



PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION – ADMINISTRATIVE AND SUPERVISORY PERSONNEL

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**4300 Classified Senior Management and Supervisory Employees**

A senior management employee is either a fiscal advisor to the County Superintendent of Schools or an employee in the highest position not requiring certification in a principal SBCEO program area, with countywide responsibility for formulating policy or administering the program. (Education Code 45108.5)

Employees holding positions designated as classified senior management and supervisory positions are entitled to all of the rights, benefits, and burdens of other classified employees, except that each senior management and supervisory employees shall not obtain permanent status in a senior management position. (Education Code 45100.5, 45256.5)

If assigned to a position within a bargaining unit, classified management and supervisory employees shall be reclassified at the discretion of the County Superintendent of Schools subject to provisions of the applicable collective bargaining agreement or the rules of the personnel commission.

Positions in the 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 County Superintendent of Schools or designee and determined by the personnel commission. (Education Code 45256.5)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**Management Resources**

Court Decision

**Description**

Auer v. Robbins, (1997) 117 S.Ct. 905

**State**

- Ed. Code 35031
- Ed. Code 45100.5
- Ed. Code 45104.5
- Ed. Code 45108.5
- Ed. Code 45108.7
- Ed. Code 45128
- Ed. Code 45130
- Ed. Code 45256.5
- Gov. Code 3540
- Gov. Code 3540.1
- Gov. Code 3543.4
- Gov. Code 3545

**Description**

- Term of employment
- Senior classified management positions
- Abolishment of senior classified management positions
- Definition of senior classified management employees
- Waiver of provisions of 45108.5
- Overtime
- Exclusion from overtime provisions
- Designation of certain senior classified management positions
- Purpose
- Public employment definitions
- Management position; representation
- Appropriateness of unit; basis

ADOPTED BY COUNTY SUPERINTENDENT: September 1, 2022

REVISED: