

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE VII
APPOINTMENT TO POSITIONS IN THE CLASSIFIED SERVICE**

Section 1 Procedures for Appointment

7.1.1 Procedures for Selection

The appointing authority shall interview eligible candidates certified from appropriate employment or eligibility lists. A selection shall be required when sufficient eligible candidates are certified for a given vacancy to total three (3) or more ranks of eligible candidates.

Reference: E.C. #45260, #45261, and #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.1.2 Appointment(s)

Following the interview process, the appointing authority shall submit the name of the person selected to the Director, Human Resources Classified or designee who shall make the official offer of employment on behalf of the District; pending approval action by the Board of Trustees (except for Personnel Commission employees).

The prospective employee shall be allowed two (2) weeks to report for duty after an offer of employment has been made, or one (1) month in the case of management classes. Should the prospective employee be unwilling or unable to report for duty within the prescribed period, the appointing authority may allow the person additional time for reporting for duty, select another person from the list of persons who have been certified, or request the Director to certify an additional eligible candidate or candidates.

References: E.C. #45260 and #45261
Adopted: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.1.3 Discrimination Prohibited

No applicant, candidate, or eligible candidate certified for appointment shall, in any way, be discriminated against because of his/her political or religious opinions or affiliations, race, age, color, national origin or ancestry, sex, sexual orientation, marital status, employee organization membership or non-membership or legal matters related thereto; mental and/or physical disability, or medical condition. No questions related to these matters shall be asked during the interview and selection process.

References: E.C. #45260, #45261, and #45293
Adopted: October 31, 1989
Amended: May 24, 1994
Revised: December 15, 2008, May 26, 2020

7.1.4 Nepotism Prohibited

- A. No person shall be employed in any position which is in a direct line of supervision under a supervisor or administrator who is a member of that person's immediate family.
- B. No employee shall be assigned or transferred to a work location under a supervisor or administrator who is a member of the employee's immediate family.
- C. For purposes of this rule, immediate family shall include the father, mother, grandparent, or grandchild of the supervisor/administrator or their spouse, as well as the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person residing in the immediate household of the supervisor/administrator.

References: E.C. #45260 and #45261
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, May 26, 2020

Section 2 Provisional Appointments

7.2.1 Use of Provisional Appointments

The appointing authority may make a provisional appointment when the Director certifies that:

- A. No eligibility list exists; or
- B. An eligibility list exists, but there is an insufficient number of candidates who are ready, willing, and able to accept appointment and the appointing authority is insistent upon having three (3) ranks of eligibles for interview and selection.

References: E.C. #45260, #45261, #45287, #45288, and #45289
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, May 26, 2020

7.2.2 Duration of Provisional Appointments

The duration of a provisional assignment may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall elapse before an employee is again eligible to serve in any full-time provisional assignment. In no case may a person be employed in full-time provisional assignments for a total of more than one-hundred-twenty-six (126) working days in any fiscal year.

References: E.C. #45260, #45261, #45287, #45288, and #45289
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, May 26, 2020

7.2.3 Extension of Provisional Appointments

The Personnel Commission may authorize the extension of the ninety (90) working days for a provisional appointment for a period of time ~~(beyond the 90 days)~~ which shall not exceed thirty-six (36) additional working days; provided that:

- A. An examination for the class was completed during the initial ninety (90) working days of the provisional employee's assignment.
- B. Satisfactory evidence is presented which indicates that: (1) an adequate recruitment effort was and is being made; (2) extension of the provisional assignment is necessary for carrying on vital functions of the District; and/or (3) the position cannot be satisfactorily filled by use of other employment lists or procedures.

References: E.C. #45260, #45261, #45287, #45288, and #45289
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, May 26, 2020

7.2.4 Successive 90-Day Appointments

In the absence of an appropriate eligibility list, the Director may approve successive ninety (90) working day provisional appointments to a position for periods of time in excess of one-hundred-twenty-six (126) working days provided that the position is in a classification authorized by the Commission for continuous examination (see Personnel Commission Rule #5.2.6) and/or the number of hours regularly assigned to the position totals less than twenty (20) hours per week.

