

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

The Merit System was established when Congress passed the Civil Service Act of 1883 (Pendleton Act), which set up the first civil service system for federal employees to guard against patronage appointments. In 1936, the first Merit System law for school districts was established. Currently, almost 100 school districts and county education offices in California have adopted a Merit System. Merit System law (Education Codes 45240-45320) provides that classified employees are selected, retained and promoted on the basis of merit and fitness, exclusive of discrimination due to actual or perceived race, color, ethnicity, age, religion, political affiliation, marital status, disability, gender, sexual orientation or national origin. The Merit System means that an impartial body is responsible for implementing and interpreting Merit System rules and adjudicating appeals on those facets of employment within its purview. The Personnel Commission is the impartial body authorized by the state to be responsible for certain personnel matters affecting classified school employees.

In 1975, the Santa Barbara County Board of Supervisors approved a resolution to transfer certain duties and functions pertaining to the classified service to the Santa Barbara County Education Office Superintendent of Schools/Governing Board. The Education Code provides that when such transfer occurs, it is mandatory that the Superintendent/Governing Board establish a Merit System for all classified employees if the county has a Merit System in effect at the time of adoption of the resolution of transfer by the Board of Supervisors. The Merit System did exist for county employees at that time and it was, therefore, mandatory that it be established for the Santa Barbara County Education Office classified service. As a result of the transfer, the Merit System was adopted at the Santa Barbara County Education Office in 1975.

The Santa Barbara County Education Office Personnel Commission, composed of three members, follows a set of rules aligned with related legal codes, board policies and administrative rules and regulations, Collective Bargaining Agreements, applicable labor laws, and case law. The Director, Classified Human Resources of the Santa Barbara County Education Office, is the secretary to the Personnel Commission and prepares all necessary information provided to the Commission on a monthly basis for a public meeting during which the Commissioners review data, discuss topics within the jurisdiction of the Personnel Commission, and take action on necessary items to maintain efficiency and fidelity of the Classified Service.

The rules found herein are a result of considerable research to satisfy all provisions of the Education Code and related administrative policy. Although the rules are flexibly tailored to the needs of the Santa Barbara County Education Office, we readily recognize that as the rules are applied, there will be need for revision, amendment and addition.

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The following terms when used in these rules shall have the meaning indicated below unless the context or prevailing law clearly indicates otherwise.

Abandonment of Position

Non-performance of duties and non-appearance by the employee at the worksite without excuse.

Act or the Act

The Act shall mean those sections of the Education Code of the State of California applying to the Merit System for classified employees in certain school districts or County Offices of Education that have adopted the Merit System. It shall include all of the provisions of Title 2, Division 3, Part 25, Chapter 5, Article 6, (commencing with Section 45240 of the Education Code) as well as the Education Code provisions of Title 2, Division 3, Part 25, Chapter 1 and Chapter 5, Articles 1 to 4.

Allocation

The placement of a class at a particular range on the classified or management salary schedules.

Anniversary Date

The first day of the pay period following successful completion of the probationary period. That month and day (for example, March 1) become the date each year on which eligible employees advance to the next higher step in the salary range for their classification.

Appeal

A request for review by an employee or a recognized employee organization, to have complaints, protests, or points of disagreement heard after which a former decision may or may not be upheld by a hearing officer, the commission, or the superintendent/governing board.

Applicant

A person who has submitted a Santa Barbara County Education Office application to participate or compete in the Office's recruitment process.

Appointing Authority or Power

The County Superintendent of Schools or his/her designee, or the Personnel Commission when referring to Commission employees and positions.

Appointment

The official act by the appointing authority of offering employment to a person and the acceptance thereof.

Assignment

Placement of an appointee in a position. It also refers to the position to which the employee is placed.

Bargaining Unit Member

An employee whose position or class falls within a specified group that is represented in the collective bargaining process by an exclusive representative. Identification of such positions is established by the provision of the Educational Employment Relations Act, Government Code 3540, et seq.

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Bumping or Displacement Rights

The right of a permanent employee, under certain conditions, to displace another employee with less seniority in a class.

Candidate

A person who participates or competes in one or more portions of the Office’s recruitment process.

Cause

Those specific activities, behaviors, or events that are listed within these Rules as being subject to disciplinary action.

Certificated Service

Those persons filling positions that require by law the possession of a certificate issued by the California Commission on Teacher Credentialing.

Certification

The Personnel Director’s submission of names of eligibles from an appropriate list to the appointing authority or to the authorized program/department head to make selections.

Class

(Also referred to as Classification) A group of positions sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation and other employment processes and sufficiently different from positions of other classes to justify different treatment in one or more of these respects. While defined as a group of positions, class may sometimes consist of but one position where no others of the same kind exist in the service.

Classify or Classification

The action of the Personnel Commission approving a position into a Class.

Classified Service

All positions in the Santa Barbara County Education Office’s service to which the Act applies and which are not exempt according to the Act.

Class Description

See Job Description.

Commission

See Personnel Commission.

Complaint

A statement concerning violations or alleged violations of the Personnel Commission Rules. This term does not apply to appeals from disciplinary actions, requests for classification study or salary review.

Continuous Examination

A method of recruiting applicants in which the last day for filing applications is not specified and examinations are conducted as needed based on the service required.

County Education Office

The Santa Barbara County Education Offices located in Santa Barbara and Santa Maria; may also be referred to as Office.

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C.S.E.A

California School Employees Association. Chapter #817 is the exclusive representative for employees in certain designated classifications as approved by P.E.R.B.

Day

A day in which the County Education Offices are open as reflected in the central office calendar.

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 range on the salary schedules.

Differential or Differential Pay

A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, qualifications, or specifically scheduled working hours.

Director

The Director, Human Resources. The Director, Human Resources is appointed by the Personnel Commission to act as its designated representative in administering and monitoring the application of the Merit System under the provisions of law and the Rules and Regulations established by the Personnel Commission.

Discharge or Dismissal

Involuntary separation from the classified service for cause.

Dual Certification

Certification, in specified cases, from an open eligibility list and a promotional eligibility list, in accordance with the examination scores attained by the candidates.

Eligible

A person whose name appears on an eligibility list and who is legally qualified to be appointed.

Eligibility List

A rank ordered list of the names of persons who have qualified for possible employment in a competitive examination process.

Emergency Appointment

An appointment for a period not to exceed 15 working days to prevent stoppage of public business when persons on eligibility lists are not immediately available (Education Code Section 45290).

Employee

A person who is legally an incumbent of a position or one who is on authorized leave of absence.

Employment List

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

Employment Status

The condition of an employee's present appointment indicating the degree of permanency with the Santa Barbara County Education Office.

Examination

The process of evaluating the fitness and qualifications of applicants.

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Exempt Classified

Refers to those positions and employees exempt from the regular classified service as provided in the law. May also refer to types of classes or positions exempt from overtime provisions, e.g. supervisory, administrative, or executive (Education Code 45130).

Fiscal Year

July 1st of one calendar year through June 30th of the following calendar year.

Governing Board

The Santa Barbara County Board of Education.

Hearing

A formal review of evidence, in the presence of the parties involved, in connection with a disciplinary action affecting an employee and concerning an appeal that the employee, employee representative, or a bargaining unit representative has filed.

Hearing Officer

A qualified person appointed to hear and make recommendations on appeals of disciplinary actions.

Hire Date

Date of original or most recent employment with the Office.

Incumbent

An employee assigned to a particular position within a class.

Industrial Accident or Illness Leave

Absence because of injury or illness that arose out of and in the course of employment.

Job Analysis

A personnel job evaluation technique by which an analyst or designated party uses various combinations of resources not limited to job audit questionnaires, personal interviews, work site observations, and conversations, to collect data on the duties, tasks, and responsibilities of a position.

Job Description

(Also referred to as Class Description or Class Specification) A written description, approved by the Personnel Commission, containing a general description, specific duties and responsibilities, working conditions, and the qualification requirements for employment in a classification.

Job Interest Card

A documented record stating interest by an individual in a certain Classification. These documents are kept on file in the Human Resources Department and used to notify interested individuals of vacancies.

Job Series

A number of classes closely related in duties and responsibilities and arranged in hierarchical order to indicate occupational levels.

Layoff

Separation from a regular position because of lack of work and/or lack of funds. A layoff includes any reduction in hours or workdays of employment, or voluntary demotion in order to avoid interruption of employment.

Leave of Absence

An approved absence from duty, with or without pay, for a specified and approved period of time.

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Limited Term (Also Short-Term)

A term used in the Education Code to designate employment for periods not to exceed six months or employment of a temporary employee during the authorized absence of a permanent employee. Limited term employees are exempt from the classified service (Education Code 45286).

Limited Term Employee (Also Short-Term Employee)

An employee who is serving as a substitute for an absent employee or in a position established for a period of six months or less.

Longevity Increment

An amount added to the base salary for employees who have completed a specified number of years of service with the Santa Barbara County Education Office.

Management Employee

An employee in a classification designated as management under the provisions and stipulations of Government Code 3540.1 and by the nature of the assigned duties.

Management Salary Schedule

The salary schedule for classified management employees, who are excluded from the provisions of the collective bargaining law.

Merging

The act of combining two or more eligibility lists, which were established not more than one year apart, in the rank order of the scores of the eligibles.

Merit System

A personnel system in which merit and fitness determines an individual's selection, progress, and retention in the classified service.

Open Competitive Examination

Employment examination in which all persons meeting the minimum qualifications for employment may compete.

Overtime

Hours worked by overtime-eligible employees in any of the following circumstances: in excess of eight hours in a workday; in excess of 40 hours in a workweek; on the sixth or seventh day following the commencement of the workweek for employees having an average workday of four hours or more; on the seventh day following the commencement of the workweek by an employee having an average workday of less than four hours; or on a holiday, as defined in these Rules.

P.E.R.B

Public Employment Relations Board.

P.E.R.S

Public Employee Retirement System in California, or CalPERS.

Performance Evaluation

A formal written document of the quantity and quality of the work performed by a person employed in the County Education Office's classified service.

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Permanent Employee

In reference to the Santa Barbara County Education Office employment status, an employee who has been hired and completed an initial probationary period of 130 days of paid status in a permanent position in a classification of the classified service; one year for positions designated as management. 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, reinstatement, or reemployment without the requirement serving a probationary period.

Permanent Position

A position established for a continuing or indefinite period of time in excess of six months.

Personnel Commission

A three-member commission established pursuant to the requirements of the Merit System Act to administer the Merit System in the Office.

Personnel Commission Rules

Rules found herein that include procedures to be followed as they pertain to the classified service regarding all matters within the jurisdiction of the Personnel Commission in order to carry out the provisions and purposes of the Merit System (commencing with Education Code Section 45240).

Personnel Commission Staff

Those persons appointed by the Director, Human Resources, and the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

Personnel Director

The Director, Human Resources fulfills the duties and responsibilities ascribed to the personnel director in the Act. See Act. See Director.

Position

A job identified as part of an approved Classification that includes a combination of duties and responsibilities assigned by the appointing authority requiring the full-time or part-time employment of one person on a permanent or limited-term basis.

Position Classification

The process of categorizing jobs by occupational group, series, class, and salary level, according to similarities and differences in duties, responsibilities and qualification requirements.

Probationary Employee

An employee serving the probationary period of 130 days in paid status in a permanent position following appointment from an eligibility list established by the Personnel Commission.

Probationary Period

The trial period, as established by the Personnel Commission pursuant to Education Code Section 45301, immediately following an original or promotional appointment to a permanent position from an eligibility list. The probationary period is 130 days of paid regular classified service or one year for positions designated as management.

Professional Expert

A person employed by the County Education Office in a professional capacity for a specific limited-term project. Such persons are excluded from the classified service.

Professional Growth Award

An amount of money added to the base salary based on approved and documented professional growth activities related to the employee’s job classification and overall employment growth in the Office.

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Promotion

A change in the assignment of an employee from a position in one class to a position in another class at a higher maximum salary range.

Promotional Examination

An examination for a higher classification that is limited to qualified permanent employees of the Office.

Promotional List

An eligibility list resulting from a promotional examination limited to qualified permanent employees of the Office.

Provisional Appointment

A temporary appointment made in the absence of an appropriate eligibility list, not to exceed 90 workdays except in specified circumstances (Education Code Sections 45287, 45288 and 45289).

Provisional Employee

A person employed under a provisional appointment.

Public Notice

Announcements of examinations, meetings, hearings, and other actions of the Personnel Commission or Human Resources Department on bulletin boards and through other appropriate channels of distribution.

Reallocation

The assignment of a classification from one salary range to another salary range, not connected with a reclassification.

Reassignment

Involuntary change of an employee’s work location and/or program or department, initiated by the County Education Office. Reassignments may not result in changes to the employee’s salary range, full time equivalency (FTE), anniversary date, or leave balances.

Reclassification

The assignment of a position, whether filled or vacant, from one classification to another, because of a significant change in duties or responsibilities. An incumbent may be reclassified along with a position. Reclassification may or may not result in a change in salary range.

Reemployment

Reappointment to duty of a former employee who was laid off.

Reemployment List

A list of names, in rank order of seniority, of persons who have separated from permanent positions because of layoff off from permanent positions by reason of a lack of work and/or lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in the Rules and Regulations of the Personnel Commission. These individuals are eligible for reemployment without examination in their former class or classes within a period of 39 or 63 months depending on the circumstances of the layoff following the date of layoff. These individuals may also have rights to new classifications for which they apply and qualify while on the reemployment list over all outside applicants. (Education Code Sections 45192, 45195, 45298 and 45308; Tucker vs. Grossmont Union High School District 2008).

Regular Appointment

An appointment made from an eligibility list to fill a regular full-time or part-time position vacancy.

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Regular Employee

An employee who has probationary or permanent status with the Office.

Regular Status

Probationary or permanent status with the Office.

Reinstatement

Reappointment at the discretion of the appointing authority, within 39 months after resignation, in regular or limited-term status, without examination, to a position in the employee’s former class or related lower class if qualified; return to duty or specified status of an employee by order of the Personnel Commission following appeal of an administrative action.

Related Class

Another job class that has similar duties, responsibilities and qualifications for employment. For example, Clerical Assistant I, Clerical Assistant II and Clerical Assistant III are related classes.

Resignation

A voluntary statement in writing from an employee requesting to be terminated from employment.

Restoration

The reinstatement to duty of an employee or former employee with all of the rights, benefits, and burdens held prior to the break in service. This term includes reemployment as well as reinstatement following demotion or dismissal when the Personnel Commission sustains an appeal.

Rule of Three

The scope of choice available to the appointing authority or power for making their selections from an eligibility list. Specifically, it refers to selection from the first three ranks of eligibles who are ready, willing, and able to accept appointment to a specific position.

Salary Range

The minimum, maximum and any intermediate pay rates authorized for a given class of employment.

Salary Rate

A specific amount of money paid for a specified period of service. For example, dollars per hour or month.

Salary Schedule

The complete list of salary ranges, steps and rates for all classes in the classified service.

Salary Step

A specific salary rate within a salary range, usually designated by letter or numeral. For example, C -Step, Step 2, etc. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees.)

Senior Management

Positions designated by the Superintendent/County Board of Education that meet the requirements of Section 45108.5 of the Education Code.

Seniority

Status determined by date of hire in a job classification plus any higher job classifications.

Separation

Leaving employment of the Santa Barbara County Education Office. Includes but is not limited to resignation, dismissal, layoff, retirement, and leave exhaustion.

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Series

(Sometimes referred to as Job Series or Related Class) A number of groups of classes closely related in an occupational hierarchy and arranged in a list in order to indicate occupational levels in each group.

Status

A document issued whenever a change occurs which may include but is not limited to probationary or permanent employment, salary range and step, current assignment, work shift, longevity, and differentials.

Step Advancement

Movement to the next higher step in the salary range for the employee’s classification (see also Anniversary Date).

Substitute Employee

An employee occupying a permanent position during the absence of the incumbent or when the position is vacant. Substitute employees are exempt from the classified service.

Suspension

An enforced absence of an employee with or without pay pending the outcome of an investigation of allegations that have been filed against an employee that may lead to disciplinary action.

Teleconference

A meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

Temporary

Employment on a basis other than permanent or probationary. For example, in limited-term or provisional status. Temporary employees are exempt from the classified service.

Transfer

Voluntary change of work location and/or program or department to another position in the employee’s classification, initiated by the employee.

Voluntary Demotion

A demotion requested by an employee in order to retain employment when layoff from the employee’s positions is imminent or for other reasons, where the action is voluntary on the part of the employee.

Waiver

The voluntary relinquishment by an eligible of a right to be considered for appointment from an eligibility list to a certified eligibility list with one or more position locations, or for a specified period of time not to exceed the duration of the eligibility list.

Y-Rating

Retention of an employee’s salary range and step when reclassification or reallocation results in the maximum step of the new salary range being lower than the employee’s current step. The retention of the higher salary range and step may occur until such time as there is a step(s) in the salary range to which the employee’s classification is assigned that is equal to or higher than the employee’s retained range and step. During the period that an employee’s salary placement is Y-rated, the employee is ineligible for annual salary step increases and salary schedule increases. Y-rating is not the same as placement of an employee at step Y in a range on the classified salary schedule.

