meeting following December 1st of each year, the Commission shall elect one of its members as Chairperson and another member as Vice Chairperson, to serve a term of one year or until their successors are duly elected. The one year term shall commence at the first meeting in January.

2.10.3 Quorum and Majority

Two members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two members shall be necessary for any action.

2.20 MEETINGS

2.20.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet once per month. Dates and times will be established by the Commission on an annual basis for each ensuing year. Meetings will be held at the District Office, 101 W. Cochran Street, Simi Valley, California. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least 48 hours' notice is given to employee and administration representatives and posted on the Commission's designated posting location. A copy of the regular meeting notice shall be posted on the Commission's designated posting location and exterior door of the District Office.

2.20.2 Adjourned Meeting

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

2.20.3 Special Meetings

A. Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two members. Written notice shall be delivered personally, by mail, or by e-mail to each member of the Commission. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. Such notice must be delivered personally, by mail, or by e-mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's designated posting location and exterior door of the District Office. The order shall specify the time and place of the special meeting and business to be transacted. No other business shall be considered at such meeting by the Commission.

B. Continuance of Hearing

A hearing that is being held, or is noticed or ordered to be held, by the Commission at any meeting may be continued, or recontinued, to any subsequent meeting. Within 24 hours after the continuation, a copy of the notice of continuation shall be posted on the Commission's designated posting location and exterior door of the District Office. If the hearing is continued to a time less than 24 hours after the item specified in the notice of hearing, a copy of the notice of continuance must be posted

immediately following the meeting at which the declaration of continuance was made.

C. Emergency Meetings

Emergency meetings may be called when two members of the Commission determine that an emergency situation exists in which prompt action is necessary due to the disruption or threatened disruption of public facilities. At least one hour before the meeting, notice must be given to each of the following who have filed written request for notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. If e-mail and telephone services are not functioning, notice requirements are deemed waived, but the Commission or its designee must notify those newspapers, radio stations, or television stations of the fact that the meeting has occurred as soon after the meeting as possible. A copy of the notice of the emergency meeting shall be posted on the Commission's designated posting location and exterior door of the District Office. The order shall specify the time and place of the emergency meeting and business to be transacted. No other business shall be considered at such meetings by the Commission.

The Commission may not meet in closed session during an emergency meeting.

2.20.4 Public Meetings

A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 2.20.5 This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission and will be provided reasonable opportunity to present their view orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

2.20.5 Closed Session

A. The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in closed session relating to an employee unless the employee has been notified of their right to a public hearing and has declined the public hearing or properly failed to request same.

B. The Commission may hold closed sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding negotiable items, such as salaries, salary schedules, or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives.

C. During the examination of a witness, the Commission may also exclude from any public or closed meeting any or all other witnesses in the matter being investigated.

2.20.6 Agenda and Supporting Data

The agenda will be posted on the Commission's designated posting location and the exterior door of the District Office at least 72 hours prior to every regular meeting or 24 hours prior to every special Commission meeting and distributed to the news media which have requested it. Insofar as possible, at least 48 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall also be provided to the designated representatives of all employee organizations representing district classified employees. When practicable, supporting data will be furnished in advance.

2.20.7 Amendment, Deletion, or Addition to Rules

A. All proposals, from any source, to amend, delete, or add to these ~~rules~~ Rules will be considered a "first tentative reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at the meeting.

B. At the "first tentative reading", the Commission will set a date for Commission action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.

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

2.20.8 Minutes

The Personnel Director shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested, a Commissioner's dissent or approval and reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representatives who have requested them.

2.20.9 Payment for Meeting Attendance (Ed Code 45251)

Each Commissioner shall receive the sum of $50.00 for each meeting attended in any one month, including regular, adjourned or special meetings, but not to exceed a total of $250.00 per month.

2.30 COMMISSION EMPLOYEES

2.30.1 Status of Commission Employees (Ed Code 45264)

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and responsible to the Personnel Commission. However, they shall be considered part of the Classified Service, and the rules, procedures, benefits, and burdens pertinent to the Classified Service shall apply to Commission employees except as the Commission may specifically direct.

2.30.2 General Duties of the Personnel Director (Ed Code 45266)

A. The Personnel Director shall be responsible to the Commission and shall perform all of the duties and carry out all of the functions imposed by law and these ~~rules~~ Rules and shall be free of prejudgment or bias in order to ensure the impartiality of the Commission. They shall act as Secretary to the Commission and shall issue and receive all notifications on its behalf. They shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.

B. The Personnel Director shall conduct classification, salary and rules studies and shall make such other investigations as directed by the Commission or as they deem necessary to their responsibilities. ~~They may be designated as a hearing officer in accordance with Education Code Section 45312.~~

C. The Personnel Director shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under Section 45305, if the Personnel Director is the party who brought the action against the employee.

D. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Commission.

2.40 MISCELLANEOUS PROVISIONS

2.40.1 Communications

A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.

B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject.

2.40.2 Budget (Ed Code 45253)

The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April. The annual budget of the Personnel Commission may include amounts for the purpose of Section 45255.

The Commission shall hold a public hearing not later than May 30 of each year, or at a date agreed upon between the Governing Board and the Personnel Commission to coincide with the process of adoption of the school district budget.

Prior to the public hearing, the Commission shall submit a copy of its proposed budget to the Board of Education for review. The Commission shall indicate to the Board of Education the time and place of the public hearing and invite the Board of Education and district administration to attend and present their views.

The Commission shall fully consider the views of the Board of Education prior to adoption of its proposed budget.

When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 45253.

If the County Superintendent of Schools proposes to reject the budget as submitted by the Commission, they shall, within 30 days of the Commission's submission of the budget, hold a public hearing on the proposed rejection within the District. They shall have informed both the Commission and the Governing Board of the date, time, and place of the hearing. They may after such public hearing either reject, or with the concurrence of the Commission, amend the proposed budget. In the absence of agreement between the Personnel Commission and the County Superintendent of Schools the budget of the

preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission.

2.40.3 Annual Report

A. The Personnel Director shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.

B. The report shall be prepared for Commission approval as soon after each calendar year as possible and not later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

Article II Revised 5/13/2020

SIMI VALLEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION
REVISION OF PERSONNEL COMMISSION ARTICLE 3 – SECOND READING
PRESENTED TO THE PERSONNEL COMMISSION ON DECEMBER 9, 2020

EXPLANATION:

The Personnel Commission requested that the Personnel Commission Rules be revised by article to ensure they are clear and up-to-date.

REVISIONS:

ARTICLE 3
POSITION CLASSIFICATION PLAN

3.10 THE CLASSIFIED SERVICE

3.10.1 Positions Included (Ed Code 45256)

A. All positions established by the Governing Board which are not exempt from the Classified Service by law shall be 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 person 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.

3.10.2 Exemption from the Classified Service (Ed Code 45256)

General Categories

Positions required by law to have certification qualifications, ~~part-time playground positions,~~ full-time ~~day~~ students employed part-time, part-time students employed part-time in any college work study program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and which is financed by state or federal funds, 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.

Special Categories (Ed Code 45112)

A. Board Assistants: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual board members. Such

positions, if created, are exempted from the provisions of these ~~rules~~ Rules insofar as they relate to position classification, recruitment, employment, and salary setting.

Persons employed in such positions shall be members of the Classified Service for all purposes except that they may not achieve permanency in the Classified Service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual board member.

If a permanent classified employee is appointed to serve in such an exempt position, ~~he~~ they shall retain status as a permanent employee. If ~~s/he is~~they are terminated from the exempt position, ~~s/he~~they shall have bumping rights in ~~his~~ their former class in the same manner as if ~~s/he~~they had been laid off for lack of work or lack of funds.

B. Senior Management (Ed Code 45256.5)

Under provisions of Education Code Section 45100.5, 45104.5, 45108.5 and 45256.5, the Board of Education may designate up to three positions as senior management of the Classified Service. Senior management positions ~~may involve~~must conform to either of the following two definitions in order to be legally declared senior management of the classified service: the fiscal advisor to the Superintendent ~~and~~ or an employee in the highest position~~s~~ that ~~have~~ has district-wide responsibility for formulating policies or administrating a principal district program area, as determined by the Board of Education.

The Governing Board may adopt a resolution designating certain positions as senior management. Employees whose positions are designated as senior management shall be 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.

Positions in senior management of the Classified Service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the District Superintendent and determined by the Personnel Commission.

Employees who have attained status in a permanent position in the Classified Service and are designated as senior management shall have the following rights if any or all of the senior management positions are abolished by a resolution adopted by the Board of Education or the assignment of an incumbent to a senior management position is terminated pursuant to the provisions of Education Code Section 35031:

(1) To a position which the employees would be entitled if their position and classification had not been designated as senior management.

(2) To a position which the employee holds bumping rights under the provisions of Merit System Rule 6.90.

(3) To a vacant position which is similar to their former position in the regular Classified Service upon approval of the Personnel Commission.

Displaced incumbents of senior management positions who have not attained permanent status in the Classified Service may be placed in a position only in accordance with the Education Code and ~~rules~~ Rules of the Personnel Commission.

3.10.3 "Part-time" Defined (Ed Code 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 87 1/2 percent of the normally assigned time of the majority of employees in the Classified Service.

3.10.4 Effect of Exemption (Ed Code 45256)

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

3.10.5 Professional Expert Assignment (Ed Code ~~45258~~45256)

A. A professional expert assignment is a temporary assignment for a specific project as designated by the Board of Education or Personnel Commission. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists. Professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be part of the Classified Service.

B. ~~When the person is known who is to be appointed as a professional expert, his/her name and data relative to his qualifications shall be submitted to the Personnel Director.~~ In order to be exempt from the Classified Service as a professional expert, ~~reputable members of his/her own profession must recognize an individual as such~~the individual must possess specialized qualifications in the area in which they are employed for the designated project.~~.~~ A professional expert designation is generally based on the following:

1. Approval of a committee of members of their own profession.

2. Certification or license to practice that profession by a governmental agency, if such a license is required.

3. Listing in publications where individuals are chosen for listing by members of their own profession.

4. Membership in professional honor societies limited to that profession.

5. An advanced degree from a recognized university with a major in the field of that profession.

The appointing authority shall make the determination as to whether or not a person should be hired to perform the duties of a professional expert and is qualified for the position to be filled. The appointing authority shall submit the information relative to the professional expert and their qualifications to the Classified Personnel Department. Authorization for service as a professional expert shall not exceed six months or a total of 720 hours in a fiscal year. Additional required service shall be subject to approval by the Commission.

C. A community services instructor position to be filled as a professional expert position shall be a person who is recognized by members of ~~his/her~~their profession and meets teaching standards for Community Services. The Commission or Personnel Director shall review and approve the qualifications of the position in order to determine whether or not the position fits in the professional expert category.

3.10.6 Apprentices (Ed Code 45263)

The establishment of an apprenticeship program shall be subject to the provisions of Education Code Section 45263

3.10.7 Restricted Positions and Employees (Ed Code 45105)

A. If positions, properly a part of the Classified Service are specially funded and, as a result of special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas, or other criteria which restricts the privilege of all citizens to compete for employment in such positions, the position shall, in addition to the assigned title, be designated as "Restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions as part of the regular school program, except that persons employed in restricted positions as defined in Education Code Section 45343, (Instructional Aides), shall not be subject to examination procedures as prescribed in Education Section 45273.

B. Persons employed in "Restricted" positions shall be classified employees for all purposes except: (1) they ~~may~~ shall not attain permanent status, (2) they shall not

be accorded seniority rights, (3) they ~~may~~ shall not serve as provisional employees, and (4) they are not eligible to compete in promotional examinations in the regular Classified Service.

C. Notwithstanding Sub-Rule B above, employees serving in "Restricted" positions, after completion of six months of satisfactory service, shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular Classified Service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, ~~s/he~~they shall be accorded full rights, benefits, and burdens of a regular Classified employee. Seniority rights shall be counted as of the date of ~~his~~ their initial appointment to the "restricted" position.

D. Anniversary date for salary increments for persons serving in a "Restricted" position shall be in accordance with Personnel Commission Rule 7.20.2.

3.10.8 Weekend/Holiday Positions (Ed Code 45204)

The Governing Board may create a position or class of positions which require and permit the holders of such positions(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created, the Commission shall, in classifying the position:

1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required to work.

2. Exempt employees serving in such positions ~~are exempt~~ from overtime pay for work required to be performed on a holiday. The overtime exemption shall not apply to hours required to be worked in excess of eight on any Saturday, Sunday or Holiday unless the class is specifically exempted in accordance with Education Code Section 45127 (for example, recreation and security classes).

3. ~~Insure itself~~Ensure that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is being created to avoid overtime payment, it shall refuse to classify the position(s) and will notify the Governing Board accordingly.

3.20 GENERAL CLASSIFICATION RULES

3.20.1 Assignment of Duties (Ed Code 45109)

The Board of Education shall prescribe the duties and responsibilities of all positions in the Classified Service except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to ~~this~~ the position, the Personnel Director shall report the facts to the appropriate administrator ~~in order~~so that ~~corrective~~ necessary action may be taken.

3.20.2 General Nature of the Classification Plan (Ed Code 45256)

The Commission shall classify all employees and positions within their jurisdiction. Classification of new and existing positions shall include, but not be limited to, assigning a job classification title; establishing minimum qualifications for entry into the classification; allocating positions to appropriate classes; arranging classes into occupational hierarchies; determining reasonable relationships within occupational hierarchies; and preparing written class specifications.

The Personnel Commission shall establish and maintain a plan of classification for all positions in the Classified Service. The Commission may create new classes and abolish or divide or merge existing classes within the classification plan, as the needs of the Classified Service require.~~Classes will be placed in groups according to general occupational nature and within groups, shall be listed in series. The Personnel Commission and/or Personnel Director, shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate or range applicable to each class.~~

3.20.3 Class Descriptions

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

1. The official class title.

2. A definition of the class, indicating the type of duties and responsibilities and ~~placement within the organizational scheme~~the amount of supervision received and exercised, if applicable.

3. A statement of ~~typical tasks~~representative duties and responsibilities or functions to be performed by persons holding positions allocated to the class. Each duty and responsibility shall be designated as "Essential" when necessary for compliance

with Americans with Disabilities Act (ADA) and California Fair Employment & Housing Act (FEHA).

4. A statement of the minimum qualifications for admission to examination and service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics. Minimum qualifications may never require a teaching, administrative or other credential, nor may they require work experience which essentially would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

5. A statement of distinguishing characteristics which differentiates the class from other related or similar classes, if applicable; and

6. License or other special requirements for employment or service in the class, if applicable.

~~7. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.~~

~~8. Minimum qualifications may never require a teaching, administrative or other credential, nor may they require work experience which essentially would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.~~

~~9. Each duty and responsibility shall be designated as "Essential" when necessary for compliance with ADA.~~

3.20.4 Interpretation of Class Description

The class descriptions are declared to have the following force and effect:

A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe 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 Personnel Commission.

B. In determining the class to which any position shall be allocated, the description for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other

parts of the descriptions, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

C. Each class description is construed in its proper relationship to other descriptions, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper graduation in the series in which the class is located and proper differentiation within the group of classes.

D. Qualifications commonly required of the incumbents of all positions, such as ~~good physical condition, freedom from disabling defects, citizenship (see Labor Code and I.N.S. Rules and Regulations Section 1940 et. seq. for exceptions), honesty, sobriety and industry~~ability to perform the essential functions of the job with or without reasonable accommodation, citizenship or other legal right of employment in this country, integrity, and personal industry, even though not specifically mentioned in the descriptions, are implied in the minimum qualification requirements.

E. The statement of minimum qualification requirements, when considered with other parts of the description, is to be used as a guide in the announcement of position vacancies and preparation of ~~tests~~ examination measures ~~and in~~ as well as the evaluation of the qualifications of applicants and candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

F. The class title shall always be used with the meaning set forth in the remainder of the class description.

3.20.5 Allocation of Positions to Classes

All positions substantially similar as to the duties performed, responsibilities exercised and qualification requirements shall be allocated to the same class.