Such appointments shall be continued only until such time as a selection can be made from an appropriate eligibility list.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.2.5 Qualification of Provisional Appointees

Provisional appointees must meet the qualifications established for the position/classification. The appropriateness of the intended appointee's qualifications shall be made by the Director prior to the person's appointment to the position.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.2.6 Status of Provisional Appointees

- A. Time served in a provisional assignment shall not be credited toward completion of a probationary period for the class in which the provisional appointment is made, or provide the person with any other vested rights in the position or class.
- B. To be eligible for appointment to the position or any other position in the class in which the person is serving as a provisional employee, the person must qualify through the competitive examination process for placement on an appropriate eligibility list.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.2.7 Terminating Provisional Appointments

The services of a provisional employee shall be terminated within twenty (20) working days following the date on which certification for interview from an eligibility list has been made. However, a provisional appointment may be terminated at any time; at the discretion of the appointing authority.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Revised: December 15, 2008, May 26, 2020

Section 3 Limited-Term And Substitute Appointments

7.3.1 Limited-Term Position/Employee Defined

- A. A "Limited-Term Assignment" is a position established to perform duties which are not expected to exceed six (6) months in duration, and a "Limited-Term Employee" is someone assigned to fill such a position.
- B. A person assigned to temporarily replace an absent employee is also a "Limited-Term Employee." However, a person serving in this kind of assignment shall be referred to or categorized as a "Substitute" or "Limited-Term/Substitute."

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, and #45290

Adopted: October 31, 1989

Reviewed: December 15, 2008, May 26, 2020

7.3.2 Procedure For Creating Limited-Term Assignments

- A. To create and fill a Limited-Term position or assignment (as noted in 7.3.1.A), the appointing authority shall submit written notification to the Director; providing the nature of the duties to be performed, hours of work, starting date, and probable length of time the position or person will be needed.
- B. The creation of Limited-Term positions or assignments shall be subject to approval by the Board of Trustees and the Personnel Commission, and subject to classification by the Personnel Commission.

References: E.C. #45260, #452561, #45286, #45287, #45288, #45289, and #45290

Adopted: October 31, 1989

Reviewed: December 15, 2008, May 26, 2020

7.3.3 Procedure For Filling Substitute Assignments

- A. When someone is needed to serve as a "Limited-Term/Substitute," the appointing authority shall notify the Director of the need, effective date, the position to be filled, anticipated length of time the person will be needed, and the name of the absent employee.
- B. A "Substitute" or "Limited-Term/Substitute" assignment shall not exceed the duration of the absence of the regular employee.
- C. In assigning someone to serve as a Limited-Term Substitute, the person may be assigned to the same classification and be required to perform the regular duties and responsibilities of the absent employee, or the duties and responsibilities may be reduced in level to accommodate the skills, knowledge, and abilities of available substitutes.

Should the duties and responsibilities of a position be reduced in level, the Director shall classify the remaining duties and assign appropriate compensation which shall subsequently be submitted to the Personnel Commission for ratification.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, and #45290

Adopted: October 31, 1989

Reviewed: December 15, 2008, May 26, 2020

7.3.4 Eligibility For Appointment To Limited-Term Assignments

- A. "Limited--Term " or "Limited--Term/Substitute" appointments shall be made from eligibility and other established employment lists; except as otherwise provided.
- B. When a person is selected from an appropriate eligibility list to serve as a "Limited--Term" or a "Limited--Term/Substitute" employee, the individual so selected shall continue to be eligible for Limited-Term and Limited-Term/ Substitute assignments in the same or lower related classes after the eligibility list (from which the selection was made) has expired. This provision shall also apply to a former employee who has left the District in good standing, and is willing to accept a limited-term assignment or assignments in his/her former class or in a lower related class (as established by Personnel Commission Rule # 3.4.2.1 through 3.4.2.13).
- C. When no eligible is available to accept a "Limited-Term" or "Limited-Term/Substitute" assignment, the Director is hereby authorized to utilize other means to fill positions on a "Limited-Term" basis.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, and #45290
Adopted: October 31, 1989
Revised: December 15, 2008, May 26, 2020