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4410 Definitions and Preliminary Statements

4412 Authority for Rules

4412.1 Inclusion in the Merit System

- A. The County Board of Education adopted the Merit System as provided for in Article 6 (commencing with Section 45240) of Chapter 5 of Part 25, Title 2 of the California Education Code, due to the County of Santa Barbara having a Merit System (civil service) in effect at the time duties and functions were transferred to the County Board of Education pursuant to Education Code Section 1080 and as provided for in Education Code Section 1310.

Reference:

Education Code Sections 1080, 1310 and 1317

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4400 The Merit System

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4412 Authority for Rules

4412.2 Statutory Authority for These Rules

- A. The rules contained herein are established pursuant to the authority established in Article 6 of Chapter 5 of Part 25 of Division 3 of Title 2 (commencing with Section 45240) and other provisions governing the Merit System in the Education Code.
- B. It is recognized that certain rules venture into substantive matters within the prerogative of the Superintendent of Schools and/or the County Board of Education. Therefore, it shall be the policy of the Commission to submit all new rules or amendments or deletions of existing rules to the Superintendent of Schools or the County Board of Education approval; and (b) it is difficult to define the divisions of Commission, Superintendent of Schools and County Board of Education authority regarding the rule in question. In such cases, the rule in question will not become effective until approved by the County Superintendent of Schools.
- C. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation as defined in Section 3543.2 of the Government Code and is included in a negotiated agreement.
- D. No rule or amendment that would affect classified employees represented by a bargaining unit shall be adopted by the Commission without reasonable notice to the bargaining unit.

Reference:

Education code Sections 45260 and 45261, Government Code 3543.2

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4412.3 Interpretation and Application of Rules

- A. 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 suspended because of the special circumstances of particular cases. The commission is open to responsible suggestions to amend rules with prospective application; however, no rule, amendment or new rule shall have retroactive applicability.

Reference:

Education Code Section 45260

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4412.4 Generic Terminology

- A. As used in these rules, the masculine gender includes the feminine and the masculine. Singular terms shall be construed to include the plural and plural terms shall be construed to include the singular.

Reference:

Education Code Sections 73-74 and 45260

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4412.5 Severability

- A. If a judicial review or a change in law causes any portion of these Rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other rules or provisions.

Reference:

Education Code Sections 6 and 45260

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4412.6 Subject of Rules

- A. The rules and regulations shall provide for the procedures to be followed by the Superintendent of Schools and the County Board of Education as they pertain to the classified service regarding such matters as applications, examinations, eligibility, appointments, promotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job examinations and evaluations, rejection of unfit applicants, and any other matters deemed necessary by the Commission to ensure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness in accordance with the provisions and purposes of the Merit System.

- B. With respect to those matters set forth above which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

Reference:

Education Code Sections 45260-45261 and Government Code Section 3543.2

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4412.7 Distribution of Rules

- A. The Rules of the Commission and copies of Title 2, Division 3, Part 25, Chapter 5, Article 6 (commencing with Section 45240 of the Education Code) shall be made available electronically to each employee and to each program, office and permanent worksite where employees report and copies shall be available at the Santa Barbara County Education Office North and South Human Resources Departments for loan to employees.
- B. The Commission shall give to each new regular employee a handbook that summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules of the Merit System. An electronic version of the handbook shall also be made available to employees on the Office website.

Reference:

Education Code Section 45262

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4420 The Personnel Commission

4421 Selection of Commission Officers

4421.1 Appointment of Members of Personnel Commission

- A. One member of the commission shall be appointed by the Santa Barbara County Board of Education and one member, nominated by the exclusive bargaining unit, shall be appointed by the Santa Barbara County Board of Education. Those two members shall, in turn, appoint the third member.
- B. Appointments shall be made by the original appointing authority for either a new full term or to fill an unexpired term.
- C. When a vacancy in a position nominated by the Governing Board or in the position nominated by the two commissioners occurs, a public hearing shall be held to afford the public, employees, and employee organization/s the right to express their views on the qualifications of those nominees recommended for appointment. Thereafter, appointment may be made without further notification or public hearing.
- D. When a vacancy in the position nominated by the exclusive bargaining unit occurs, the exclusive bargaining unit shall submit the name of its nominee to the Director who will submit the name to the County Superintendent of Schools/Governing Board at least 30 days before the date on which the vacancy will occur and the Governing Board shall appoint that nominee to be effective on the date on which the vacancy would occur.
- E. At the request of the Director, the County Superintendent of Schools/Governing Board may declare that an emergency exists and shall make an interim appointment to fill a vacancy to insure the continuance of the functions of the Commission. An interim appointment shall be valid for no more than 60 days.
- F. A commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed but for no more than 90 calendar days.

Reference:

Education Code Section 45245, 45246, and 45248

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4420 The Personnel Commission

4421 Selection of Commission Officers

4421.2 Qualifications of Members of Personnel Commission

- A. To be eligible for appointment or reappointment to the Commission, a person shall meet the following requirements:
1. Be a registered voter and resident within the territorial jurisdiction of the Office.
 2. Be a known adherent to the principle of the merit system, defined as a person, who by the nature of his or her prior public or private service, has given evidence that s/he supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, defined as a commissioner who has clearly demonstrated through meeting attendance and actions that s/he does, in fact, support the merit system and its operation.
 3. No member of the Governing Board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission.
 4. No member of the commission shall be an employee of the Office during a term of service.

Reference:

Education Code Section 45244

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4420 The Personnel Commission

4422 Organization of Commission

4422.1 Terms of Office

- A. The term of office of each commissioner is for three years commencing and ending at noon the first day of December. The term of office of the commissioner who is appointed by the other two commissioners shall expire on December 1, 1983 and every three years thereafter. The term of office of the commissioner who is nominated by the exclusive bargaining unit shall expire on December 1, 1984 and every three years thereafter. The term of office of the commissioner who is appointed by the Santa Barbara County Board of Education shall expire on December 1, 1982 and every three years thereafter.
- B. By August 31st of each year, the Director shall notify the Santa Barbara County Board of Education, the Commission, or the exclusive bargaining unit, as appropriate, of the name and home address of the commissioner whose term will expire and whether s/he desires reappointment.

Reference:

Education Code Section 45247

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4400 The Merit System

4420 The Personnel Commission

4422 Organization of Commission

4422.2 Officers

- A. At its first meeting following December 1st of each year, the Commission shall elect one of its members as Chair and another member as Vice-Chair to serve a term of one year or until successors are duly elected.
- B. It shall be the duty of the Chair to preside at all sessions of the Commission; to vote with the same responsibilities as the other members of the Commission; to preserve order, enforce the rules; present the reports of the Director to the Commission; and sign all contracts, agreements and legal documents of the Commission.
- C. It shall be the duty of the Vice-Chair to perform all of the duties of the Chair in the latter's absence, disability, and/or disqualification due to conflict of interest, resignation or death.

Reference:

Education Code Sections 45260-45261 and Government Code Section 1302

Approved:
Revised:

September 15, 1975
April 29, 1982
May 28, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4422 Organization of Commission

4422.3 Quorum and Majority

- A. Two members shall constitute a quorum for any regular or special meeting of the Commission.
- B. The affirmative vote of at least two commissioners is required to carry any motion or action.
- C. The Commission may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law.
 - 1. All votes taken during a teleconferenced meeting shall be by roll call.
 - 2. All agendas shall be posted at all teleconference locations and each location shall be identified in the agenda.
 - 3. At least a quorum of the members of the Commission shall participate within the boundaries of the territorial jurisdiction of the Office.

Reference:

Government Code Sections 54952.2, 54952.6 and 54953

Approved: September 15, 1975
Revised: April 29, 1982
May 28, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4422 Organization of Commission

4422.4 Compensation of Members of Personnel Commission

- A. By authorization of the Santa Barbara County Board of Education, each commissioner shall receive the sum of \$25.00 for each meeting attended in any month, including regular, adjourned or special meetings. Commissioners are not required to accept compensation for meetings attended.
- B. Commissioners may be reimbursed for mileage and other expenses incurred in attending meetings or making trips on official business of the Office. The rate of reimbursement shall not exceed limitations specified for employees of the Office.
- C. During their terms of office, commissioners may participate in the health and welfare benefits programs under the same terms and conditions as employees of the Office.

Reference:

Education Code Section 45243 and 45250

Approved: April 29, 1982
Revised: May 28, 1992
May 28, 1998
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.1 Regular Meetings

- A. Whenever feasible, regular meetings shall be scheduled within the territorial boundaries of the Office on the fourth Thursday of each month. The Commission shall establish a schedule of regular meetings annually.
- B. Subject to cancellation or proper change, the Commission shall meet once a month. At least 72 hours before a regular meeting, the agenda shall be posted at all meeting locations and on the Office's website and shall include a brief general description of each item of business to be discussed, including those in closed session.
- C. In case of emergency, the Commission may meet at some other time and/or place, provided that at least 24 hours notice is given to all Commissioners, employees, and exclusive bargaining unit representatives. Notice of such meetings will be posted at the regular meeting location(s).

Reference:

Government Code Sections 54954, 54954.2, 54954.3, and 54955

Approved: September 15, 1975
Revised: April 29, 1982
June 25, 1992
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.2 Adjourned Regular Meetings

- A. The Commission may adjourn any regular or previously adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the reconvened meeting is a regular meeting for all intents and purposes. The order of adjournment shall be posted within 24 hours after the time of adjournment on or near the door of the meeting location/s. When an order of adjournment of a regular or of a previously adjourned meeting fails to state the hour at which the reconvened meeting is to be held, it shall be held at the hour normally designated for regular Commission meetings.

Reference:

Government Code Section 54955

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Revised:

September 15, 1975
April 29, 1982
June 25, 1992
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.3 Special Meetings

- A. Special meetings may be called at any time by the Chair or by a majority of the members of the Commission.
- B. Written notice shall be delivered personally or by mail to each member of the Commission. Notice must also be given to each of the following that have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee organization. Such notice must be delivered personally or by mail and shall be received at least 24 hours before the time of such meetings as specified in the notice. Notice shall also be posted at all meeting location(s) and on the Office's website. The order shall specify the time and place of the special meeting and the business to be transacted. The Commission shall consider no unspecified business at such meeting.

Reference:

Government Code Sections 54956

Approved:
Revised:

September 15, 1975
April 29, 1982
June 25, 1992
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.4 Open and 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 4423.5. 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 views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

Reference:

Government Code Sections 54954.2 and 54954.3

Approved: September 15, 1975
Revised: April 29, 1982
June 25, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.5 Closed Sessions

- A. A closed session may be conducted only during a regular or special meeting of the Commission that has been called with proper notification. The Commission may hold closed sessions to consider the appointment, employment, employee performance evaluation, or discipline/dismissal/release in connection with any classified employee or to hear complaints or charges brought against such employee, or for any other purposes as may be authorized by law.
- B. The Commission is not required or authorized to give names or other information which might constitute an invasion of privacy or otherwise unnecessarily divulge protected facts and information for which the closed session is being held. However, as a condition of holding a closed session on the complaint, formal charges, or a disciplinary matter, the affected employee shall be notified of his/her right to a public hearing rather than a closed session.
- C. The Commission shall publicly report, in the public portion of the meeting in which the closed session is being held or at its next public meeting, any action taken by the Commission in closed session, specifying the individual votes of each Commissioner.

Reference:

Government Code Sections 54954.5

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September 15, 1975
April 29, 1982
August 31, 1992
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4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.6 Amendment, Deletion or Addition of Rules

- A. All proposals to amend, delete or to add to these rules will be considered a “first reading” at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists as declared by the Commission, be acted upon at that meeting.
- B. Any addition, deletion or amendment of the rules that is tentatively adopted by the Commission shall be considered for final adoption at a subsequent meeting of the Commission following tentative adoption. All additions, deletions and amendments to the rules that are tentatively adopted shall be posted at various locations and shall be distributed to employee and administrative representatives. When 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.
- C. Those proposed rules received by the Commission that are clearly within the purview of the Superintendent of Schools and/or County Board of Education, shall be directly referred to the appropriate authority.
- D. Rules shall not apply to bargaining unit members if the subject matter is within the scope of representation and is included in a negotiated agreement between the governing board and that unit.
- E. No rule or amendment that would affect classified employees represented by a recognized exclusive bargaining unit shall be adopted by the commission until the unit representative and the public school employer of the classified employees who would be affected have been given reasonable notice of the proposal.

Reference:

Education Code Section 45260

Approved:
Revised:

April 29, 1982
June 25, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4423 Meetings

4423.7 Minutes

- A. The 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 and/or abstentions of the Commissioners. When requested by a commissioner, his/her abstention, dissent, or approval and his/her reasons shall be recorded.
- B. The minutes shall be written and presented for correction and approval at the next regular meeting. Minutes are subject to correction at later meetings by action of the Commission. 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.

Approved: April 29, 1982
Revised: June 25, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4424 Commission Employees

4424.1 Status of Commission Employees

- A. The Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and responsible to the Commission. They shall be paid from funds budgeted for the support of the Commission and shall be afforded all rights, benefits and burdens of any other regular classified employee of the Office including representation by the appropriate exclusive bargaining representative, if any.

Reference:

Education Code Section 45264

Approved:
Revised:

April 29, 1982
June 25, 1992
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4420 The Personnel Commission

4424 Commission Employees

4424.2 General Duties of the Director

- A. The Director shall perform all of the duties and carry out all of the functions imposed upon him/her by law and these rules. S/he shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. S/he shall direct and supervise the employees of the Commission and conduct administrative transactions necessary to the proper functioning of the Office and staff of the Commission consistent with the law, rules, and the negotiated agreement with the exclusive bargaining unit for the classified service.
- B. The Director shall conduct classification, salary and rules studies and shall conduct any necessary investigations as directed by the Commission or as s/he deems necessary to fulfill his/her responsibilities.
- C. In cases where two or more rules appear to be in conflict or when no rule provides a definitive answer to a problem, the matter shall be decided by the Director, subject to appeal to the Commission.

Reference:

Education Code Sections 45260-45261, 45264-45266

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Revised: June 25, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4425 Miscellaneous Provisions

4425.1 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 Director for placement on the Commission agenda. Only matters within the jurisdiction of the Commission shall be considered for placement on the agenda. The Commission is only permitted to consider proposals during open or closed session at regular and special meetings. The Commission may, however, designate one of its members to investigate a specific subject.

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Revised: June 25, 1992
May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4425 Miscellaneous Provisions

4425.2 Budget

- A. The Director shall prepare and submit to the Commission a proposed annual budget for the next ensuing fiscal year. The budget shall be submitted not later than the Commission meeting in April.
- B. The Commission shall hold a public meeting on its proposed budget subsequent to the initial submission of the budget by the Director and prior to the 30th of May or at a date agreed upon between the Superintendent of County Schools/County Board of Education and the Commission to coincide with the process of adoption of the Office's budget.
- C. After adoption of the budget by the County Superintendent of Schools or his/her designee, the Director shall be the administrator of the Commission's funds and responsible for appropriate expenditures. The Director shall make periodic reports as necessary or as requested by the Commission of the expenditures of Commission funds.
- D. The Commission may, with respect to the staff of the Commission, expend funds for their orientation, training, retraining and development and for any purpose as permitted by law.

Reference:

Education Code Sections 45253, 45255 and 45380-45387

Approved:
Revised:

April 29, 1982
June 25, 1992
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4420 The Personnel Commission

4425 Miscellaneous Provisions

4425.3 Annual Report

- A. The Director shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the County Superintendent of Schools/County Board of Education.
- B. The report shall be prepared for Commission approval as soon after the fiscal year as possible and no later than a meeting in November with the first draft to be presented to the Commission no later than October 31. The report shall cover Commission activities for the preceding fiscal year and be distributed to interested persons no later than November 30.

Reference:

Education Code Section 45266

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May 22, 2014

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4400 The Merit System

4420 The Personnel Commission

4425 Miscellaneous Provisions

4425.4 Legal Counsel for Commission

- A. The legal counsel of the County Board of Education shall also aid and represent the Commission in all legal matters. If such counsel refuses, or if the Commission or legal counsel determines that a conflict of interest may exist, the Commission may employ its own legal counsel and the reasonable cost thereof shall constitute a legal charge against the general funds of the Office.

Reference:

Education Code Section 45313

Approved:
Revised:

April 29, 1982
June 25, 1992
May 22, 2014

Personnel – Series 4000

4400 The Merit System

4410 Definitions and Preliminary Statements

4413 Violation of Merit System Laws

- A. Any person who willfully or through culpable negligence violates any of the provisions of Article 6, commencing with Section 45240 of the Education code, is guilty of a misdemeanor.
- B. It is also unlawful for any person to:
 - 1. Willfully, either alone or in cooperation with another person, defeat, deceive, or obstruct any person with respect to any right of examination, application, or employment under the merit system laws of the Education Code or the rules and regulations of the Personnel Commission.
 - 2. Willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the merit system laws of the Education Code or the rules and regulations of the Personnel Commission, or aid in so doing, or engage in any false representation concerning the same of the person examined.
 - 3. Willfully furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under the merit system laws of the Education Code or the rules and regulations of the Personnel Commission.

Reference:

Education Code Section 45317

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4400 The Merit System

4430 The Classification Plan

4431 The Classified Service

4431.1 Positions in the Classified Service

- A. The Commission shall classify all employees and positions within the jurisdiction of the County Superintendent/County Board of Education or of the Commission, except those that are exempt from the classified service. All employees serving in classified positions shall be classified employees. The employees and position shall be known as the classified service.
- B. No person shall be employed outside of the classified service unless they meet the required definitions of exempt positions.
- C. Positions designated as senior management shall be a 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.

