

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE IX
EMPLOYMENT STATUS**

Section 1 Certification of Payrolls

9.1.1 Payroll Certification

No person shall be appointed to a position in the Classified Service unless the assignment order is certified by the Director, Human Resources Classified. The Director shall certify that the assignment has been made in accordance with these rules and regulations and the provisions of the Education Code.

9.1.1.1 The Director shall audit all changes of status for classified employees and positions, and shall certify that any and all changes are in accordance with existing laws and these rules.

9.1.1.2 If and when it is deemed necessary, the Director is authorized to audit all payrolls as provided in Education Code #45310. Should the Director find that employment assignments are not in accordance with existing laws or the Rules and Regulations of the Personnel Commission, the Director will immediately notify the Superintendent of any irregularities and attempt to resolve the problems.

References: E.C. #45310
Adopted: December 12, 1989
Revised: February/March, 1999, 2009
Reviewed: February 17, 2009, June 29, 2021

9.1.2 Withdrawal of Payroll Certification

Following notification of irregularities by the Director, the District will be given a reasonable amount of time to make the necessary corrections. Should the District fail to make the necessary corrections during the time allotted, the Director is hereby authorized to submit a notice of withdrawal of the certification to both the District and the County Superintendent of Schools and order that any salary payment or other warrant be stopped. Notice of violation (s) shall also be noted upon such payroll or service report(s), and such notice shall serve as an official notification to the Board of Trustees and the office of the County Superintendent of Schools that the drawing, signing, or issuing of any warrant will be unlawful.

References: E.C. #45169, #45310, and #45311
Adopted: December 12, 1989
Reviewed: February 17, 2009, June 29, 2021

Section 2 Assignment of Employees

9.2.1 Assignment Data

Upon initial employment and upon each subsequent change in classification, each classified employee shall be furnished with the following:

- A. The employee's class specification (job description).
- B. Notice of salary data, including pay period and the hourly, daily, monthly, or annual salary rate, as applicable.
- C. Work location and duty hours, prescribed work week and work year.
- D. The terms and conditions of the probationary period, including performance evaluation procedures.

References: E.C. #45169,
Adopted: December 12, 1989
Reviewed: February 17, 2009, June 29, 2021

9.2.2 Employee Signature Required

Each employee shall sign an acknowledgment of the receipt of the assignment data (form P-32). The original shall be placed in the employee's personnel file. The employee shall be provided with a copy, and a copy shall be sent to the payroll office.

Reference: E.C. #45169,
Adopted: December 12, 1989
Revised: February 17, 2009, June 29, 2021

9.2.3 Assignment Changes

The District shall have the right to assign and reassign daily hours of work and work shifts, in order to meet the operational needs of the District.

When such a change is made, the employee's supervisor shall notify the employee and the Director in writing at least five (5) working days prior to the effective date of the change.

References: E.C. #45169
Adopted: December 12, 1989
Revised: February 17, 2009
Reviewed: June 29, 2021

9.2.4 New Employee Orientation

Within five (5) working days of starting the assignment, each employee shall be advised by their immediate supervisor or designee of information relating to the employee's position, including reporting requirements, break times and lunch periods, work rules and department/school regulations, procedure for reporting absences, the terms and conditions of probation, and the procedures for performance evaluation.

Reference: E.C. #46260
Adopted: December 12, 1989
Reviewed: February 17, 2009, June 29, 2021

Section 3 Probationary and Permanent Status

9.3.1 Probationary Status

9.3.1.1 Initial Probationary Period

Each new employee appointed from an eligibility list shall serve an initial probationary period of one-hundred-thirty (130) days of paid regular service (excluding holidays, and days of absence for illness or injury or any work performed on an overtime basis) in the classification for which employed.

For positions designated by the Personnel Commission as executive, administrative, or supervisory, the probationary period shall be two-hundred-sixty (260) days of paid regular service (excluding holidays, and days of absence for illness or injury) in the classification for which employed.

Credit toward completion of the probationary period shall be granted only for service in regular positions in the class after appointment from an appropriate eligibility list. Time worked in other capacities or classifications shall not be counted toward completion of a/the probationary period.

References: E.C. #45269, #45270, and #45301
Approved: June 15, 1965
Amended: October 11, 1984 December 12, 1989
Reviewed: February 17, 2009, June 29, 2021

9.3.1.2 Completion of Initial Probationary Period

Each probationary classified employee shall be evaluated a minimum of two (2) times during the probationary period in accordance with the following rules:

- A. A probationary employee shall be given written notice of a termination prior to the date on which the probationary period ends.
- B. A new probationary employee may be suspended and dismissed without cause at any time during the initial probationary period as provided by these Rules and Regulations.
- C. A probationary employee who is to be terminated for unsatisfactory work performance may be allowed, at the discretion of the Director, to resign in lieu of being terminated, provided that the resignation is submitted and received by the Director prior to the school board's action to terminate.
- D. A probationary employee who resigns in good standing during the initial probationary period shall, upon request, have their name restored in proper rank order on the eligibility list from which selected. However, such restoration shall not extend the life of that list or the person's period of eligibility.
- E. Should the work for which a probationary employee has been appointed prove to be temporary instead of permanent as certified, and should such person be laid off without fault or delinquency on their part before completion of the probationary period, the person's name shall be restored to the eligibility list and the time served in the defunct position shall be credited to them toward completion of the probationary period in any subsequent position to which appointed in that same classification.

References: E.C. #45256, #45269, #45270, #45272, #45281, #45301, #45302
Adopted: December 12, 1989
Revised: February 17, 2009, June 29, 2021

9.3.1.3 Subsequent Probation for Permanent Employees

A permanent classified employee who has been promoted, or laterally transferred to a related class, shall serve a new probationary period of one-hundred-thirty (130) days in the new class before attaining permanency in that class.

During such new probationary period, the employee may be demoted to a position in their former class which is equivalent to the one held prior to the change in classification. The person to be so demoted shall be notified in writing of the impending action and the reasons for it. Such employee shall have the right to appeal the action in accordance with the provisions of Personnel Commission Rule #19.5.1

References: E.C. 45256, #45269, #45270, #45272, #45281, #45301, #45302, and #45305
Adopted: December 12, 1989
Revised: February 17, 2009, June 29, 2021

Section 4 Permanency

9.4.1 Permanent Status

Upon successful completion of the prescribed initial probationary period (see Personnel Commission Rule 9.3.1), a classified employee shall be deemed to be a part of the permanent classified service.

References: E.C. #45301
Adopted: December 12, 1989
Reviewed: February 17, 2009, June 29, 2021

9.4.2 Rights/Benefits/Burdens of Permanent Employees

Every permanent classified employee shall be entitled to all the rights, benefits, and burdens conferred by law, the Personnel Commission's Rules and Regulations, or by action of the Board of Trustees for classified employees in the same or like classification, including a vested right in their position or classification. Such vested interests provide that a permanent classified employee may only be removed for cause or as the result of layoff because of a lack of work or lack of funds.

References: E.C. #45301
Adopted: December 12, 1989
Reviewed: February 17, 2009, June 29, 2021

9.4.3 Classification Change Permanency

Upon successful completion of the probationary period, upon change of classifications (see Personnel Commission Rule 9.3.1.3), the classified employee shall attain permanency in the new classification.

References: E.C. #45301
Adopted: December 12, 1989
Reviewed: February 17, 2009, June 29, 2021