7.3.5 Compensation For Limited-Term and Substitute Assignments

- A. A person who accepts a "Limited-Term" or a "Limited-Term/Substitute" assignment will normally be compensated on the first step of the salary range for the classification to which assigned. A person may be compensated above the first step, not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission.
- B. When a regular employee is given a Limited-Term assignment in a higher class in lieu of all or part of their regular assignment, such person shall be compensated on the first step of the higher salary range which provides the employee with at least a four percent (4%) increase in salary; not to exceed the top step of the higher salary range.
- C. When a regular employee is given a Limited-Term assignment in a lower class in lieu of all or part of their regular assignment, such person shall be compensated through placement on the step of the lower salary range which is closest to the amount earned in his/her regular classification; not to exceed the top step of the assigned salary range.
- D. A former employee who accepts a Limited-Term or a Limited-Term/Substitute assignment in their previous class, or in a lower related classification, shall be compensated through placement on the step of the salary range (for the classification to which assigned) which is closest to the former employees' last regular rate of pay not including longevity pay. A former employee who accepts a Limited-Term or a Limited-Term/Substitute assignment is no longer eligible for longevity pay.
- E. A former employee who accepts a Limited-Term or Limited-Term/Substitute assignment in an unrelated classification to the one which they previously held with the District shall be compensated on the first step of the salary range for the classification to which assigned. A former employee who accepts an assignment in accordance with this provision of the rules may be compensated above the first step, not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission. A former employee who accepts a Limited-Term or Limited-Term/Substitute assignment in an unrelated classification is no longer eligible for longevity pay.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, #45290, and #45309
Adopted: October 31, 1989
Revised: December 15, 2008, May 26, 2020

7.3.6 Rights And Benefits Resulting From Limited-Term Assignments

- A. A regular classified employee who is serving in a Limited-Term or a Limited-Term/Substitute assignment while retaining regular status in another class shall continue to earn and be granted all rights and benefits accorded regular members of the classified service. All other Limited-Term and Limited-Term/Substitute employees shall be granted only those benefits specifically provided as part of these rules and regulations.
- B. No credit toward completion of a probationary period shall accrue from service in a Limited-Term or Limited-Term/Substitute assignment.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, #45290, and #45309
Adopted: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.3.7 Termination Of Limited-Term Appointment

- A. Limited-Term appointments automatically terminate at the conclusion of the time period for which the assignment was established; such as six (6) months, or the return of the absent employee.
- B. A Limited-Term or a Limited-Term/Substitute appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority. However, the appointing authority shall immediately notify the Director when a limited-term assignment is being terminated.
- C. A Limited-Term or a Limited-Term/Substitute employee, other than a regular permanent classified employee serving in such capacity, may be dismissed without right of appeal. However, the appointing authority shall immediately notify the Director who shall investigate the matter, and may take action to remove the person's name from any and all employment lists on which the name appears as an eligible candidate.

References: E.C. #45260 and #45261
Adopted: October 31, 1989
Revised: December 15, 2008, May 26, 2020

Section 4 Special Appointments

7.4.1 Emergency Appointment Procedures

Should it become necessary in time of declared emergency to fill position(s) in the Classified Service to prevent the stoppage of public business, the Board of Trustees, through its authorized management representatives, may request the Director to make emergency appointment(s) without reference to eligibility lists. However, such appointments shall not exceed a maximum of fifteen (15) working days.

In requesting the Director to make emergency appointment(s), it shall be the duty of the Board of Trustees or its designated management representatives to provide the Director with written information outlining the date(s) of appointment(s) and the nature of the duties to be performed, as well as a stated reason justifying the request for an emergency appointment(s), plus any other information requested by the Director so that an appropriate decision can be made under this rule.

References: E.C. #45260, #45261, and #45290
Adopted: June 15, 1965
Amended: October 31, 1989
Reviewed: December 15, 2008, May 26, 2020

7.4.2 Summer And Other Recess Period Assignments

- A. Temporary positions created to meet the needs of the District during the summer or other recess periods shall be filled, so far as practical, by regular members of the Classified Service.
- B. Appointments to summer/recess positions shall be made on the basis of seniority from employees in the classification (to which the position has been assigned by the Personnel Commission) who have requested summer/recess assignments.

Summer school/other recess assignments required by the District shall be offered to regular employees working less than twelve (12) months per year who have requested such assignments. Assignments shall be offered to qualified employees on a seniority rotation basis by classification. All employees with five (5) or more years of service in the classification will be included in the rotation. If there are fewer than two employees having five (5) or more years of service in the classification, summer/recess assignments will be offered and made on a straight seniority basis; with the most senior employee being given the first opportunity to fill the assignment.

Should the number of requests of employees in the class prove to be insufficient in meeting the needs of the District, appointments shall be made on the basis of seniority from employees in other related classes who are qualified to perform the duties and responsibilities, and have requested summer/recess assignments. The Personnel Director shall make the determination as to whether or not the requesting employee is qualified to perform the duties and responsibilities.

Should the number of qualified employees requesting summer/recess assignments prove to be insufficient in meeting the needs of the District, the Director is hereby authorized to use other available employment lists and established procedures in meeting those needs.

References: E.C. #45102, #45260, and #45261
Adopted: June 15, 1965
Amended: May 9, 1972; October 31, 1989; December 17, 1991
Revised: December 15, 2008, May 26, 2020

Section 5 Employment Of PERS Retirees And Use Of Volunteers

7.5.1 Employment of PERS Retirees

7.5.1.1 General Policy

Any person receiving a retirement allowance from the Public Employees' Retirement System (PERS) may be employed by the District in a substitute capacity up to nine-hundred-sixty (960) hours per fiscal year. However, the retired person must be informed that their retirement will be jeopardized should they work more than nine-hundred-sixty (960) hours in a fiscal year for this agency or any combination of agencies under contract with the Public Employees' Retirement System.

7.5.1.2 Compensation for Retirees

- A. Retired persons employed under the provisions of this rule shall be entitled only to the appropriate salary earned; including overtime compensation. Such persons shall become entitled to any other benefits made applicable to other "Limited Term" employees by the District or provided in the Personnel Commission's Rules and Regulations; except for retirement contributions.
- B. Except as provided in "C" below, retired persons, employed under the provisions of Section 5 of Article VII, shall normally be paid on the first step of the salary range for the classification to which assigned. ~~However, such persons may be compensated above the first step, but not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission.~~
- C. Former employees of the District employed under the provisions of this rule in positions in their former classifications, or in lower related classifications, shall be compensated through placement on the step of the salary range (for the classification to which assigned) which is closest to the last regular step placement prior to retirement. Former employees are no longer eligible for longevity pay.

Former employees of the District employed under the provisions of this rule in positions which are not related to the classification held prior to retirement shall be compensated on the first step of the salary range for the classification to which assigned. However, such persons may be compensated above the first step, but not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission. Former employees are no longer eligible for longevity pay.

7.5.1.3 Certification

Retired persons employed under the provisions of this rule (Section 5 of Article VII) are not subject to reinstatement to PERS, and such employment shall not provide any retirement allowance adjustment for the period of such assignment.

The appointing authority shall certify to the Director that a retiree employed under the provisions of this rule (commencing at 7.5.1 et seq) meets the requirements specified and that the employee's hours of employment during the fiscal year will not exceed nine-hundred-sixty (960) fiscal hours.

References: E.C. #45135, #45260, #45261, and G.C. #22150 et seq.
Adopted: October 31, 1989
Amended: September 25, 1990
Revised: December 15, 2008, May 26, 2020

7.5.2 Use of Volunteers

Parents and other volunteers may be assigned to perform non-instructional work which serves to assist certificated personnel. Such persons shall serve under the immediate control and supervision of a certificated employee of the District.

Volunteers shall not be employees of the District and shall serve without any type of monetary compensation (wages or insurance benefits).

No classified positions shall be abolished in order to provide for the use of volunteers, and no volunteers shall be used to avoid filling vacant classified positions or to provide services in lieu of classified employees who have been laid off as the result of the abolition of positions.

References: E.C. #35021, #35212, #45260, #45261, and #45349
Adopted: October 31, 1989
Amended: September 25, 1990
Reviewed: December 15, 2008, May 26, 2020