Reference:

Education Code Sections 45104, 45105, 45256, 45256.5 and 45258

Approved:
Revised:

September 15, 1975
May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4431 The Classified Service

4431.2 Exemption from the Classified Service

- A. Exempt from the Classified Service shall be:
1. Positions that require certification qualifications.
 2. Full-time students employed part-time.
 3. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Article 7 (commencing with Education Code Section 51760) of Chapter 5 of Part 28 and that is financed by state or federal funds.
 4. Apprenticeship positions.
 5. Positions established for the employment of professional experts on a temporary basis for a specific project by the County Superintendent/County Board of Education or designee, or by the Commission.
 6. Part-time playground positions, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part of the classified service when the employee in the position also works in the same school district in a classified position.
 7. Executive Secretary positions reporting directly to the County Superintendent of Schools in positions designated as exempt by the Commission. Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except he or she shall not attain permanent status in an executive secretarial position.
 8. Other positions exempted by the law.
- B. There shall also be exempt from the classified service positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days, or a total of 720 hours, in a fiscal year. The authorized duties shall not be those normally assigned to a classification and shall not be conducted by a regular classified employee.
- C. Any position or employee lawfully exempted from the classified service shall be excluded the benefits and burdens imposed by these rules, except as provided by law or the County Superintendent/County Board of Education. The Director shall be responsible for interpreting this policy regarding the employment of personnel.

Approved: September 15, 1975
Revised: May 27, 1982
July 23, 1992
May 28, 1998
June 22, 2000
July 24, 2014

4431.2 Exemption from the Classified Service (Continued)

Reference:

Education Code Sections 45105, 45256, 45258 and 45272

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Revised:	May 27, 1982
	July 23, 1992
	May 28, 1998
	June 22, 2000
	July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4431 The Classified Service

4431.3 Restricted Positions

- A. In accordance with the provisions of the Education Code, restricted appointments may be made under certain specially funded programs and initial appointments of persons with mental, physical, or developmental disabilities. Selection procedures shall not be the same as for regular classified positions. Persons employed in positions classified as restricted shall be classified employees for all purposes except:
1. They shall not be accorded permanency.
 2. They shall not acquire seniority credit for purposes of layoff or reemployment.
 3. The provisions of provisional appointments shall not apply to restricted employees.
 4. They are not eligible to compete in examinations on a promotional basis into the regular classified service.
- B. At any time, after completion of six months of satisfactory service, a person serving in a restricted position shall be given the opportunity to take such qualifying examination as is required for all other persons serving in the same class in the regular classified service. If such person satisfactorily completes qualifying examination, regardless of final numerical listing on an eligibility list, he/she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. Service in the regular classified service shall then be counted from the original date of employment in the restricted position.

Reference:

Education Code Section 45105, 45108, and 45259

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July 23, 1992
May 28, 1998
July 24, 2014

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4400 The Merit System

4430 The Classification Plan

4431 The Classified Service

4431.4 Senior Management Positions

- A. The County Superintendent may designate certain positions as senior management of the classified service. A senior management employee means either of the following:
 - 1. An employee at the highest position in the Office as determined by the County Superintendent that does not require certification qualifications and that has district-wide responsibility for formulating policies or administering the program area.
 - 2. An employee who acts as the fiscal advisor to the County Superintendent.
- B. The maximum number of positions that may be designated as senior management shall be in accordance with Education Code 45108.5.
- C. Employees whose positions are designated as senior management shall be a part of the classified services 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.

Reference:

Education Code Section 45104.5, 45256.5, 45108.5, and 45108.7

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4400 The Merit System

4430 The Classification Plan

4431 The Classified Service

4431.5 Professional Experts

- A. The County Superintendent or designee may employ professional experts on a temporary basis for a specific project. Professional expert assignments shall not be made to avoid payment of overtime to regular employee nor shall a limited-term assignment be filled by a professional expert assignment if the duties and responsibilities fit an existing classification.

- B. The Commission recognizes the advantages of employing specialists and using them on an as-needed basis. However, it is the Commission's policy that personal services contracts not be used to circumvent the classified service.

Reference:

Education Code Section 4431.5

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4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.1 Assignment of Duties

- A. The Superintendent/County Board of Education or designee shall prescribe the duties and responsibilities of all positions in the classified service, except those on the Commission staff.

Reference:

Education Code Sections 45109

Approved: September 15, 1975
Revised: May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.2 General Nature of Classification Plan

- A. The Commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission, except those that are exempt from the classified service. Positions shall be classified on the basis of the kind and level of the duties and responsibilities of the position. The objective of such position classification shall be that positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence and the same salary rate. A job class may contain a single position or more than one position.
- B. When a new position is approved by the County Superintendent or designee, a statement of duties shall be presented to the Director. If the duties and responsibilities assigned match a classification that has been previously approved by the Commission, it shall be reported as an informational item to the Commission.

Reference:

Education Code Section 45256

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May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.3 Creation of New Positions or Classifications

- A. When the Superintendent/County Board of Education or designee determines the need for a new position in the classified service, it shall be reviewed with the Director and shall include a description of the duties to be performed in the position.

The Director shall review the request and present recommendations to the Commission as necessary. The Director shall:

1. Determine whether the position should be allocated to an existing class or to a new class. If allocated to an existing class, it shall be reported to the Commission at the next regular meeting.
2. Arrange classes into occupational hierarchies and determine reasonable relationships within occupational hierarchies.
3. Determine the proper salary placement of a new class, if one is established and recommend the allocation to the Commission for approval.
4. Prepare a written class description for approval by the Commission for a new class.
5. Notify the Superintendent/County Board of Education or designee of any action taken.
6. Provide reasonable notice to the exclusive bargaining unit for any proposed changes to classifications that have been determined to be a part of the unit.

Reference:

Education Code Sections 45101, 45109, and 45256

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May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.4 Class Descriptions

- A. 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, which indicates its basic functions.
 - 3. The essential duties and responsibilities to be performed by persons holding positions allocated to the class.
 - 4. A statement of minimum qualifications for service in the class. The desirable qualifications may include education, experience, knowledge, skills, abilities, physical abilities, licenses and certificates, and working conditions.
- B. The Commission shall insure that minimum educational and work experience requirements for classified positions reasonably relate to the duties of the position and that they will yield an adequate field of competition.
- C. Class descriptions shall be approved by the Commission prior to the issuance of a position announcement to fill a position vacancy.

Reference:

Education Code Sections 45109, 45256 and 45276

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May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.5 Position Announcements

Rule deleted 5-25-23

Reference:

Education Code 4527

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.6 Interpretation of Class Descriptions

- A. The class descriptions and their various parts are declared to have the following force and effect:
1. The basic function and the essential responsibilities and duties 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.
 2. 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, functions, and qualification requirements as affording a picture of the positions that the class includes.
 3. Each class description is construed in its proper relationship to other descriptions, particularly those of classes in the same series, in such manner as to maintain a proper position in the series in which the class is located and proper differentiation within the group of classes.
 4. The following personal qualification requirements apply to all classes though not specifically mentioned in the descriptions: mental and physical competence commensurate with the duties of the class; honesty; sobriety; industry; initiative; resourcefulness; dependability; sound judgment, and good moral character. For those classes that require such, a valid California driver's license and insurance required by law; and the ability to be bonded.
 5. The class description is to be used as a guide during recruitment including position announcements, the development of examinations, and the evaluation of the qualification of candidates seeking appointment to positions allocated to the class. The class description does not require a statement regarding the particular form or content of testing or testing procedure/s.

Reference:

Education Code Section 45256

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May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.7 Change in Duties of Positions

- A. Any substantial changes in the duties of existing positions shall be promptly reported in writing by the appointing authority to the Director, who shall review and determine whether the positions should be recommended to the Commission for allocation to a different, already existing class or to a new class.

Reference:

Education Code Section 45256

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May 27, 1982
July 23, 1992
July 24, 2014

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4400 The Merit System

4430 The Classification Plan

4432 General Classification Rules

4432.8 Working Out of Classification

- A. Each classified employee shall be required to perform the duties approved by the County Superintendent or designee and allocated by the Commission for the class to which the employee is assigned. Classified employees shall not be required to perform duties that are not fixed and prescribed for their position in accordance with Education Code Section 45109, unless the duties reasonably relate to those fixed for the position for any period of time which exceeds five days within a 15 calendar day period.
- B. An employee may be required to perform duties inconsistent with those assigned to the position for a period of five working days or more provided that his/her salary is adjusted upward for the entire period s/he is required to work out of classification. The employee shall be paid at a step with the range of the class to which s/he is temporarily assigned which provides at least a five percent increase but does not exceed the top step of the newly assigned range. Employees may be assigned to work out of classification only with the recommendation of their supervisor or department head and the approval of the Director.
- C. Working out of classification 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.
- D. This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by a competent authority.

Reference:

Education Code Sections 45109 and 45110

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May 27, 1982
July 23, 1992
July 24, 2014

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4433 Reclassification

4433.1 Requests for Study

- A. Requests for classification study of existing positions shall be presented to the Director together with a statement of the reasons for requesting a study. Requests for study may be initiated by the Program Manager with the approval of the Superintendent and/or designated Assistant Superintendent, or by recognized employee organizations or representatives, by employees, or by the Director. A statement of the current authorized duties of the position (s) and any prospective changes shall accompany requests. The basis for reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a re-organization or the assignment of completely new duties and responsibilities.
- B. Requests for study are normally initiated during the month of February of each fiscal year. The requests shall be received and processed for change, if any, effective July 1st of each fiscal year or a date approved by the County Superintendent. Requests for study may be made outside the regular February to June cycle in the event of an unusual work situation.
- C. The Director shall conduct a classification study or have a study conducted by a qualified specialist to determine if the position is properly classified. The Director shall prepare a summary with recommendations as to the proper classification of the position. Summaries shall be submitted to the Commission and the County Superintendent. Notices shall be sent to the Program Manager and the employee once the Commission has made its determination. The Commission shall hear presentations in regards to the matter and shall make the final determination.
- D. No position classification or reclassification plan that would affect classified employees who are represented by an exclusive bargaining unit shall be adopted by the Commission until the exclusive bargaining unit has been given reasonable notice of the proposed classification/s or reclassification/s.

Reference:

Education Code Sections 45256, 45285 and 45285.5

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June 15, 1982
September 24, 1992
July 24, 2014

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4433.2 Gradual Accretion

- A. The basis for reclassification of a position shall be a gradual accretion of duties and not a sudden change occasioned by a re-organization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion shall be on the basis of guidelines provided by Personnel Commission rules.
- B. Gradual accretion shall be defined as:
 - 1. An accumulation of different or new duties or responsibilities;
 - 2. Over a period of at least one year;
 - 3. Consistent with changes in the program or department that required a different or new level of duties or responsibilities.

Reference:

Education Code Sections 45285

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4433.2 Effective Date of Reclassification

- A. Reclassification of a position shall become effective on the date recommended by the Commission and approved by the County Superintendent. Reclassifications shall not be retroactive. Effective dates may be set sufficiently in the future to allow time for examinations, if any, to be completed.

Reference:

Education Code Sections 45256, 45285 and 45285.5

Approved:
Revised:

September 15, 1975
June 15, 1982
September 24, 1992
July 24, 2014

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4433 Reclassification

4433.3 Effects of Reclassification Changes on Incumbents

- A. For an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or duty changes by the Superintendent or designee. The Commission shall decide at the time the reclassification occurs as to whether the reclassification meets this rule.
1. When all of the positions in a class are reallocated to a higher class, the incumbents of the position who have been in the class for two or more years may be reclassified with their positions by the Commission.
 2. When a portion of the positions with a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his/her position.

Incumbents with less than two years of service may be required to take a qualifying examination or provide other evidence of qualification.
 3. An employee who has been reclassified shall be ineligible for subsequent reclassification with his or her position for a period of at least two years from the initial action.
- B. Any displacement of a regular employee resulting from a reclassification of a position or class of positions shall be considered a layoff for a lack of work and reemployment rights shall be provided in accordance with the law and Personnel Commission Rule 4465.2 Rights of Employees Laid Off or Reduced for Lack of Work or Lack of Funds.
- C. When a position or group of positions is reclassified to a position with an equal or lower wage or salary range, an incumbent regardless as to the length of service in the class shall have the following rights:
1. The right to displace the employee in the same class of equal time with the lowest seniority in the class provided that the incumbent has greater seniority in the class.
 2. The right to displace the employee in the same class of less time with the lowest seniority in the class, provided that the incumbent has greater seniority in the class.

Approved: September 15, 1975
Revised: July 22, 1982
September 24, 1992
October 27, 2005
July 24, 2014

4433.3 Effects of Reclassification Changes on Incumbents (Continued)

3. The right to displace the employee with the least seniority in any equal or lower class in which the incumbent formerly served and gained permanency, provided that he/she has greater seniority in that class.
 4. The right to be demoted or to transfer, without examination, to the class to which his/her position is reclassified. The employee may choose to transfer, demote or exercise displacement rights at his/her option and his/her choice shall not affect his/her right.
- D. An employee who is reclassified to a higher class shall be placed on that step of the adjusted salary range that will provide a pay increase of not less than five percent, except when the maximum rate of the higher salary range is less than five percent. Transactions resulting in the reclassification of an employee or an adjustment of salary within class shall not affect an employee's anniversary date.

Reference:

Education Code Sections 45256 and 45285

Approved:
Revised:

September 15, 1975
July 22, 1982
September 24, 1992
October 27, 2005
July 24, 2014

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4433 Reclassification

4433.4 Effects of Reclassification Changes on Incumbents

- A. For an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or duty changes by the Superintendent or designee. The Commission shall decide at the time the reclassification occurs as to whether the reclassification meets this rule.
1. When all of the positions in a class are reallocated to a higher class, the incumbents of the position who have been in the class for two or more years may be reclassified with their positions by the Commission.
 2. When a portion of the positions with a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his/her position.

Incumbents with less than two years of service may be required to take a qualifying examination or provide other evidence of qualification.
 3. An employee who has been reclassified shall be ineligible for subsequent reclassification with his or her position for a period of at least two years from the initial action.
- B. Any displacement of a regular employee resulting from a reclassification of a position or class of positions shall be considered a layoff for a lack of work and reemployment rights shall be provided in accordance with the law and Personnel Commission Rule 4465.2 Rights of Employees Laid Off or Reduced for Lack of Work or Lack of Funds.
- C. When a position or group of positions is reclassified to a position with an equal or lower wage or salary range, an incumbent regardless as to the length of service in the class shall have the following rights:
1. The right to displace the employee in the same class of equal time with the lowest seniority in the class provided that the incumbent has greater seniority in the class.
 2. The right to displace the employee in the same class of less time with the lowest seniority in the class, provided that the incumbent has greater seniority in the class.

Approved: September 15, 1975
Revised: July 22, 1982
September 24, 1992
October 27, 2005
July 24, 2014

4433.4 Effects of Reclassification Changes on Incumbents (Continued)

3. The right to displace the employee with the least seniority in any equal or lower class in which the incumbent formerly served and gained permanency, provided that he/she has greater seniority in that class.
 4. The right to be demoted or to transfer, without examination, to the class to which his/her position is reclassified. The employee may choose to transfer, demote or exercise displacement rights at his/her option and his/her choice shall not affect his/her right.
- D. An employee who is reclassified to a higher class shall be placed on that step of the adjusted salary range that will provide a pay increase of not less than five percent, except when the maximum rate of the higher salary range is less than five percent. Transactions resulting in the reclassification of an employee or an adjustment of salary within class shall not affect an employee's anniversary date.

Reference:

Education Code Sections 45256 and 45285

Approved:
Revised:

September 15, 1975
July 22, 1982
September 24, 1992
October 27, 2005
July 24, 2014

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4434 Reallocation

4434.1 Requests for Reallocation Study

- A. Requests for salary reallocation study of existing classifications shall be presented to the Director together with a statement of the reasons for requesting a study. Requests for study may be initiated by the Program Manager with the approval of the County Superintendent and/or designated Associate Superintendent, or by recognized employee organizations or representatives, by employees, or by the Director. The basis for salary reallocation shall generally be documented difficulty in recruitment and/or retention, labor market changes, and/or internal salary equity.
- B. Requests for salary reallocation study are normally initiated during the month of February of each fiscal year. The requests shall be received and processed for change, if any, effective July 1st of each fiscal year or a date approved by the County Superintendent. Requests for study may be made outside the regular February to June cycle in the event of an unusual work situation.
- C. The Director shall conduct a salary study or have a salary study conducted by a qualified specialist to determine whether a salary reallocation may be appropriate. The Director shall prepare a summary with recommendations as to an appropriate salary range for the classification. Summaries shall be submitted to the Commission and the County Superintendent. Notices shall be sent to the Program Manager and the employee once the Commission has made its determination. The Commission shall hear presentations in regards to the matter and shall make the final determination.
- D. No salary reallocation that would affect classified employees who are represented by an exclusive bargaining unit shall be adopted by the Commission until the exclusive bargaining unit has been given reasonable notice of the proposed reallocation.