3.20.6 Change in Duties of Positions

Any substantial change in the duties of existing positions shall be promptly reported in writing by the immediate supervisor to the Personnel Director who shall cause them to be reviewed toward determining whether the positions should be allocated to different classes.

3.20.7 Review of Positions (Ed Code 45285)

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed as appropriate. If the Director finds that a position or positions should be reclassified, ~~he~~ they shall advise the administration of ~~his~~ their findings. If the administration verifies the duties

of the position or if the duties are not revised to fit within the current classification, the Director shall report ~~his~~ their findings and recommendation to the Commission. ~~S/he~~The Director shall also report ~~his~~ their findings in cases where ~~his~~ their review indicates that no change in classification is necessary.

3.20.8 Creation of New Positions

When the Board creates a new position, it shall submit to the Classified Personnel Director, in writing, the proposed duties and responsibilities ~~officially~~ to be assigned to the position. The Personnel Director shall ~~present recommendations to the Commission, which shall~~:

A. Classify the position and determine whether the position should be allocated to an existing class or to a new class.

B. If a new class is recommended, the Personnel Director shall present the recommendation to establish a new classification to the Commission, which shall include recommended minimum qualifications which shall take into consideration those recommended by the Board, if any. The minimum qualifications approved by the Commission must reasonably relate to the duties and responsibilities assigned to the position by the Board.

C. Designate the proper salary placement of a new class, if one is established.

D. Notify the Board of its action.

3.20.9 Positions Requiring ~~Multiple Languages~~Special Language or Skills (Ed Code 45277)

A. The Board of Education may request that the Personnel Commission designate positions within a class ~~which~~ that require the holder of the position to ~~speak, read and write a language in addition to English, or to hold a valid School Bus Driver Certificate~~possess a special skill, license, or language.

B. The Board must clearly set forth valid reasons for ~~placing~~ designating ~~language requirements or valid School Bus Driver Certificate~~such requirements for a position. The duties of the position must be the same as those for all other positions within the classification, except for the special requirement stated herein.

C. An announcement calling for an examination for a class with position(s) containing ~~language requirements or a valid School Bus Driver Certificate~~ special requirements will contain appropriate information and will indicate that successful candidates possessing the special skill, license, or language ~~language requirements, or who possess a valid Bus Driver Certificate,~~ will be given preference over other successful candidates, as authorized in Rule 5.20.12, but only as to those specific positions.

D. When a vacancy occurs in a position ~~which~~ that has approved ~~language~~ special requirements~~, or a valid Bus Driver Certificate~~, ~~the Board will notify the Commission that the need for language requirements, or a valid Bus Driver Certificate, continues to be a part of the position~~the position shall maintain the requirements unless the Board of Education certifies that the special requirements are no longer required for the position. When such a position is to be filled under this section, the appointment shall be made from among the highest three ranks of applicants on the eligibility list who meet the requirements and who are ready and willing to accept the position. If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list if the personnel commissions that the requirements of Education Code Section 45288 (a) and (b) are met.

E. If a request from the Board to designate a position for ~~language~~ special requirements ~~or a valid Bus Driver Certificate~~ is challenged, the Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

3.20.10 Mandatory Titles (Ed Code 45342)

All teacher aide positions shall be assigned a basic title of "Instructional Aide~~.~~" or other appropriate title. The Commission, in classifying all such positions, shall determine sub-classes thereof, if any, and additions to the basic title as well as completing other classification requirements.

3.30 RECLASSIFICATION

3.30.1 Requests for Study

Requests for reclassification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting study and specific job duties using form(s) provided by the Classified Personnel Department. Request for study may be initiated by the administration, with the approval of the Superintendent or designee, or by employees or employee organizations. In addition, the Personnel Commission may initiate studies. Supervisors and incumbents are responsible for timely action to initiate requests for reclassification study based upon changes in assigned duties and responsibilities. Studies which are incomplete or held ~~by request~~due to lack of action or cooperation of the incumbent or supervisor ~~shall~~ may be terminated after 20 working days, and a new request may be submitted, or the submitted request may be re-verified to ensure accuracy.

If initiated by the employee, the employee must submit their request to their immediate supervisor. The supervisor shall review and submit to the department administrator, if applicable. Should a dispute arise between the employee and supervisor over the information provided by the employee, the supervisor shall include an explanation of the disputed points attached to the employee's request. In signing the ~~R~~request, administrative representatives other than the duly authorized person who assigned the work indicate their review of the content of the ~~R~~request and not approval or disapproval. Following acknowledgement by the department administrator, the request is submitted to the Classified Personnel Department.

Personnel Commission staff shall conduct a study of the subject position to determine whether the assigned duties are consistent with the classification concept with regard to complexity and level of responsibility. Recommendations shall be provided to the affected employee(s), their exclusive representative, the immediate supervisor and department administrator, and the Cabinet-level administrator. Recommendations for reclassification are made by the Personnel Director and are subject to review and approval by the Personnel Commission.

3.30.2 Effects on Incumbents (Ed Code 45285)

A. For an employee to be reclassified upward with ~~his/her~~their position, the reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or the assignment of completely new duties and responsibilities. Recommendations for reclassification shall include a determination as to whether the reclassification meets this rule. The Commission shall be the final approving authority.

Definition of Gradual Accretion
Gradual accretion of duties is the change over an extended period of time in duties and responsibilities of a position. For purposes of these ~~rules~~Rules, gradual accretion of duties must occur over a period of at least two (2) years of regular service. For purposes of these ~~rules~~Rules, two (2) or more years of regular service shall be interpreted to mean assignment for at least two (2) complete years within the assignment basis of the class or position.

Determination as to gradual accretion will be based on an analysis of data to be supplied by the division or school, as well as the Personnel Commission staff, regarding the following guideline factors:

a. The nature and scope of each identified change in duties and responsibilities.

b. The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.

c. The conditions which led to the association of the added duties and responsibilities with the subject position.

d. Evidence of the employee's performance of the added duties and responsibilities.

B. 1. Incumbents with two or more years of service in a class who are being reclassified as a result of gradual accretion of duties and responsibilities may be reclassified upward with their position without an examination.

2. Incumbents who do not meet the definition of gradual accretion as specified above may be reclassified upward with their position after passing a competitive or qualifying examination.

3. An employee who has been reclassified upward with ~~his/her~~their position without examination shall be ineligible to again be reclassified upward with ~~his/her~~their position until at least two years have elapsed from the last upward reclassification.

C. 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:

1. The right to bump the employee in the same class with the lowest seniority in the class provided that the incumbent has greater seniority in the class.

2. The right to bump the employee with the least seniority in an equal or lower class in which the incumbent formerly served, provided that ~~s/he has~~they have greater seniority in that class.

3. The right to be demoted or to transfer, without examination, to the class to which ~~his/her~~their position is reclassified. The employee may choose to transfer, demote, or exercise bumping rights at ~~his/her~~their option, and ~~his/her~~their choice shall not affect this right.

D. When a position or group of positions has been studied for classification or salary purposes, the position or group of positions shall be ineligible for review until at least five years have elapsed unless otherwise directed by the Personnel Commission.

3.30.3 Effective Date of Reclassification

Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but not more than three months.

3.30.4 Placement When a Position is Reclassified

An employee whose position is reclassified upward shall be placed on the appropriate step of the range for the higher class in accordance with the provisions of Rule 7.20.3, Promotions. An employee whose position is reclassified to a class with an equal salary range shall remain on the same salary step ~~s/he~~they occupied in ~~his~~ their original classification. An employee whose position is reclassified to a class with a lower salary range shall be placed on the step of the range of the lower class which is closest to the rate ~~s/he~~they earned in the higher class, excluding any differential, provided that ~~s/he~~they shall not receive a salary increase thereby.

3.30.5 Reemployment List for Displaced Incumbents (Ed Code 45308)

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

B. This ~~rule~~ Rule shall be followed in all instances of reclassification whether it results in an upgrade, ~~or~~ downgrade, lateral class movement, bumping or complete displacement of incumbents.