Reference:

Education Code Sections 45256, 45285 and 45285.5

Approved: September 15, 1975
Revised: July 22, 1982
September 24, 1992
October 27, 2005
July 24, 2014
February 22, 2024

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4441.1 Authorization to Fill Vacancy

- A. The examination to fill a vacant position shall be initiated by the Director, Human Resources only after a written request has been made by the Assistant Superintendent/Program Manager on the approved form. The form shall be provided by the Human Resources Office in accordance with regulations set forth by the County Superintendent or designee.
- B. If necessary, the appropriate classification action shall have been taken in accordance with Rule No. 4432.3.

Reference:

Education Code Sections 45109 and 45256

Approved: August 26, 1982
Revised: August 31, 1992
Pending Approval: October 23, 2014

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4441.2 Job Announcement bulletin

- A. Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist, as determined by the Director, Human Resources, the Commission shall direct the holding of an examination to provide eligibles. At least ten working days advance public notice shall be given, except in the case of the “open continuous” examinations. The job announcement notice shall contain the following facts:
1. Information concerning the location of employment, the expected number of vacancies, and other conditions of employment.
 2. Description of the scope of duties and responsibilities of the position and the classification title.
 3. Minimum qualifications required.
 4. The salary.
 5. The last date for filling an application.
 6. The subject about which the competitors may be examined and the weights of the various parts of the examination.
 7. The types and duration of the eligibility list established.
 8. Such other information as will assist the applicants and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination process.
- B. The Director, Human Resources shall establish procedures for the maintenance of employee requests for transfers, change of location, change of assignment and notification of forthcoming examinations.

Reference:

Education Code Sections 45278 and 45292

Approved: August 26, 1982
Revised: August 31, 1992
Pending Approval: October 23, 2014

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4441 Application for Employment

4441.3 Filing of Application

- A. All applications for employment shall be made upon the official forms furnished by the Human Resources Office and filled out as directed on the forms. Applicants taking more than one examination shall file a separate and complete application for each examination.
- B. In order to be accepted, the application must be received in the Human Resources Office by the date and time indicated on the job announcement bulletin. If an application is sent by mail, it shall be the applicant's responsibility to see that it is received in the Human Resources Office before the deadline.

Reference:

Education Code Section 45260 and 45272

Approved: October 20, 1975
Revised: August 26, 1982
Pending Approval: October 23, 2014

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4441.4 General Qualifications of Applicants

- A. Applicants must prove their right to work in the United States, in accordance with the provisions of the Immigration and Naturalization Service, and must possess all requirements that are specified in the qualifications established for the classification. Every applicant must be mentally and physically competent to perform the duties of the position for which he/she is applying.
- B. The residency of the applicants shall not be a consideration for filing applications or offering employment, except in the case of restricted positions which require specific residency.

Reference:

Education Code Sections 45111, 451220-45124, 45134, 45260 and 45272

Government Code Sections 12920 and 12926; Immigration Reform and Control Act of 1986

Approved: October 20, 1975
Revised: August 26, 1982
August 31, 1992
Pending Approval: October 23, 2014

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4441.5 Disqualification of Applicants, Candidates and Eligibles

- A. An applicant, candidate or eligible may be refused examination, disqualified from an examination, or removed from an eligibility list for any of the following reasons:
1. Failure to meet the general qualifications of Rule No. 4441.4
 2. Making a false statement or omitting a statement as to any material fact on the application form.
 3. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict to a charge of a sex or controlled substance offence as defined in Education Code Sections 44010 or 44011.
 4. Conviction of any crime involving mistreatment of children.
 5. Deception or fraud in connection with an examination or to secure employment.
 6. Previous dismissal from the Santa Barbara County Education Office, unless the Superintendent of Personnel Commission gives a waiver to the individual in writing.
 7. Failure to pass the pre-employment physical examination required for the position.
 8. Failure to report for duty after an assignment has been offered and accepted.
 9. Failure to comply with required hiring procedures.
 10. Violation of the provisions of Education Code Section 45310 regarding authorized payment of salary or wage.
 11. Failure to respond to due notice for review of any of above bases for disqualification (due notice means by telephone, personal contact or United States mail)

Reference:

Education Code Sections 44010, 44011, 45122-45124, 45134, 45260-45261 and 45310

Approved: October 20, 1975
Revised: August 26, 1982
August 31, 1992
Pending Approval: October 23, 2014

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4441.6 Disqualification and Appeal from Disqualification

- A. Applicants, candidates and eligibles who are disqualified for any of the reasons enumerated in Rule No. 4441.5 shall be notified in writing by the Director, Human Resources. The notification shall state:
 - 1. The reason(s) for disqualification.
 - 2. That, within seven calendar days, the individual may appeal to the Director, Human Resources for administrative review, and that failure to appeal for administrative review makes the disqualification final and conclusive.
- B. If there has been an administrative review, as provided above, and the disqualification is sustained, the individual shall be:
 - 1. Given a written notice outlining the reason(s) for sustaining the disqualification, and
 - 2. Informed of his/her right to make a written appeal of the disqualification and/or the period of disqualification, with seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:
 - a. Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin or ancestry.
 - b. Abuse or discretion.
 - c. Inconsistency of the reasons given for the disqualification with the facts.
- C. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned, as determined by the Commission, and shall be final.
- D. If a disqualification is not sustained by the Director, Human Resources or the Personnel Commission, the Director, Human Resources shall immediately institute action to insure the rights of the applicant, candidate or eligible person listed on an eligibility list. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

Reference:

Education Code Sections 44010, 44011, 45122-45124, 45134, and 45260-45261

Approved: October 20, 1975
Revised: August 26, 1982
August 31, 1992
Pending Approval: October 23, 2014

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4441.7 Confidentiality of Information

- A. Unless these Rules specifically designate otherwise, all pre-employment documents such as applications, references and the like shall be considered confidential information and the property of the Santa Barbara County Education Office, and shall be returned.
- B. The names of the applicants, candidates or eligibles in any examination shall not be made public nor open to inspection, except as noted in this Rule.
- C. Examination records, except but not limited to written tests and confidential references, shall be open to inspection by an application, candidate, eligible or his/her representatives and other such persons as specifically ordered by the Personnel Commission.

Reference:

Education Code Sections 45260-45261 and 45274

Approved: August 26, 1982
Revised: August 31, 1992
Pending Approval: October 23, 2014

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4441.8 Job Interest Cards

- A. All prospective applicants may complete a Job Interest Card for a classification title for which there is no vacancy. It is the intent of the Personnel Commission that all prospective applicants who have requested notification be sent a copy of the job announcement bulletin and an application when an examination for the classification is open for filing.
- B. The Job Interest Cards are kept on file for at least three months. Such notification shall be considered a service and shall not bind the Classified Personnel operations or the Personnel Commission to accepting late applications if the notice does not reach the prospective applicant.

Reference:

Education Code Section 45260-45261

Approved: August 26, 1982
Revised: August 31, 1992
Pending Approval: October 23, 2014

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4441.9 Non Discrimination in Employment Policy

- A. It is the policy of the Santa Barbara County Education Office to provide equal employment opportunities to all qualified persons and to avoid unlawful discrimination against and/or harassment of employees and job applicants on the basis of actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex or sexual orientation or the employee's or job applicant's association with a person or group with one or more of these actual or perceived characteristics. Furthermore, it is the goal of the County Education Office to achieve a racial and ethnic balance among its employees that reflects the composition of the available work force.
- B. The Office also prohibits retaliation against any employee who opposes any discriminatory employment practice by the Office or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the Office's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted.
- C. Any employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

Reference:

Education Code Sections 45260-45261

Approved: August 26, 1982
Revised: August 31, 1992
December 15, 2005
October 23, 2014
August 8, 2018

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4440 Application and Examination

4442 Examination

4442.1 Character of Examinations

- A. Examinations may be written or oral or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity, and tests of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the Personnel Commission or the Director, Human Resources, serves this end, may be employed.
- B. Examinations shall be administered objectively and shall consist of test part(s) that relate to job performance. Candidates shall be required to attain a designated minimum rating in each part of the examination process to qualify for participation in the next succeeding part.
- C. For classes of positions deemed by the Personnel Commission, or by the Director, Human Resources to require an oral examination, the oral examination panel shall include at least two members.
- D. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination panel shall confine itself to evaluating general fitness for employment in the class. When the oral examination panel is directed to evaluate technical knowledge and skills, at least two members shall be technically qualified in the specified occupational area. Members of the County Board of Education or Personnel Commission shall not serve on an oral examination panel if he/she is not at the first or second level of supervision over a vacant position in the class for which the examination is held.
- E. In the event a written examination is given, the examination for a class may cover any subject matter appropriate to the duties of positions within the class including testing of skills, knowledge and abilities. The Director, Human Resources shall determine the passing score and assign relative weight percentage scores.
- F. In no case will an oral examination panel be provided with confidential references on employees of the County Education Office who are competing in promotional examinations. Scores achieved by the candidates on other parts of the examination shall not be made available to the oral examining panel.
- G. The Human Resources Office shall provide for the proceedings of all examinations to be electronically recorded. The recordings shall be kept on file in the Human Resources Office for 90 days.

Reference:

Education Code Sections 45260-45261 and 45272-45273

Approved:	October 20, 1975
Revised	August 23, 1979
	August 26, 1982
	October 22, 1992
Pending Approval:	October 23, 2014

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4442 Examination

4442.2 Admission to Examinations

- A. Competitive examinations for positions in the Classified Service shall be open to all applicants who meet the minimum qualifications and who are not disqualified as provided in Rule Number 4441.5, except that examinations may be restricted to promotional candidates.
- B. Examinations shall, where practicable, be limited to promotional applicants. When no promotional field or competition exists or when there is doubt of its adequacy, an open examination or simultaneous open and promotional examination may be administered. Promotional examinations shall be restricted to permanent employees of the County Education Office who meet the prescribed qualifications of the classification.
- C. The job announcement bulletin shall state to whom the field of competition is limited. The Director, Human Resources shall be responsible for determining, subject to these rules, the field of competition.
- D. Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date and place of examination(s).

Reference:

Education Code Sections 45260-45261 and 45272-45273)

Approved: August 26, 1982
Revised October 22, 1992
Pending Approval: October 23, 2014

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4442.3 Written Examinations

- A. The written examination for a classification may cover any subject matter appropriate to the duties of positions within the classification including testing of skills, knowledge, and abilities. The Director, Human Resources shall determine the passing score and assign relative weight percentage scores.
- B. Competitors in any written test must take the test on the prescribed date. Copies of the questions in a test shall not be made by competitors or other unauthorized persons. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in any given examination shall have been scored.
- C. Any competitor in any examination who places any identifying mark upon his test papers (other than the identifying mark prescribed at the time of the examination) or makes any attempt to disclose to others the identify of his papers prior to the completion of the examination may be disqualified under the procedures of Rule Number 4441.5

Reference:

Education Code Sections 45260-45261 and 45272-45273)

Approved: August 26, 1982
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Pending Approval: October 23, 2014

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4442.4 Oral Examination Panel

- A. If the Director, Human Resources deems that the examination requires an oral examination panel, he/she shall assure that the following rules are followed:
1. The panel shall include at least two members.
 2. An employee of the County Education Office or of the Personnel Commission may serve on an oral examination panel if he/she is not at the first and second level of supervision over a vacant position in the class for which the examination is being held.
 3. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination panel shall confine itself to evaluating general fitness for employment in the class.
 4. When the oral examination panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall, as determined by the Director, Human Resources, be technically qualified in the specific occupational area.
 5. Members of the County Board of Education or Personnel Commission shall not serve on an oral examination panel.
 6. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral examination panel.
 7. The Human Resources Office shall provide for the proceedings of all oral examinations to be electronically recorded. The recordings shall be kept on file in the Human Resources Office for 90 days.

Reference:

Education Code Sections 45260-45261 and 45272-45273

Approved: August 26, 1982
Revised October 22, 1992
Pending Approval: October 23, 2014

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4442.5 Open Competitive Examinations

- A. An open competitive examination is an employment examination in which all persons meeting the minimum qualifications for employment may compete.

Reference:

Education Code Sections 45260-45261 and 45272-45273

Approved:	August 26, 1982
Revised	October 22, 1992
Pending Approval:	October 23, 2014

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4442.6 Promotional Examinations

- A. Where an adequate field of competition exists within the County Education Office and examinations can reasonably be expected to result in at least three qualified ranks of eligibles, as determined by the Director, Human Resources, the field of competition shall be limited to promotional list shall be those who by the final filing date as listed on the job announcement bulletin have permanent status.
- B. Any promotional eligible whose employment is terminated during the life of the list, shall automatically have his/her name moved up to an open list, if any. If an open list does not exist, the person shall be ineligible for certification unless he/she returns to employment during the life of the promotional list.

Reference:

Education Code Sections 45260-45261 and 45272-45273

Approved: October 20, 1975
Revised August 26, 1982
October 22, 1992
Pending Approval: October 23, 2014

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4442.7 Promotional and Open Competitive Examinations

- A. Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Director, Human Resources may advertise the examination among employees and the general public.
- B. Applicants shall be considered as a group in determining passing scores on the examination.
- C. As long as three ranks are available for work on the promotional list, all openings shall be filled from that list before utilizing the open list. Should no eligibles or only one or two eligibles be available on the promotional list, the Director, Human Resources may certify sufficient numbers of eligibles from the open list, in rank order of scores, to provide three ranks from both lists for each position to be filled.
- D. This rule shall not apply to classified management positions at or above the level of Business Manager, designated Senior Management Positions and Executive Secretary positions designated as exempt.

Reference:

Education Code Sections 35031, 45256.5, 45260-45261 and 45272-45273

Approved: August 26, 1982
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Pending Approval: October 23, 2014

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4442.8 Dual Certification Examinations

- A. Other sections of these rules notwithstanding, should the class under examination contain fewer than three positions, or if the most recent promotional examination for the class fail to provide three ranks to fill each regular vacancy during the first year of the life of the list, the Director, Human Resources may, prior to examination, order dual certification. The order for Dual Certification shall be reported to the Personnel Commission.
- B. Dual certification shall be interpreted to mean an examination open to employees and the general public, which results in one integrated eligibility list.

Reference:

Education Code Sections 45260-45261, 45282 and 45284

Approved: August 26, 1982
Revised October 22, 1992
Pending Approval: October 23, 2014

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4442.9 Open Continuous Examinations

- A. The Director, Human Resources may establish a process by which applicants are continuously examined for classes of positions he/she determines cannot practicably be filled by promotional examination only. Appointments shall be made from the top three ranks on the list at the time the Director, Human Resources can first reasonably certify three ranks to the appointing authority. The order for Open Continuous Examinations shall be reported to the Personnel Commission.
- B. Names of individual eligibles shall be retained on the eligibility list for six months from the date of certification of the name of the eligibles to the eligibility list unless previously removed in accordance with pertinent rules and regulations.

Reference:

Education Code Sections 45260-45261 and 45292

Approved: August 26, 1982
Revised October 22, 1992
Pending Approval: October 23, 2014

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4442.10 Examination Scoring

- A. The relative weight of the examination or of the different parts of an examination shall be determined by the Director, Human Resources and stated in the job announcement bulletin. Competitors shall be required to attain a designated minimum score in the examination or in each part of the examination to qualify for participation in the next succeeding part. Competitors shall be required to attain a designated minimum overall final score in order to place on the eligibility list. All examination papers shall be prepared and rated under the direction of the Director, Human Resources.
- B. Placement on the eligibility list shall be in the order of scores determined by examination. The scores of candidates shall be rounded to the nearest whole percent for all eligibles. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.
- C. The Director, Human Resources shall assure that written notice to individual scores achieved on the examination, including position on the eligibility list are mailed to each person competing in an examination. All applications and examination papers submitted by competitors are the property of the Human Resources Office and are confidential records.

Reference:

Education Code Sections 45260-45261 and 45272-45274

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Revised March 24, 1983
October 22, 1992
Pending Approval: October 23, 2014

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4442.11 Review and Protest of Examination Records

- A. Examination records, including test answer sheets, tape recordings of interviews and the rating sheets of each member of an oral examination panel shall be retained by the Human Resources Office for a period of one year. Tape recordings of oral examination panels shall be kept on file in the Human Resources Office for 90 days.
- B. Examination records shall not be made available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential.
- C. Records, such as application papers and scores of the candidate or eligible or his/her representative. The candidate or eligible or his/her representative may not review the records of another person.
- D. Notification of examination(s) results shall be provided to candidates as soon as practicable following administration of the examination(s). Requests for review of the examination shall be submitted to the Classified Personnel Director during the five working days following notification. At the time of review, the candidate may protest in writing any part of the examination, outlining the basis for the protest and stating the remedy sought. No candidate may remove or copy information for the examination materials. Failure to review or file a protest with the Classified Personnel Director within the review period shall constitute a waiver of the right to appeal the examination process.
- E. The Classified Personnel Director shall inform the candidate who has submitted the protest of his/her decision in writing and notify the Personnel Commission. If the Director, Human Resources finds any protest to be valid, action to correct the score shall be taken accordingly. If the Director, Human Resources finds the protest to be invalid, that decision may be appealed to the Personnel Commission. The filing of such an appeal shall not stop or otherwise delay the selection (examination) process unless so ordered by the Personnel Commission.
- F. Appeals to the Personnel Commission shall be submitted in writing to the Human Resources Office within three working days of receipt of the decision of the Classified Personnel Director.
- G. The Personnel Commission shall hold a hearing to consider the appeal of the candidate. The decision of the Personnel Commission shall be in writing and shall be final and binding on all parties. (Reference Rule No. 4472.3, "Hearing Procedures")

Reference:

Education Code Sections 45260-45261 and 45274

Approved:	October 20, 1975
Revised	March 24, 1983
	October 22, 1992
	May 28, 1998
Pending Approval:	October 23, 2014

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4400 The Merit System

4440 Application and Examination

4443 Special Examination Provisions

4443.1 Veterans' Preference

- A. In the case of entrance examinations, veterans shall have five percentage points added to their final passing score on any open examination and disabled veterans shall have ten percentage points added to their final passing score on any open examination.
- B. "Entrance examination" as used in this section means any open competitive examination by which a veteran enters the classified service. Classified employees who have attained permanency are not eligible for veterans' preference points.
- C. "Veteran" as used in this section means any person who has served in the United States armed forces in time of war or national emergency declared by the President of the United States of America and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to Human Resources at the time of application.
- D. A disabled veteran is any veteran who is currently declared by the United States Veterans Administration to be ten percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.
- E. In order to have the additional points added to their passing score, the applicant shall submit proof of qualifying military service, discharge conditions, and (if applicable) disability status to Human Resources at the time of application.

Reference:

Education Code Sections 45294-45296

Approved: October 20, 1975
Revised: March 24, 1983
November 17, 1992
October 23, 2014
September 15, 2022

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4400 The Merit System

4440 Application and Examination

4443 Special Examination Provisions

4443.2 Examinations for Certain Positions – Business Manager

- A. An open competitive examination and promotional examination shall be held at the same time for the position of Business Manager and may be held at the same time for any other single position class which the Personnel Commission declares to be at or above the level of Business Manager. All educational and work experience requirements for such a manner that the positions shall be developed to fit the needs of the position in such a manner that the position will attract competent and qualified applicants from within the classified service, among certificated personnel, or other persons meeting the minimum requirements established for the positions.
- B. An open competitive examination and a promotional examination shall be held at the same time for the positions that existed or could be created under the provisions of sub-divisions (m), (n), and (o) of Education Code Section 44065 as those sub-divisions existed prior to their repeal by action of the 1965 General Session of the Legislature, when such positions become available for competitive examination.
- C. Under the circumstances if this rule, the following shall apply:
 - 1. All permanent employees of the district, classified and certificated, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates.
 - 2. Promotional and seniority credits, if any, shall be equally applicable to both classified and certificated promotional candidates.
 - 3. Eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional and seniority credits, if any.
 - 4. The examination for any such position shall not be construed to be an entry level position examination and Veteran' credit is, therefore, not to be included.

Reference:

Education Code Sections 44065, 45280-45282

Approved: October 20, 1975
Revised March 24, 1983
November 17, 1992
Pending Approval: October 23, 2014

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4400 The Merit System

4440 Application and Examination

4443 Special Examination Provisions

4443.3 Examinations for Certain Positions – Senior Management

- A. The County Superintendent may designate certain positions as senior management of the classified service. A senior management employee means either of the following:
 - 1. An employee at the highest position in a principal district or county office program area as determined by the County Superintendent which does not require certification qualifications and which has district-wide responsibility for formulating policies or administering the program area.
 - 2. An employee who acts as the fiscal advisor to the County Superintendent.
- B. 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 position as specified by the County Superintendent and determined by the Personnel Commission.
- C. The maximum number of positions which may be designated as senior management shall be in accordance with average daily attendance in the county in accordance with Education Code Section 45108.5.
- D. Employees whose positions are designated as senior management shall be a 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.

Reference:

Education Code Sections 35031, 45100, 45104.5, 45108.5 and 45256.5

Approved: October 20, 1975
Revised March 24, 1983
November 17, 1992
Pending Approval: October 23, 2014

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.1 Establishment and Life of Re-employment Lists

- A. There shall be established for each class, as necessary, a re-employment list which shall take precedence over all other lists in appointment. This list shall contain the names of all permanent classified employees who have been laid off, suffered a reduction in hours, or were demoted in lieu of layoff because of lack of work or lack of funds; employees who are on leave of absence for military service; employees who have been absent because of illness or injury and who have exhausted all paid and/or unpaid leaves of absence and are still unable to assume the duties of their positions.
- B. Eligibility for re-employment shall be for the following periods:
1. Employees who have been laid off because of lack of work or lack of funds, thirty-nine (39) months;
 2. Employees who have experienced a reduction in hours because of lack of work or lack of funds, sixty-three (63) months;
 3. Employees who have accepted a demotion in lieu of layoff because of lack of work or lack of funds, sixty-three (63) months;
 4. Employees that have been absent because of illness or injury and have exhausted all paid leaves, thirty-nine (39) months; and
 5. An employee who requires a leave of absence for military duty and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall have their names placed on the re-employment list in the class which they leave.

Reference:

Education Code Sections 45192 Resignation and Leaves of Absence, 45195, 45198, 45298; Military and Veterans Code 395.1 and 395.3

Approved: October 20, 1975
Revised: March 24, 1983
April 22, 1993
June 28, 2018

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.2 Order of Recall from Re-employment Lists

- A. The order of preference in recall from re-employment lists shall be as follows:
1. Classified employees returning from military leave in accordance with the provisions of the Military and Veterans' Code;
 2. Employees laid off, demoted, or reduced in hours due to lack of work or funds;
 3. Employees who have been absent because of illness or injury and are now able to resume the full duties and responsibilities of their former positions in accordance with a doctor's certification.

Reference:

Education Code Sections 45192, 45195, 45198, and 45298; Military and Veterans' Code 395.1 and 395.3

Approved:
Revised:

March 24, 1983
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.3 Establishment and Life of Eligibility Lists

- A. After an examination, the names of successful candidates shall be arranged on a list in the order of examination scores, plus additional points where applicable. The list shall be presented for ratification to the Personnel Commission.
- B. A promotional eligibility list shall be in affect for one year from the date of its establishment, unless exhausted, and may be extended not to exceed an additional six months, at the discretion of the Personnel Commission. For those classes approved for continuous examination procedures, the names of successful candidates shall be added to the appropriate eligibility list by merging the names in accordance with scores achieved on the examination. Each individual on a promotional eligibility list established as the result of continuous examination procedures shall retain his/her eligibility for a period of one year.
- C. An open competitive eligibility list shall be in effect for six months from the date of its establishment, unless exhausted, and may be extended not to exceed six additional months, at the discretion of the Personnel Commission. For those classes approved for continuous examination procedures, the names of successful candidates shall be added to the appropriate eligibility list by merging the names in accordance with scores achieved on the examination. Each individual on an open competitive eligibility list established as a result of continuous examination procedures shall retain his/her eligibility for a period of six months.

Reference:

Education Code Section 45272 and 45300

Approved:
Revised:

October 20, 1975
March 16, 1979
March 24, 1983
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.4 Reinstatement Lists

- A. A permanent employee who resigned in good standing may be reinstated in a vacant position in a former classification within 39 months of the last date of paid service. All reinstatements are discretionary with the appointing authority.

Reference:

Education Code Section 45309

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.5 Termination of Eligibility Lists

- A. A promotional eligibility list is automatically terminated one year from the date of its establishment unless previously extended by the Personnel Commission.
- B. An open competitive eligibility list is automatically terminated six months from the date of its establishment unless previously extended by the Personnel Commission.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated by the Director, Human Resources when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three ranks remaining on the list.

Reference:

Education Code Section 45300

Approved:
Revised:

October 20, 1975
March 16, 1979
March 24, 1983
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.6 Merger of Eligibility Lists

- A. If there are fewer than three ranks on the list who are available for appointment, a new examination may be given. The new list may then be merged with the existing list with eligibles ranked in the order of examination scores, plus additional points where applicable.
- B. When lists are consolidated under this rule, the earlier list shall be terminated on its established termination date, and those eligibles' names shall be removed from the consolidated list.

Reference:

Education Code Sections 45291 and 45300

Approved:
Revised:

October 20, 1975
March 24, 1983
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.7 Eligibility After Appointment

- A. An eligibility list shall be used for regular full-time, regular part-time and limited term (including substitute) assignments in the class. An eligible who accepts part-time employment shall continue to be eligible, for the life of the list, for full-time employment; and an eligible who accepts limited term employment shall continue to be eligible, for the life of the list, for regular employment (according to examination scores and placement on the eligibility list)
- B. An eligible who accepts part-time employment and achieves permanency by successfully completing the probationary period may be increased to a full-time assignment or considered for transfer to a full-time position without regard to his/her original examination scores and placement on an eligibility list.

Reference:

Education Code Sections 45272, 45286 and 45300

Approved:
Revised:

December 20, 1975
March 24, 1983
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4451 Eligibility Lists

4451.8 Removal of Names From Eligibility Lists

- A. The name of an eligible may be removed from an eligibility list by the Director of Classified Personnel, subject to appeal to the Personnel Commission, for any of the following reasons:
1. A request by the eligible to be removed;
 2. Failure to respond within five working days to an inquiry regarding availability for employment
 3. Failure to respond for an interview after certification;
 4. For cause as established by Personnel Commission Rule (See Personnel Commission Rule 4441.5, Disqualification of Applicants, Candidates and Eligibles)
 5. Termination of employment when on a promotional eligibility list
 6. Two waivers of certification during the life of the eligibility list in regard to employment in a permanent position; and
 7. Refusing an employment offer after having been properly certified as eligible for appointment.

Reference:

Education Code Section 45272 and 45300

Approved:
Revised:

October 20, 1975
March 24, 1983
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.1 Order of Precedence in Filling Vacancies

- A. Names shall be certified for appointment from employment lists in the following sequence:
1. Reemployment List – Persons on the reemployment list consistent with Personnel Commission Rule 4451.1 shall be afforded first priority to vacant positions in order of seniority.
 2. Transfer Requests – Written requests for transfers within the same classification may be considered. If the appointing authority elects to fill the position by transfer, the vacancy resulting from the transfer shall be filled in accordance with this Rule.
 3. Eligibility List – When the vacancy is not filled through the procedures listed in sections 1 or 2 above, the top three ranks of available eligibles shall be certified with the exception of vacancies in positions identified as senior management consistent with Personnel Commission Rule 4431.4.
 - a. Promotional Eligibility List – When the position has been advertised as a promotional-only recruitment, the top three ranks of available eligibles who are current active regular employees shall be certified.
 - b. Open Competitive List – When the position has been advertised as an open-competitive recruitment, the top three ranks of available eligibles who are current active regular employees shall be certified and have priority over the list of eligibles from the general public who shall also be certified.
 - c. Dual Certification – When the position has been advertised as a dual certification recruitment, the top three ranks of available eligibles from both current active regular employees and the general public shall be certified, resulting in one integrated eligibility list.
 - d. Voluntary Demotion/Lateral Transfer/Reinstatement – All qualified persons requesting increase or decrease in hours, voluntary demotion, lateral transfer, or reinstatement shall be certified in addition to eligibles from promotional, open competitive, or dual eligibility lists.

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Revised: February 25, 1988
April 22, 1993
August 8, 2018

- B. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

Reference:

Education Code Sections 45272, 45308 and 4530

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Revised: February 25, 1988
 April 22, 1993
 August 8, 2018

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.2 Dual Certification

- A. Other sections of these rules notwithstanding, the Director, Human Resources may, prior to examination, authorize dual certification. Such action shall be reported to the Personnel Commission. Dual certification may be authorized under the following conditions:
 - 1. When the same examination is held on an open competitive and promotional basis to provide a list of eligibles or ranks for any class having fewer than three permanent positions, or
 - 2. For which the most recent promotional eligibility list failed to provide sufficient available eligibles or ranks to fill all vacancies occurring in permanent positions during the life of the eligibility list.
- B. Dual Certification shall be interpreted to mean an examination open to employees and the general public which results in one integrated eligibility list. (See also Rule No. 4442.8)

Reference:

Education Code Sections 45284

Approved:
Revised:

October 20, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.3 Procedure when Fewer Than Three Ranks Remain

- A. When fewer than three eligibles or three ranks are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three eligibles or three ranks if an open list is available.
- B. When fewer than three eligibles or three ranks are available for certification, the available eligibles or ranks shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination to provide for three ranks.

Reference:

Education Code Section 45272

Approved:
Revised:

October 25, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.4 Certification and Appointment From Eligibility Lists

- A. To fill a vacant position, the appointing authority shall notify the Director, Human Resources of the vacancy and the anticipated starting date. The request for certification shall state the class title, hours and location of employment, and other pertinent information. This information shall be submitted in writing on the appropriate Personnel Commission form.
- B. The Director, Human Resources shall ascertain the availability of eligibles and shall certify three ranks to the appointing authority from the appropriate eligibility list as it exists at the time the request for certification is received by the Director of Classified Personnel.
- C. The appointing authority shall make its selection from the persons certified and shall notify the Director of Classified Personnel, who shall see that the necessary employment procedures are carried out.
- D. If a candidate who has been certified and is eligible for appointment to a position fails to keep the interview appointment or, at the interview declines the position, the appointing authority may recommend appointment to the vacancy from the remaining certified ranks or eligibles or may request additional certification not to exceed three ranks.
- E. If the appointing authority elects to fill the position by transferring an employee or employees, the vacancy resulting from such transfer or transfers shall be filled from among the eligibles certified for the original vacancy. If the appointing authority is entitled to have any additional eligibles, the Director, Human Resources shall certify the additional eligible in accordance with the provisions of these rules.
- F. No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex or marital status shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

Reference:

Education Code Sections 45272, 45277 and 45293

Approved:
Revised:

October 20, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.5 Waivers of Certification

- A. An eligible on a promotional or an open eligibility list may request a maximum of two waivers of certification during the life of the eligibility list in regard to employment in a permanent position. The eligible shall inform the Director, Human Resources in writing. After two waivers of certification, the eligible shall be removed from the list.

- B. If an eligible wishes to revise or withdraw his/her request for waiver of certification, it shall be his/her responsibility to notify the Director, Human Resources in writing of such change.

Reference:

Education Code Sections 45272 and 45300

Approved:
Revised:

October 20, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.6 Certification From Lists for Another Class

- A. If there are no employment/eligibility lists for the class in which the vacancy occurs, certification may be made from a list for another class at the same or higher level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Director, Human Resources finds that the use of the list is in the best interest of the County Education Office and that the necessary skills and knowledge were adequately tested in the examination.

Reference:

Education Code Sections 45272

Approved:
Revised:

October 20, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.7 Selective Certification

- A. Certification may be made from other than the first three ranks on the eligibility list when the ability to speak, read or write a language in addition to English, possession of a valid driver's license or special skill (for example, signing) is a requirement of the position to be filled.
- B. The Director, Human Resources shall determine which eligibles possess the required special language or skill and shall certify the names of three qualified ranks, in the order of their relative standing on the list, who are ready and willing to accept the position.

Reference:

Education Code Sections 45272 and 45277

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.8 Withholding Names From Certification

- A. The name of an eligible may be withheld from certification when:
1. The eligible expresses unwillingness or inability to accept appointment.
 2. The eligible fails to respond within five working days following the mailing of written inquiry regarding availability for employment or request to appear for interview regarding employment.
 3. The eligible fails to appear for an interview at the time agreed upon after having been certified.
 4. The eligible cannot be reached in time for appointment when immediate temporary employment is required. This provision shall apply only to such immediate temporary employment lists.
 5. The eligible fails to present the license, registration, certificate, or any other document required. The name of any such eligible may be restored by the Director, Human Resources when the particular requirement has been met.
 6. For cause as provided for by Personnel Commission Rule Numbers 4441.5 and 4451.7

Reference:

Education Code Section 45272

Approved:
Revised:

October 20, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.9 Duties of Eligibles

- A. It shall be the duty of every eligible to respond promptly after receiving notice of certification. In order to retain eligibility, the response must be within five working days after the date the notice is mailed.
- B. It shall be the duty of every eligible to notify the Director, Human Resources of any changes in his/her address or telephone number.
- C. It shall be the duty of every eligible to notify the Director, Human Resources of any changes in his/her availability for employment.
- D. Failure to keep the Director, Human Resources informed, as stated above, could result in the eligible being bypassed on the eligibility list as unreachable.

Reference:

Education Code Section 45272

Approved:
Revised:

October 20, 1975
February 25, 1988
April 22, 1993

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4400 The Merit System

4450 Employment Lists

4452 Certification from Employment Lists

4452.10 Confidentiality of Lists

- A. Eligibility lists shall be considered as confidential information and release of information on eligibility lists shall be limited to:
1. The Personnel Commission
 2. The County Superintendent or Designee
 3. Eligibles: Only information pertaining to an eligible's own scores and current position on the list shall be released to the eligible.
 4. Such other additional persons as specifically ordered by the Personnel Commission.

Reference:

Education Code Section 45274 and Government Code Sections 6250-6255

Approved:
Revised:

August 26, 1982
October 22, 1992

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4400 The Merit System

4450 Employment Lists

4453 Short-Term Assignments

4453.1 Provisional Assignments

Provisional Appointments

- A. The appointing authority may make a provisional appointment when the Director, Human Resources certifies that:
 - 1. No Eligibility list exists for the class, or
 - 2. An eligibility list exists, but there are an insufficient number of available eligibles (for example, less than three ranks).
- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar day interval shall elapse during which he/she shall be ineligible to serve in any full time provisional capacity.
- C. No person shall be employed in provisional capacities for a total of more than 126 working days in any one fiscal year, except when no one is available on an appropriate eligibility list for a part-time position as defined in Education Code Section 45256. In such cases, successive 90 working days provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.
- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specification.

Extension of Provisional Appointment

- E. The Commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:
 - 1. An examination for the class was completed during the first 90 working days of the employee's provisional assignment.
 - 2. Satisfactory evidence is presented indicating:
 - a. Adequate recruitment effort has been made and is being made.
 - b. Extension of this provisional assignment is necessary to carry on vital functions of the Office.
 - c. The position cannot be satisfactorily filled by use of other employment lists or procedures.

Approved:

April 22, 1993

4453.1 Provisional Assignments (Continued)

Terminating Provisional Appointments

- F. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90 working-day provisional assignment or the additional 36 working days, if authorized.
- G. A provisional appointment may be terminated at any time at the discretion of the appointing authority.

Reference:

Education Code Sections 45277, 45287, 45288 and 45289

4400 The Merit System

4450 Employment Lists

4453 Short-Term Assignments

4453.2 Limited-Term Assignments

- A. A limited-term assignment is an appointment of a person to a position, the duration of which is not to exceed six months; or in the case of an appointment in lieu of an absent employee, is not to exceed the absence of said employee.
- B. A limited-term assignment to any class shall meet the entrance qualifications specified in the appropriate class description.
- C. Eligibles shall be certified in accordance with their position on the eligibility list, if available, and their willingness to accept such limited-term assignments.
- D. Limited-term assignment shall include the following:
 - 1. Substitute Assignment – A temporary employee assigned to the same or lower related classification than that of the absent employee.
 - 2. Relief Assignment – An assignment to a relief position which augments the number of regular positions in a given organizational unit.
 - 3. Emergency Appointments - If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business and persons on eligibility lists are not immediately available, the Director, Human Resources may make emergency appointments for a period not to exceed 15 working days.
 - 4. Summer School/Extended Program Appointments – Temporary employee service during the summer session.
- E. Compensation for limited-term or substitute employees, including regular employees working on a limited-term or substitute basis in another class, may be at any step of the authorized pay range for the class in which the appointment is made, subject to the same restrictions as apply to regular appointments.

Reference:

Education Code Sections 45286 and 45290

Approved:

April 22, 1993

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4400 The Merit System

4450 Employment Lists

4453 Short-Term Assignments

4453.3 Limited-Term Assignments for Regular Employees

- A. When a regular employee is given a limited-term appointment in his/her same job class in addition to his/her regular assignment, he/she shall receive his/her regular rate of pay.
- B. Regular employees serving in limited-term positions while retaining regular status shall continue to earn and be granted all rights and benefits of regular employees.

Reference:

Education Code Sections 45286 and 45290

Approved:

April 22, 1993

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4461 PROBATIONARY PERIOD

4461.1 Duration of Probation

- A. A new employee appointed from an eligibility list shall serve a probationary period of six months or 130 days of paid service in one class before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months or 130 days of paid service in the higher class before attaining permanency in that class. Credit toward completion of probation shall be granted only for service in regular positions after appointment from the appropriate eligibility list.
- B. The normal probationary period shall be six complete calendar months except under the following conditions:
1. When an employee is hired or promoted on other than the first day of the pay period;
 2. When the employee normally works less than five days per week;
 3. When the employee does not work during school recess periods.
- Under the conditions cited above, the probationary period shall be 130 days of paid service, including paid vacation during recess periods.
- C. For those classes designated as management, the probationary period shall be one calendar year.
- D. The probationary period shall not include time served under substitute, provisional or emergency appointment.
- E. The probationary period may be extended at the discretion of the Director, Human Resources, to account for time out on leave due to a total temporary disability requiring absence from work for an extended period of time consistent with the following conditions:
1. The total temporary disability shall be verified by the Human Resources office through medical certification.
 2. The extension of the probationary period shall be the same number of workdays as the number of workdays absent as a result of the extended leave.
 3. The extension of the probationary period shall not exceed one year from the date of hire.
 4. For those classes designated as management, an extension of the probationary period due to extended leave as a result of a total temporary disability may be permitted at the discretion of the Director, Human Resources.

Reference:

Education Code Sections 45136, 45260-45261, 45269-45271 and 45301

Court Decisions:

Hernandez v. Rancho Santiago Community College District (2018)

Approved: Dec. 1, 1975
Revised: May 27, 1993
March 23, 2017
October 26, 2017
June 28, 2018

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4461 PROBATIONARY PERIOD

4461.2 Rights of Probationary Employees

- A. An employee who is laid off for lack of work or lack of funds during the initial or promotional probationary period shall not have reemployment rights to the classification from which they are laid off.
- B. An employee who resigns in good standing during the initial probationary period may, at the discretion of the Director, Human Resources, have their name restored in proper rank to the eligibility list from which the employee was appointed if the list is still valid. Such action shall not extend the life of either the eligibility list or the period of eligibility of the resigning employee.
- C. An employee who is released from employment during an initial probationary period shall be notified in writing of the action taken. The probationary employee shall not have the right to appeal.
- D. A permanent employee who has been promoted to a higher class and who does not successfully complete the probationary period in the higher class shall be reinstated to a position in the employee's former class in accordance with Rule No. 4462.2.
- E. A permanent employee who has been promoted to a higher class and is suspended, dismissed or demoted (to other than the employee's former class) for cause during the probationary period in the higher class retains full rights to appeal.
- F. No probationary employee shall be dismissed or otherwise discriminated against on the basis of actual or perceived race, color, gender, gender identity, gender expression, national origin, ancestry, ethnic heritage, religious creed, sex, sexual orientation, marital status, pregnancy, political persuasion, age, physical disability, mental disability, medical condition, genetic information, military and veteran status, or the association with a person or group with one or more of these actual or perceived characteristics to the extent prohibited by law.

Reference:

Education Code Sections 45136, 45260-45261, 45269-45271 and 45301

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Dec. 1, 1975
May 27, 1993
March 23, 2017
October 26, 2017
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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4462 CHANGES IN POSITION AND CLASS

4462.1 Transfers and Reassignments

1. Transfers

- A. A transfer is a voluntary change of work location and/or program or department to another position in the employee's classification, initiated by the employee.
- B. To be eligible for a transfer, the employee must demonstrate satisfactory performance, as documented in the most recent evaluation with a rating of "Meets requirements" or better in each category, and must not have received documented counseling in the most recent evaluation period. An employee with a current performance improvement plan is not eligible for a transfer.

All notices of vacancies shall be made available as transfer opportunities for not fewer than five (5) business days. Transfer opportunities shall be e-mailed to all employees at the employee's SBCEO e-mail address. A transfer opportunity notice shall include: the job title, location, any specialized qualifications required of the position, number of hours per day/week, and the deadline for filing.

- C. Any employee who is eligible for a transfer and who has requested an appropriate transfer shall have the right to be considered for the vacancy. Upon certification of an eligibility list for the classification, the employee shall have their name certified in addition to the top three ranks on the eligibility list and the names of eligibles from other appropriate lists. All transfers are discretionary with the appointing authority.

2. Reassignments

- A. A reassignment is an involuntary change of an employee's work location and/or program or department that is initiated by the County Education Office. Reassignments may be made within the classified service by the County Superintendent or designee upon recommendation of the program manager for the good of the service, and the approval or rejection shall be governed by consideration of student welfare and/or the overall effective functioning of the Santa Barbara County Education Office. Reassignments may not result in changes to the employee's salary range, full time equivalency (FTE), anniversary date, or leave balances.
- B. The employee shall receive written notice of reassignment, along with the reasons for the action. The reassignment shall not take effect until at least fifteen (15) workdays following written notice of the reassignment unless the employee waives the fifteen (15) workday period in writing.
- C. When a reassignment is made for documented disciplinary reasons, it shall be considered an involuntary action and the employee shall have a right to file an appeal with the Personnel Commission, in accordance with Personnel Commission Rule 4472.1. In such circumstances, the written notice of reassignment shall constitute the Notice of Disciplinary Action.

Reference:

Education Code Section 45260, 45261 and 45278

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March 23, 2017
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March 23, 2023

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4462 CHANGES IN POSITION AND CLASS

4462.2 Demotions

- A. A permanent employee may request a voluntary demotion, in writing to the Director, Human Resources, without competitive examination, to a vacancy in a class with a lower maximum salary rate in which he/she had formerly been classified as a permanent employee. Voluntary demotions shall require the approval of the program manager to which the employee is to be assigned and the Director, Human Resources.
- B. For a probationary employee, a voluntary demotion is a privilege available in cases of impending layoff for lack of work or lack of funds.
- C. A permanent employee demoted because of failure to meet standards during his/her probationary period in a higher class has rights which shall be exercised in the following priority:
 - 1. Rights to be assigned to an existing vacancy in the class from which he/she was most recently promoted.
 - 2. Rights to displace in the class from which he/she was most recently promoted, providing he/she has more seniority than the employee with the least seniority.
 - 3. Rights to be assigned to an existing vacancy in any lower case in which permanency was attained.
 - 4. Rights to displace in any lower class in which permanency was attained, providing he/she has more seniority than the employee with the least seniority.

Reference:

Education Code Sections 45260-45261, 45302 and 45304

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4462 CHANGES IN POSITION AND CLASS

4462.3 Reemployments, Reinstatements, and Restorations

- A. A former permanent employee who resigned in good standing may be reinstated to a vacant position in the former employee's former class within thirty-nine (39) months of the last date of paid service. Also, the former employee may be reinstated to a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower related class. Such actions are discretionary with the appointing authority.
- B. A permanent employee who has taken a voluntary demotion may be restored to a vacant position in the employee's former class or in a vacant position in a related lower class, as determined by the Director, Human Resources, with thirty-nine (39) months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the appointing authority.
- C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of the employee's position, has the right to be reemployed, in accordance with the employee's seniority, in a vacant position in the employee's former class within sixty-three (63) months after demotion (See Rule No. 4451.1). Intervening assignments to other classes does not abrogate that right.
- D. Reinstatement, reemployment or restoration of a former employee shall have the following effects:
 - 1. In the case of required reemployment, the employee shall have restoration to the former step in the current salary range for the class. In the case of discretionary reinstatement, the employee may be placed on any step of the appropriate salary range.
 - 2. If restored to permanent status, the employee shall have restoration of accumulated sick leave as of the date of separation.
 - 3. The anniversary date for purposes of salary step advancement shall be determined by giving the employee credit for any time served since the employee's last previous salary step advancement.

Reference:

Education Code Sections 45260-45261, 45298, 45308 and 45309

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4462 CHANGES IN POSITION AND CLASS

4462.4 Changes in Assigned Times

- A. A classified employee who works a minimum of 30 minutes per day in excess of his/her part-time assignment for a period of 20 consecutive working days or more shall have his/her basic assignment changed to reflect the longer hours. The provisions of this Rule may not be circumvented by requiring employees to work in excess of the regularly fixed hours for a position on an overtime basis but for which premium pay is not provided nor appropriate adjustment is made in fringe benefit entitlement.
- B. The Director, Human Resources will notify the appropriate assistant superintendent when the employee's assignment may be affected by this provision.

Reference:

Education Code Sections 45260-45261, 45136 and 45137

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4460 IN-SERVICE STATUS AND TRANSACTIONS

4463 PERFORMANCE EVALUATIONS

4463.1 General Provisions

- A. The Director, Human Resources shall administer the performance evaluation system for probationary and permanent classified employees in accordance with these Rules.
- B. Performance evaluation reports shall be made on forms prescribed by the Personnel Commission.

Reference:

Education Code Sections 45260-45261

Approved: July 25, 1991
Revised: May 27, 1993
March 23, 2017
October 26, 2017

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4460 IN-SERVICE STATUS AND TRANSACTIONS

4463 PERFORMANCE EVALUATIONS

4463.2 Timing of Evaluations

All regular classified employees shall be evaluated by their assigned supervisor in accordance with the following schedule:

- A. Probationary Employees: at the end of the second and fifth month of service.

Permanent Employees: at least once each year, no later than the anniversary date, for the first three years of employment in the classification; and no less often than every two years thereafter.

Management: at least once during the probationary period; annually during the first three years; and no less often than every two years thereafter, in accordance with management evaluation policies.
- B. Each assigned supervisor, under whom the employee serves for 60 working days or more during any rating period, may provide a performance evaluation before the employee leaves the supervisor's supervision.
- C. The evaluation due date and anniversary date shall be adjusted for time the employee is on approved leave without pay.
- D. An evaluation shall be made for an employee on sick leave covering the rating period to the date the employee commenced the sick leave.

Reference:
Education Code Sections 45260-45261

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	Aug. 26, 1993
	March 26, 1998
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	October 26, 2017
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4460 IN-SERVICE STATUS AND TRANSACTIONS

4462 PERFORMANCE EVALUATIONS

4463.3 Evaluation Procedures

- A. The assigned supervisor or program manager shall present the performance evaluation report to the employee and shall discuss it with him/her. The evaluation shall be signed by the employee to indicate receipt, and he/she shall be given a signed copy. Such meeting shall be conducted during the evaluatee's working schedule without loss of pay. The employee shall have the option of submitting a written response to the evaluation with ten days. The response shall be attached and become a part of the evaluation.
- B. Performance evaluations may be reviewed by the next higher supervisor. If the need for improvement is noted, the evaluation may, in addition, be reviewed by the Department Head.
- C. Performance evaluation reports, along with any written responses and attachments, shall be sent to the Classified Human Resources Office and filed in the employee's personnel records and shall be available for review in connection with promotions, transfers, and disciplinary actions.
- D. Evaluations shall be filed within the time period stated in Rule No. 4463.2

Reference:

Education Code Sections 45260-45261

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	October 26, 2017

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4462 PERFORMANCE EVALUATIONS

4463.4 Special Evaluations

- A. Special performance evaluations may be made at any time at the discretion of the employee's assigned supervisor or program manager. Procedures in making special evaluations shall be the same as for regular performance evaluations.

Reference:

Education Code Sections 45260-45261

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4463 PERFORMANCE EVALUATIONS

4463.5 Appeal of Evaluation Procedures

- A. An employee may, within 14 days of receipt of his/her performance evaluation report, file with the Personnel Commission an appeal only on the grounds that the evaluation procedures prescribed by the Commission have not been followed in the preparation of the evaluation.

Reference:

Education Code Sections 45260-45261

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.1 Vacation

- A. Regular classified employees — permanent and probationary, management and non-management — shall receive a vacation grant as part of their total compensation at the rate or amount prescribed by the appointing authority. Employees who work less than full-time shall receive vacation on a pro-rata basis. An employee who is on a paid leave of absence shall be eligible to receive a vacation grant. Vacation grants are made at the beginning of the fiscal year; for employees new to the classified service who start work after the beginning of the fiscal year, vacation grants are made upon hire on a pro-rata basis.
- B. Regular employees who are on leave to serve in limited-term assignments, or who serve in limited-term assignments during periods when they are not regularly assigned, shall receive a vacation grant at the prescribed rate for such limited-term assignments.
- C. With the approval of the employee’s supervisor, vacation may be taken at any time during the fiscal year. Every effort shall be made to enable vacation to be taken at times convenient to the employee, consistent with the needs of the service and the workload of the department.
- D. An employee serving their initial probationary period may be permitted to take vacation during the probationary period, with the approval of the appropriate Associate Superintendent. A non-management classified employee in their initial probationary period may be permitted to take a maximum of six days, or the proportionate amount to which the employee may be entitled, during the 130 days of paid service of the probationary period.

Granted vacation shall not become a vested right for a non-management classified employee until the initial probationary period has been successfully completed. Granted vacation shall not become a vested right for a classified manager until completion of the initial six months of employment.

In those cases when employees have a remaining vacation balance at the end of the fiscal year, vacation payout and/or carryover shall occur for eligible employees in accordance with established SBCEO policy.

- E. If an employee separates from SBCEO or from the classified service and has a vacation balance as of the date of their separation, vacation payout shall occur in accordance with established SBCEO policy. Employees who separate from the classified service prior to the end of the fiscal year shall have their vacation grant for the current fiscal year recalculated. SBCEO shall deduct the dollar value of any excess vacation used from the employee’s final pay as a classified employee.

Reference:

Education Code Sections 45190 and 45197

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.2 Personal Illness Injury

DEFINITION

- A. Sick leave of absence with pay due to illness or injury is granted to school employees to protect the health and welfare of both employees and students.
- B. Employees are encouraged to use their sick leave when they are ill to enable them to regain and remain in good health. Among the reasons for which sick leave may be used are dental care, doctor visits, or other health purposes which require specialized treatment for themselves or any person in the household.

Reference:

Education Code Sections 45191 and 45193

EARNED ILLNESS LEAVE

- A. Employees employed five (5) days a week shall be granted twelve (12) days leave of absence with full pay each year for illness or injury exclusive of all days they are not required to render service to the SBCEO. Such sick leave shall be prorated for an employee employed less than full time. Full time is defined as (a) eight (8) hours a day, or (b) forty (40) hours a week.
- B. A probationary employee is eligible to take no more than six (6) days, or the proportionate amount to which the unit member may be entitled under this section, for the first six (6) calendar months of active service with the SBCEO.
- C. Payment for sick leave shall be at the employee's regular rate of pay. The provisions of Education Code Section 45137 shall apply to regular part-time employees.
- D. If an employee does not take the full amount of leave allowed in any one year, then the amount not taken shall be accumulated from year to year.
- E. A regular employee assigned to work in and out-of-classification or limited-term assignment, in addition to or in place of the employee's regular yearly work assignment, shall also accrue illness leave credit for the temporary work. Such accrual shall not exceed that received for a full-time assignment or prorated in accordance with the assignment.

Reference:

Education Code Section 45191 and 45137

TRANSFER OF SICK LEAVE

- A. Employees shall be entitled to leave of absence for illness, accident, quarantine, or injury as provided by the Education Code. Any unused portion of the earned annual sick leave shall be accumulated without limit and is transferable within one (1) year from SBCEO to other school districts or county offices within the State of California as provided by Education Code 45191.

- B. In order to effectuate the transfer of the accumulated sick leave, the newly hired employee shall request the Human Resources Office to secure the necessary information form the former school agency.

Reference:

Education Code Sections 45191 and 45202

ENTITLEMENT TO OTHER SICK LEAVE

- A. Regular classified employees shall once a year be credited with a total of 100 working days of paid sick leave, including earned days to which the employee is entitled under Education Code Section 45191. Any such days of paid sick leave, in addition to those required by Section 45191, shall be compensated at not less than 50 percent (half-pay) of the employee's regular salary.
- B. The paid sick leave authorized under this rule shall be exclusive of any other paid leave, holidays, vacation, or compensating time to which the employee may be entitled.

Reference:

Education Code Sections 45191 and 45196

PROCEDURE

- A. An employee who is absent on account of illness shall sign, on the prescribed form, a statement that such absence was due to illness or injury. Compensation for illness shall be paid only when the employee's supervisor certifies on the prescribe form that such absence was on account of illness or injury.
- B. The Director, Human Resources may require an employee to submit a certification from a licensed physician or other recognized practitioner certifying such absence to have been on account of illness or injury and that the employee is no longer temporarily disabled and may return to work without any limitations.
- C. An employee returning from an extended illness leave shall, on request, submit a letter from the employee's physician to the Human Resources Office authorizing the return to duty. An extended illness leave is defined as five consecutive days or more or frequent intermittent absences.
- D. In order to receive compensation while absent on illness leave, the employee must notify one's immediate supervisor of the absence within the first 30 minutes of the workday of the first day absent. If conditions make such notification impossible, notification shall be made as soon as possible.
- E. Unless otherwise authorized by the supervisor, employees shall remain in daily contact with their immediate supervisor in order to be eligible for continued illness leave. When communications are not maintained by the employee, the absence will be considered unexcused.
- F. At least one day prior, if possible to the employee's expected return to work, the employee shall notify one's supervisor in order that any substitute service may be terminated.

PLACEMENT ON REEMPLOYMENT LIST

- A. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the assigned position, the employee shall, if not placed in another position be placed on a reemployment list for a period of thirty-nine (39) months.

- B. When medically cleared to assume the duties of the position during the thirty-nine (39) month period, the employee shall be employed in a vacant position in the class of the employee's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations.

Reference:

Education Code Section 45195, 45260, 45161, 45137, 45191, 45193, 45195, 45196, 45199 and 45202

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May 27, 1993
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June 28, 2018

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVE OF ABSENCES

4464.3 Industrial Accident and Illness Leave

GENERAL PROVISIONS

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192 and this rule.
- B. Periods of leave of absence for accident and illness leave, paid or unpaid, shall not be considered to be a break in service of the employee.

PAID INDUSTRIAL, ACCIDENT OR ILLNESS LEAVE

- A. An employee in the classified service who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workers' Compensation Insurance shall be granted paid industrial leave for such accident or illness while receiving temporary disability benefits from workers' compensation provided that the employee has probationary or permanent status.
- B. Paid industrial accident leave shall be granted for not more than 60 working days in any one fiscal year for the same accident commencing from the first day of absence to and including the last day of absence resulting from such industrial illness or industrial injury. The combination of workers' compensation payment and the Santa Barbara County Education Office compensation shall equal not more than the employee's normal monthly salary.
- C. Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under workers' compensation.
- D. Allowable leave shall not be accumulative from year to year.
- E. When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.
- F. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used. Upon exhaustion of all illness pay leave, an employee shall receive pay from accrued vacation or other earned leave. However, if an employee is receiving workers' compensation he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

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March 23, 2017
October 26, 2017

4464.3 Industrial Accident and Illness Leave (Continued)

- G. During such periods of temporarily disability the employee's temporary disability checks shall be endorsed payable to the Santa Barbara County Education Office. The Santa Barbara County Education Office shall then cause the employee to receive his/her normal wage or salary less appropriate deductions including but not limited to employee retirement contributions. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the Santa Barbara County Education Office under this rule.

PLACEMENT ON REEMPLOYMENT LIST

- A. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his/her position, he/she shall, if not placed in another position be placed on a reemployment list for a period of 39 months.
- B. When medically cleared to assume the duties of the position during the 39-month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority regulations.

RETURN TO SERVICE

- A. From Paid and/or Unpaid Leave

Upon return to service from any paid or unpaid leave resulting from an industrial accident or illness, an employee shall be assigned to a position in his/her former class ahead of any employee with less seniority. If no vacancy exists in his/her former class, he/she may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.

- B. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code, Administrative Regulations, and Commission Rules. An employee shall continue to receive seniority credit for all purposes while on such paid or unpaid leave of absence.

- C. From a Medical Reemployment List

An employee on a medical reemployment list shall have the same rights and benefits as an employee laid off because of lack of work or lack of funds.

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March 23, 2017
October 26, 2017

4464.3 Industrial Accident and Illness Leave (Continued)

- D. An employee who has been placed on a medical reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be terminated.

Reference:

Education Code Sections 44043, 45260, 45261, 45191, 45192 and 45195

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March 23, 2017
October 26, 2017

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4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.4 Bereavement Leave

- A. All regular employees in the classified service shall be entitled to a leave of absence, as necessary, not to exceed three days or five days if travel of 350 miles or more or out-of-state travel is required, on account of the death of any member of the employee's immediate family. No deduction shall be made from the salary of the employer nor shall such leave be deducted from other granted leaves by the County Superintendent or these rules.
- B. Member of the "immediate family" shall mean the mother, father, stepmother, stepfather, grandmother, grandfather, or a grandchild of the employee or of the spouse or domestic partner of the employee; and the spouse or domestic partner, son, son-in-law, daughter, daughter-in-law, stepchild, brother, sister, brother-in-law, or sister-in-law, of the employee or any relative living in the immediate household of the employee.
- C. Additional bereavement leave may be paid as provided under Personal Necessity Leave, Rule No. 4464.5.
- D. The employee shall be required to sign, on a prescribed form, a statement that such absence was due to a bereavement leave as defined above.

Reference:

Education Code Sections 45101 and 45207

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April 22, 1993
May 27, 1993
Oct. 27, 2005
March 23, 2017
October 26, 2017
June 28, 2018

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4400 MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.5 Personal Necessity Leave

- A. A probationary or permanent employee, with advance approval whenever possible from the immediate supervisor, may use up to ten days per fiscal year from the employee's accumulated sick leave for reasons of personal necessity. If advance approval is not possible, the employee must notify the immediate supervisor as soon as such need is known, in order to receive compensation while absent on personal necessity leave.
- B. The leave benefits provided by this rule may be used only for the following reasons:
 - 1. diagnosis, care, or treatment of an existing health condition of, or preventive care for a member of the employee's family as defined in Labor Code 245.5;
 - 2. death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by Bereavement Leave provisions;
 - 3. death of a close personal friend or of a member of the employee's family not included in the definition of "immediate family" in Bereavement Leave;
 - 4. an accident involving the employee or the employee's property or the person or property of a member of the employee's immediate family;
 - 5. appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other official order;
 - 6. observance of an organized religious holiday, event, or activity with a maximum of five days per fiscal year; or
 - 7. matters related to adoption/paternity.
- C. Members of the "immediate family" shall mean the employee's own parent, stepparent, grandparent, grandchild, or that of the employee's spouse or domestic partner; or spouse, domestic partner, child, child-in-law, stepchild, sibling, or sibling-in-law of the employee or any relative living in the immediate household of the employee.
- D. **Personal Compelling**
An employee may use up to a maximum of five (5) of the ten (10) Personal Necessity days of the employee's accumulated sick leave during each fiscal year for reasons of a compelling nature for which no alternative other than absence is available to the employee.
- E. The employee shall be required to obtain approval, on a prescribed form, for absence due to a personal necessity or personal compelling need as defined above.

References:

Labor Code 246.5

Education Code 44981

Education Code 45207

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Revised:

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Aug. 27, 1987
May 27, 1993
Nov. 24, 1993
Dec. 20, 2000
Oct. 27, 2005
March 23, 2017
October 26, 2017
November 29, 2018

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.6 Jury Duty and Witness Leave

- A. Leave of absence for jury service shall be granted to any probationary and permanent classified employee, who has been officially summoned to jury duty in a local, state or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such is assigned to and the subpoena or court certification is filed with the employer. Request for jury service leave should be made by presenting the official court summons of jury service to the employee's immediate supervisor.
- B. Leave of absence to serve as witness in a court case shall be granted to an employee when he/she has been served a subpoena to appear as a witness other than as the litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the misconduct of the employee. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that any witness fee is assigned to and the subpoena or court certification is filed with the employer. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the employee's immediate supervisor.
- C. The jury service and witness fees assigned to the Santa Barbara County Education Office shall not include reimbursement for transportation expenses.
- D. An employee who has received leave of absence under this Rule shall make himself/herself available for work at regular scheduled working hours when his/her presence is not required in court.

Reference:

Education Code Section 44036 and 44037

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.7 Absence for Examination

- A. Every classified employee, probationary and permanent, shall be permitted to be absent from his/her duties during working hours in order to take any examination for promotion within the Santa Barbara County Education Office without deduction of pay or other penalty provided that he/she gives two days notice his/her immediate supervisor. Release time extended under this rule shall be limited to the duration of the examination and travel to and from the examination site.

Reference:

Education Code Sections 45260 and 45261

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March 23, 2017
October 26, 2017

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4464 LEAVES OF ABSENCE

4464.8 Military Leave

- A. Military leave shall be granted to classified employees, probationary and permanent, and compensated in accordance with provisions of law.

Reference:

Education Code Section 45059; Military and Veterans Code, Sections 395 - 395.3

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4464 LEAVES OF ABSENCE

4464.9 Leave of Absence Without Pay

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the County Superintendent or designated representative, subject to the following restrictions
 - 1. Leave of absence without pay may be granted for any period not to exceed one year, except that leave of absence for military service shall be granted as provided by provisions of law.
 - 2. The granting of a leave of absence without pay gives to the employee the right to return to his/her position at the expiration of his/her leave of absence, provided that he/she is capable of performing the required duties of the position. The position may be filled only for the duration of the leave, and the employee so assigned must be reassigned or laid off upon the completion of the leave.
- B. The director or program manager may authorize a leave of absence without pay for any permanent or probationary employee not to exceed 30 calendar days, subject to approval of the appropriate assistant superintendent
- C. The county superintendent or designated representative may, for good cause cancel any leave of absence by giving the absent employee due notification. The employee may appeal the cancellation to the Personnel Commission, which shall investigate and hear the appeal. The appeal by the employee shall stay the cancellation directive of the county superintendent until action by the Personnel Commission, which shall be final and binding.
- D. An employee may make a written request to the county superintendent or designated representative to return to work prior to the expiration date of the leave. The county superintendent or designated representative may approve or reject the request.
- E. Failure to report for duty within five working days after a leave has been canceled or expires shall be considered abandonment of the position and may be subject to disciplinary action. This provision is not applicable to military leave.
- F. If the employee's classification or position has been abolished during the employee's absence, he/she shall be laid off for lack of work or lack of funds, in accordance with his/her seniority, and placed on the reemployment list for the class effective the date of termination of leave. He/she may be returned to a vacant position in a class at the same or lower salary level for which he/she is qualified.

Reference:

Education Code Sections 45190 and 45198

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4464 LEAVES OF ABSENCE

4464.10 Leave to Serve in an Exempt, Temporary or Limited-Term Position

- A. Any permanent classified employee who accepts an assignment with the Santa Barbara County Education Office to an exempt, limited-term, temporary, relief, provisional or substitute positions shall, during such assignment, be considered for status purposes as serving in his/her regular position, and such assignment shall not be considered separation from the classified service.
- B. The employee may, with the approval of the county superintendent or designated representative, voluntarily return to his/her regular position or a position in the class of his/her permanent status prior to the completion of service in an exempt or limited-term position. Failure to complete the assignment, unless approved as specified herein, will constitute abandonment of position and may be subject to disciplinary action.

Reference:

Education Code Sections 45260 and 45261

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4464 LEAVES OF ABSENCE

4464.11 Leave of Absence for Study

- A. Permanent classified employees who have completed seven consecutive years of service in probationary and permanent status shall be eligible to apply for a leave of absence for study purposes. The granting of such leave shall be entirely discretionary with the county superintendent or designated representative. When a study leave has been authorized and taken, an additional seven years of service, after return to duty from the last leave, must be completed before another study leave may be granted.
- B. Study Leave can be for any period of time not to exceed one year and may be taken in any time increments as approved by the county superintendent or designated representative, but must be completed within three years after the initial part of the leave commenced. If the leave is not continuous, the service performed between the leave intervals shall be credited toward future study-leave eligibility.
- C. Any leave granted and taken under this Rule shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave.
- D. The employee must file a written request with the county superintendent or designated representative for a leave of absence under this Rule and must outline
 - 1. His/her work history (positions held and length of service in each).
 - 2. Length of leave requested and time period in which the leave will be completed if granted.
 - 3. The purpose for which the leave is requested. The written request must include the complete course of study to be pursued, institution giving the course, costs involved, and degree or credits to be granted.
 - 4. Amount of compensation requested while on leave.
 - 5. Service, if any, to be performed by the employee during leave.
 - 6. The benefits to be derived by the Santa Barbara County Education Office by the granting of leave.
 - 7. Willingness by the employee to provide a bond if required by the county superintendent or designated representative.
 - 8. Agreement by the employee that he/she will serve the employer for at least two years after termination of the leave.

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4464.11

Leave of Absence for Study (Continued)

9. Willingness to provide the County Education Office evidence of satisfactory study progress at agreed intervals during the leave. Failure to provide such evidence or to make satisfactory progress may, at the option of the County Education Office, result in immediate cancellation of the leave.
 10. Agreement by the employee that he/she will report any employment during the leave to the Director, Human Resources, who shall determine whether conflict exists with the purpose of the leave.
- E. If a leave is granted under this Rule, the employee will be paid, as a minimum, the difference between what his/her salary or wage would have been had he/she not been on leave and the salary paid the substitute employee. In lieu of the minimum, the County Superintendent or designated representative and employee may agree, in writing, to a salary greater than the minimum. It shall be not less than one-half of the employee's normal rate of compensation and not more than full compensation.
- F. Compensation shall be paid as follows:
1. If the employee does not provide a bond as determined by the County Education Office or provide a written statement indicating that he/she will serve at least two years with the County Education Office upon return from leave, the agreed-to compensation shall be paid in two equal annual installments during the first two years of service to the County Education Office following return to duties after termination of leave.
 2. If the employee provides the required bond or submits a written document, approved by the county superintendent or designated representative in accordance with Education Code Section 45384, the employee shall be paid the agreed-upon compensation in the same manner as if he/she were in active service. If the employee fails to complete two years of service following return from leave, except as provided below, he/she may be required to refund a prorate portion of any compensation received while on leave.
 3. If an employee has provided a bond or written agreement and fails to complete the required two years of service because of his/her death or physical or mental disability, the bond or conditions of the agreement shall be exonerated in the same manner as if the required service had been performed.

Reference:

Education Code Sections 45260-45261, 45384 and 45387

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4464 LEAVES OF ABSENCE

4464.12 Leave of Absence for Retraining

- A. In the event that the county superintendent contemplates the abolition of positions in the classified service and creation of new positions because of automation, technological improvements, or for any other reason, he/she may provide for retraining of displaced employees in accordance with this Rule.
- B. To be eligible for retraining leave, an employee must:
 - 1. Have served at least three years.
 - 2. Be serving in a position, which the county superintendent contemplates abolishing, or show that the retraining will clearly benefit the County Education Office.
 - 3. Indicate a willingness to undergo the prescribed training program.
 - 4. Indicate a willingness to serve the Santa Barbara County Education Office for at least two years after successful completion of the retraining program.
- C. The county superintendent shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.
- D. Compensation for employees on leave of absence for retraining shall be in accordance with the provisions for compensation for leaves of absence for study as they appear in Section 4464.11 of these Rules.