3.40 WORKING OUT OF CLASSIFICATION

3.40.1 Temporary Out of Classification Assignment (Ed Code 45110)

Classified employees shall not be required to perform duties or functions which are not fixed and prescribed for the position by the Board, or reasonably relate to those fixed for the position by the Board, for any period of time which exceeds five working days within a 15-calendar-day period except as authorized herein. An employee may be required to perform duties inconsistent with the concept of their classification for a period of more than five working days within a 15-calendar-day period provided that, if the duties are higher-level, their salary is adjusted upward for the entire period they are required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside of their classification.

In the event an employee is to be temporarily assigned duties outside of their job classification for a period of more than five working days within a 15-calendar-day period, it is the supervisor's responsibility, prior to the assigning of duties whenever possible, to contact the Classified Personnel Department to determine the appropriate classification and salary of the assignment. The supervisor shall submit written request for the out-of-classification assignment using form(s) prescribed by the Classified Personnel Department.

Employees assigned to work temporarily out-of-class shall remain in said position until the need is diminished, the employee requests release from the assignment, or as dictated by law or retirement system regulations.

If an employee perceives they are performing duties, assigned by a duly authorized person,

that are outside of and not reasonably related to their classification for a period of more than five working days within a 15-calendar-day period, they shall notify their immediate supervisor of the duties in writing on or before the sixth day after the employee perceives they are working out of class. The supervisor shall review the submitted duties to determine the completeness and accuracy of the statements and to clarify or provide information concerning the duties and responsibilities. The supervisor may not change the description of duties as prepared and certified by the employee. The supervisor shall submit the claim and any additional information to the department administrator. Following acknowledgement, the department administrator shall submit the claim and any additional documentation submitted by the supervisor to the Classified Personnel Department. Personnel Commission staff shall conduct a review of the assigned duties and responsibilities to determine whether the employee is performing duties outside of their classification, as well as the salary range at which the employee is performing, if applicable. Personnel Commission staff shall share the determination with the employee, supervisor, and department administrator. If it is determined that the employee is performing assigned duties outside of their classification concept, the employee shall be paid in accordance with Rule 3.40.2. Claims for temporary out-of-class payment must be submitted within 30 days of assignment in order to be granted.

Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification. Nothing in this ~~r~~Rule shall be construed as permission to circumvent the provisions and procedures of the Merit System Article as set forth in Title 2, Division 3, Part 25, Chapters 5 and 6 or applicable section of Personnel Commission Rules. Furthermore nothing in this ~~r~~Rule shall be construed as permitting an employee to refuse to perform duties assigned by a duly authorized person.

Requests for reclassification of a position based on a permanent assignment of duties shall be made in accordance with Rule 3.30 – Reclassification.

~~An employee assigned out of classification work on a temporary basis shall file for compensation within thirty (30) days of assignment using the following procedure:~~

~~A. The employee completes the Claim for Out of Classification Form and submits to supervisor.~~

~~B. The supervisor approves and submits to second level manager and forwards to Cabinet level administrator for approval.~~

~~C. The claim is forwarded to the Personnel Office for review and submitted to the Payroll Office for payment.~~

~~D. A claim is required each pay period~~

~~Temporary out of classification assignments will not exceed 90 working days.~~

~~Disputed claims will be reviewed by the classified Personnel Office and rejected or ordered paid within thirty (30) days.~~

~~3.40.2 Requirements for the Claim for Work Out of Classification (E.C.45110)~~

~~Any classified employee who has been temporarily assigned and has performed duties for two hours or more, for more than five working days within a 15 calendar day period, which s/he believes are inconsistent with those duties assigned to his position and do not reasonably relate to those of his classification may prepare a Claim for Work out of Classification Form.~~

~~3.40.3 Procedure for Processing a Request for Classification Study~~

~~1. The employee shall complete the Request describing in detail those duties assigned and performed which are inconsistent with his position and do not reasonably relate to his classification.~~

~~2. The employee shall forward the Request to his immediate supervisor or the authorized person who required him/her to perform the work out of classification. The immediate supervisor or authorized person shall either state the reasons for the assignment and certify the performance of the work specified by the employee or, if unwilling to do so s/he shall state his/her reasons in an attachment to the Request. The Director of Classified Personnel Services will conduct an investigation of the refusal to certify the Request and, based upon his/her findings, prepare a recommendation for action by the Personnel Commission.~~

~~3. The Request shall be forwarded to the employee's immediate supervisor and then to the second level supervisor for acknowledgement of the assignment, and after such acknowledgement the Request shall be transmitted to the employee's division head.~~

~~4. The division head having acknowledged the assignment, shall transmit the Request to the Office of Classified Personnel Services. In signing the Request, administrative representatives other than the duly authorized person who assigned the work indicate their review of the content of the Request and not approval or disapproval.~~

~~5. When a Request for Classification Study is based on a permanent assignment of duties to a position, a duties statement, approved by the division head, shall be submitted with the Request. If the division head concurs in the permanent assignment of duties to a position and those duties do not fall within the classification of the position, the duties statement shall be forwarded to the Director for classification and salary study.~~

~~D. Personnel Commission staff shall review the Request for Classification Study and make a determination as to whether the duties described therein reasonably relate to those of the employee's classification.~~

~~1. Any Request which does not indicate sufficient information for a staff evaluation shall be returned to the division head, without further processing. If resubmitted, under provisions of this rule, it shall be reprocessed in accordance with the requirements of Paragraph C. above.~~

~~2. If the duties reported and certified are found to be at a higher level than the employee's classification and not within an existing class in the Classified Service, an appropriate salary differential, which reasonably reflects the level of responsibility of the assignment and the kind and level of duties performed, shall be determined by the Personnel Commission staff.~~

~~3. If the duties and responsibilities performed are determined to be within an existing higher class, the employee shall be paid the appropriate step of the schedule for the higher class in accordance with the provisions of Rule 7.20.3, Promotions.~~

~~4. In no instance shall an employee receive a greater benefit than that to which s/he would be entitled if he had been promoted from his regular position to a higher class.~~

~~E. Personnel Commission staff determinations as to work out of classification and appropriate salary differentials shall be submitted to the Personnel Commission for approval and, if approved, to the Board of Education for authorization of payment.~~

~~F. Payment for work out of classification shall be for the first five working days within a 15 calendar day period as well as each day in addition thereto in which the employee was required to perform work out of classification.~~

~~G. Nothing in this rule shall be construed as permission to circumvent the provisions and procedures of the Merit System Article as set forth in Title 2, Division 3, Part 25, Chapters 5 and 6 or applicable section of Personnel Commission Rules. Furthermore nothing in this rule shall be construed as permitting an employee to refuse to perform duties assigned by a duly authorized person.~~

3.40.~~42~~ Salary ~~When Working~~During a Temporary ~~out~~ Out of Classification Assignment

In the event an employee is temporarily assigned duties outside of their classification in a class allocated to a higher salary range for two hours or more, for more than five working days within a 15-calendar-day period, the employee shall be paid out-of-class payment as if promoted (payment at the step of the higher salary range that is at least five percent above the rate the employee receives in their regular class, excluding any differential). If the employee is assigned higher-level duties that are not within an existing class in the

Classified Service, an appropriate salary differential, which reasonably reflects the duties and responsibilities of the assignment, shall be determined by Personnel Commission staff. Out-of-class pay shall be for the entire period of working out of classification. In no instance shall an employee receive a greater benefit than to which they would be entitled if they had been promoted from their regular position to a higher class.

In the event an employee is temporarily assigned lower or equivalent-level duties outside of their classification, or in a class allocated to an equal or lower salary range, during their regular assignment, the employee shall not receive less than their regular base pay.

~~A. A regular employee assigned to work temporarily (six months or less) in a higher related classification for a period of time which exceeds five working days within a fifteen (15) calendar day period, shall have his salary adjusted upward for the days he is required to work out of classification.~~

~~B. Salary adjustment upward shall be construed to be the same salary as if promoted.~~