Reference:

Education Code Sections 45260-45261, 45384 and 45387

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND
TRANSACTIONS

4465 LAYOFF

4465.1 Procedure Regarding Layoff or Reduction

- A. When permanent or probationary classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority and, therefore, be laid off first.
- B. A layoff for lack of funds or lack of work refers to any reduction in hours of employment, or demotion to a classification at a salary range lower than that in which the employee has permanency, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.
- C. The names of permanent employees thus laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the order of seniority.
- D. The names of employees who experience a loss of their position while serving an initial or promotional probationary period shall be restored to the eligibility list from which they were appointed, with their original expiration date from the list, if the list is still valid at the time the layoff takes effect. An employee who was in their initial or promotional probationary period at the time of layoff and who is reappointed under this provision to the classification from which they were laid off shall have the prior days in paid status in the classification credited towards completion of the probationary period.
- E. Computing Seniority. Seniority or length of service for layoff purposes shall be calculated on the basis of hire date into a particular classification plus higher classifications:
 - 1. Time served prior to a break in service shall not be counted toward seniority, with the following exception: a break in service is disregarded and seniority credit for prior service is granted if an employee is reinstated, reemployed in regular status, or appointed to a regular position within thirty-nine (39) months after layoff while the employee's name is on a reemployment list.
 - 2. Time served as a substitute or limited-term employee prior to regular appointment shall not count towards seniority in classification.
 - 3. In the event of a question of equal seniority where two (2) or more employees have the same date of hire, layoff and reemployment shall be determined by lot as follows: first determination by first date of hire as a classified employee at SBCEO, and second determination by lot as observed by the Director, Human Resources or designee.
- F. Notice of layoff or reduction shall be given each classified employee not less than sixty (60) days prior to the effective date of layoff. When a specially funded program is to be eliminated at the end of any fiscal year, classified employees shall be given written notice as provided by the Education Code.

- G. Employees laid off from a class shall be given five (5) business days from the date of notice of layoff in which to render a decision whether to exercise displacement rights, if any, or rights, if any, to a vacant position. Such decision shall be in writing upon forms provided by the Human Resources Department.
- H. If an employee whose name is on the reemployment list refuses a bona fide offer of employment a total of two times, the employee's name shall be removed from the reemployment list. A bona fide offer is an offer for the same number of hours and length of work year held prior to the layoff and where the offered position is located no farther than twenty-five (25) miles distant from the employee's residence according to Google Maps nearest route.
- I. The Human Resources Department shall maintain seniority lists for all classes; information regarding vacant positions; and other information necessary to the administration of this section.
- J. The Director, Human Resources shall inform employees in writing of their rights with regard to layoff and displacement. Employees shall inform the Director, Human Resources in writing of their decisions to exercise any such rights.

Reference:

Education Code Sections 45117, 45298 and 45308

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Feb. 17, 2005
March 23, 2017
October 26, 2017
June 28, 2018
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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4465 LAYOFF

4465.2 Rights of Employees Laid Off or Reduced for Lack of Work or Lack of Funds

- A. The names of permanent classified employees who experience a loss or reduction of their position for lack of work or lack of funds shall be placed upon the reemployment list for the classification from which they were laid off or reduced. Names on the reemployment list shall be in the relative order of seniority. The names of employees who experience a loss of their position while serving an initial or promotional probationary period shall be restored to the eligibility list from which they were appointed, with their original expiration date from the list, if the list is still valid at the time the layoff takes effect.
- B. Permanent classified employees who experience a loss of their position due to a layoff for lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants; these employees have the right to participate in promotional examinations within the County Education Office during the period of 39 months if they meet the minimum qualifications for the classification.
- C. Permanent classified employees who experience a layoff for lack of work or lack of funds shall retain eligibility for reemployment for an additional period of 24 months (for a total of 63 months), if they choose to:
 - 1. accept a reduction in time of their present position,
 - 2. demote/displace into a lower classification (if eligible),
 - 3. displace or demote to a position that results in a reduction in time from the employee's original position, or
 - 4. accept a transfer in lieu of layoff that results in a reduction in time from the employee's original position.
- D. Classified employees who were in their initial or promotional probationary period at the time of layoff and who are reappointed under section A of this rule to the classification from which they were laid off shall have the prior days in paid status in the classification credited towards completion of the probationary period.
- E. When a permanent position is to be eliminated or reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer to any vacant position in the class which is not greater in assigned time than the incumbent's original position.

If a vacant permanent position is not available for transfer, the incumbent may displace ("bump") the incumbent of a position in the same classification that is equal in time to the first incumbent's original position prior to the reduction. Only an employee who has the least seniority in the class may be so displaced, provided that the displacing employee has greater seniority than the displaced employee.

If no such option is available, a laid-off employee may displace ("bump") the employee with the least seniority among those employees occupying positions in the same classification of less time than the laid-off employee's original position and greater time than the laid-off employee's reduced position, provided that the displacing employee has greater seniority than the displaced employee. An employee so displaced shall have similar displacement rights, on the basis of seniority.

Reference:

Education Code Sections 45117, 45298 and 45308

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4465 LAYOFF

4465.3 Limited-Term Positions

- A. No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class unless the regular employee declines the limited-term position.
- B. A limited-term employee may receive an end-of-assignment notice at the completion of his/her appointment without regard to the procedures set forth in this rule.

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4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4466 Resignation

- A. When an employee desires to resign from his/her position, he/she present his/her resignation, preferably in writing, to the county superintendent or designated representative and a copy of such resignation shall be filed with the Director, Human Resources.
- B. A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights to other positions which he/she may hold on eligibility lists except that an employee who resigns shall have his/her name removed from promotional eligibility lists. A resignation may be withdrawn by the employee, at any time prior to acceptance by the county superintendent or designated representative.
- C. Verbal resignations will be acknowledged in writing by the Director, Human Resources.

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4471 DISCIPLINARY ACTION

4471.1 Causes for Suspension, Demotion or Dismissal

- A. Classified employees may be suspended, demoted or dismissed for any of the following causes:
1. Incompetency.
 2. Unsatisfactory Performance.
 3. Insubordination.
 4. Inattention to or Dereliction of Duty.
 5. Abusive or threatening treatment of the public, employees or students, or a pattern of discourteous treatment of the public, employees or students, or any other willful failure of good conduct tending to injure the public service.
 6. Willful and persistent violation of the Education Code, of Rules and Regulations, or procedures adopted by the Superintendent/County Board of Education, Personnel Commission or a department/program.
 7. Dishonesty, theft, willful use for non-work related purposes, willful destruction or mishandling of property belonging to the County Education Office or any employee.
 8. Possession of opened alcoholic beverage containers on County Education Office property, drinking alcoholic beverages on County Education Office property, or being intoxicated while on duty.
 9. The use or possession while on duty of illegal drugs, or misuse of legal drugs including those prescribed by a licensed physician.
 10. Engaging in a political and/or personal activities during assigned hours of duty.
 11. Conviction of a felony or serious crime or a record of one or more convictions which indicate that the person is a poor employment risk for the particular job which the employee holds in the County Education Office. A plea, verdict, or finding of guilty, or a conviction within the meaning of these Rules.

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4471.1

Causes for Suspension, Demotion or Dismissal (Continued)

12. Knowingly falsifying or withholding any material information supplied to the County Education Office, including but not limited to, information supplied on application forms and employment records.
13. Being formally charged and convicted of any sex offense as defined in Section 44010 of the Education Code or narcotics offense as defined in Section 44011 of the Education Code.
14. Conviction of a violent or serious felony in accordance with Education Code Section 45122.1 defined by Sections 667.5 and 1192.7 of the Penal Code.
15. Excessive absenteeism. (For example, frequent unexcused absence or tardiness; illness leaves, when habitually taken for trivial indispositions.)
16. Abandonment of Position – Absence of three consecutive working days without notification or permission.
17. Failure to report for fingerprint processing or for health examination after due notice.
18. Offering of anything of value or offering any service in exchange for granting any special treatment to another employee or to any member of the public.
19. Violation of local, state, or federal law which results in cancellation or suspension of a license required for the performance of assigned duties.
20. Any other such cause in violation of local, state, or federal law pertaining to employment of school employees.
21. Advocacy of the overthrow of the federal, state, or local government by force, violation, or other unlawful means.

Reference:

Education Code Sections 44010-44011, 45122.1, 45123-45124
45260-45261, 45302-45304, and 45310; Government Code
Section 1028; Penal Code Sections 667.5 and 1192.7

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4471 DISCIPLINARY ACTION

4471.2 Progressive Discipline and Action

- A. Except in situations where an immediate suspension or dismissal is reasonably justified, a permanent employee whose work performance or conduct is of such character as to incur discipline shall first be reprimanded in writing.
- B. After written warning, if the employee continues to violate a cause stated in Rule No. 4471.1, then the employee may be suspended without pay or dismissed. The proposed length of suspension shall reasonable relate to the seriousness of the offense.
- C. If the behavior warranting action under 4471.2(A) and 4471.2(B) above continues, for the same cause, substantially related cause, or other cause listed in these Rules, the employee may be subjected to other forms of disciplinary action, including demotion or dismissal.
- D. An employee may be immediately suspended without pay if charged with the commission of any sex offense or narcotics offense in accordance with the provisions of Education Code Sections 44010, 44011 and 45304.
- E. A probationary, substitute, limited-term, provisional, or other temporary employee may be suspended, reassigned or terminated at any time during his/her assignment without regard to procedures set forth in this Rule.

Reference:

Education Code Sections 44010-44011, 45260-45262 and 45302-45304

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4471 DISCIPLINARY ACTION

4471.3 Notice of Proposed Disciplinary Action

- A. No permanent classified employee may be subjected to disciplinary action until the employee has received a “Notice of Proposed Disciplinary Action,” and the employee has had an opportunity to respond to the charges. The exception to this Rule is in the case of action taken in accordance with Rule No. 4471.2(D).
- B. The notice of Proposed Disciplinary Action, which is the notification that disciplinary action will be recommended to the Superintendent or designee, shall contain the following information:
 - 1. The nature of the proposed action (suspension, demotion, or dismissal).
 - 2. The specific causes and sections of these Rules that the employee is accused of violating.
 - 3. The charges on which the recommendation is based.
 - 4. The proposed effective date of the disciplinary action.
 - 5. The employee's rights to see and obtain copies of all evidence and documentation to support the charges.
 - 6. The date the action will be presented to the Superintendent or designee.
 - 7. Notification that the employee is entitled to respond to the charges, either orally or in writing within five working days to the Superintendent or designee.
- C. The superintendent or designee shall notify the Director of Human Resources whether the employee chose to avail himself/herself to the right to respond or waive the right.
- D. The Superintendent or designee shall be free to act upon the initial recommendation or to take other action after considering the response of the employee.
- E. When final disciplinary action has been approved by the Superintendent or designee, the action and the charges shall be reported to the Director of Human Resources who shall, within ten days, file written charges with the Personnel Commission and give the employee a copy.

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4471.3 Notice of Proposed Disciplinary Action (Continued)

- F. The Director, Human Resources shall furnish the employee with a copy of the Notice of Disciplinary Action, charges and statement of his/her right to appeal, if any, to the Personnel Commission, including a copy of Rule No. 4472, Appeal. Such notice shall be personally delivered or transmitted by certified mail to the last known address of the employee. The Director, Human Resources shall notify the employee within ten working days after the notification of the Superintendent or designee's decision.
- G. Dismissal shall cause the removal of the employee's name from all employment lists.
- H. Failure to appeal, as provided for in Rule No. 4472, shall make the action of the Superintendent or designee final and conclusive.

Reference:

Education Code Sections 44010-44011, 45260-45261 and 45302-45307

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4471 DISCIPLINARY ACTION

4471.4 Notice of Disciplinary Action

- A. The notice of Disciplinary Action, which is the notification that disciplinary action has been approved by the Superintendent or designee, shall contain the following information:
1. The nature of the disciplinary action (suspension, demotion, or dismissal).
 2. The specific causes and Sections of these Rules that the employee is accused of violating and upon which the disciplinary action is based.
 3. The specific charges, including times, dates, location, and a description of the chargeable actions or omission.
 4. The effective date of the disciplinary action.
 5. The employee's right to representation.
 6. A copy of the Superintendent's notification to the Director, Human Resources of the decision.
 7. The employee's right to appeal the disciplinary action to the Personnel Commission within 14 calendar days of service of the Notice of Disciplinary Action, and the right to have such a hearing within the timelines specified in these Rules.
 8. A copy of Personnel Commission Rule No. 4472, Appeal.

Reference:

Education Code Sections 45260-45261

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4471 DISCIPLINARY ACTION

4471.5 Release from Employment

- A. A probationary, substitute, limited-term, provisional, or other temporary employee may be suspended, reassigned or released from employment at any time during his/her assignment without regard to procedures set forth in this Section.

Reference:

Education Code Sections 45260-45261, 45298 and 45305

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.1 Rights of Appeal

- A. A permanent employee who has been notified of disciplinary action may appeal to the Personnel Commission within 14 calendar days after having been furnished with a copy of the Notice of Disciplinary Action by filing a written request for appeal. The procedures outline in Section 4472 (Rule Nos. 4472.1 through 4472.7) applies to disciplinary action. Appeals can be made only on the following grounds:
1. That the procedures set forth in these rules have not been followed.
 2. That the disciplinary action was taken because of employee's political or religious acts or opinions or affiliations, age, race, color, sex, national origin or ancestry, marital status, or disability.
 3. That there has been abuse of discretion.
 4. That the action taken was not in accord with the facts.
 5. That the penalty invoked is excessive.
- B. If the employee does not respond and request a Personnel Commission Appeal Hearing within the 14 calendar days period, the action of the County Superintendent or designee shall be final and conclusive, and no further appeal rights shall be allowed. The request is not timely unless it is received in the Human Resources Office within the 14-day period.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-45313

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4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.2 Permanent Employees in Probationary Promotional Position

- A. A permanent employee who has been promoted to a higher class and who does not successfully complete the probationary period in the higher class shall be reinstated to a position in his/her former class in accordance with Rule No. 4462.2.
- B. A permanent employee who has not served the full probationary period for the class to which promoted, and who is subjected to disciplinary action that would result in the suspension or separation of the employee from the permanent classified service, shall have full appeal rights in accordance with Rule No. 4472.1.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-4313;
Personnel Commission Rule Nos. 4461.2, 4462.2 and 4472.1

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4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.3 Request for Appeal Hearing

- A. If the employee submits a written request for appeal to the Director of Human Resources within 14 calendar days after receipt of the Notice of Disciplinary Action, the employee shall have a right to have an Appeal Hearing before the Personnel Commission. The Commission Appeal Hearing shall be held within 30 calendar days of receipt of the employee's request by the Director of Human Resources.
- B. The request for appeal from the employee must include his/her current mailing and residency address and the name of his/her legal counsel or representative, if any, and the address and telephone number of such legal counsel or representative.
- C. The Director, Human Resources shall notify the Superintendent or designee and the Personnel Commission of the appeal request and shall coordinate the scheduling of the Commission Appeal Hearing, if a timely appeal is filed.
 - 1. The Director, Human Resources shall notify the employee in writing within ten working days of the timely filing of an appeal request, of the time, date, and place of Commission Appeal Hearing before the Personnel Commission.
 - 2. The employee must be given at least ten working days from the date of personal service, delivery, or attempted delivery by the U.S. Postal Service to prepare for the Hearing.
 - 3. Notification shall be either in person or sent by certified mail. This requirement will be deemed to have been met if the notification is sent certified mail to the last known address on file in the Human Resources Office. Failure of the employee to retrieve delivered mail shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. For purposes of this rule, if a noticed is mailed, the third working day following the mailing date of the notice shall be considered to be the official date of receipt.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45313

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4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.4 Representation

- A. Legal counsel may at his/her option, represent the employee or any other person designated by the employee. If the employee files an appeal, the employee shall be required to attend the Commission Appeal Hearing, even if the employee fails to appear, the employee will be deemed to have forfeited his/her rights to further appeal and the Personnel Commission shall allow the Superintendent or designee's disciplinary action to stand.

- B. The Personnel Commission may, if it so desires, seek and appoint legal counsel as part of its appeal and investigatory hearing duties. The counsel of the County Education Office shall aid and represent the Commission in all legal matters, and if he/she refuses, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the County Education Office.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-4313

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PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.5 Conduct of Appeal Hearing

- A. The Personnel Commission shall conduct any hearing or investigation authorized by the Education Code and/or these rules, including disciplinary action. The Commission shall have the right to sustain or reject any or all of the charges filed against the employee, take action to sustain or modify or reject the disciplinary action invoked, or it may direct such other action as it may find necessary to effect a just settlement of the appeal.
- B. The Commission may appoint a hearing officer to conduct any hearing or investigation which the Commission itself is authorized by the Education Code and/or these rules to conduct, including disciplinary action.
 - 1. Any such hearing officer may administer oaths, subpoena witnesses and/or require the production of records or other material evidence.
- C. All hearings before the Personnel Commission shall be in closed session, unless the appealing employee requests an open hearing in his/her written appeal request.
- D. The Commission or its hearing officer may, and shall if requested by either party, subpoena witnesses and/or required the production of records, documents or other material evidence. The Personnel Director shall issue the subpoenas on behalf of the Commission or its hearing officer. Subpoenas shall be delivered to the requesting party for service. Requests for subpoenas must be filed with the Personnel Commission Office at least 72 hours prior to the date of the hearing.
- E. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of the evidence and testimony presented. The findings shall be based on the preponderance of evidence. Decisions made by the Personnel Commission or its hearing officer shall not be invalidated by any informality in any of the proceedings.

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

4472.5 Conduct of Appeal Hearing (Continued)

- F. All hearings under the authority of this rule shall be electronically recorded in such a manner that a verbatim written transcript can be produced if necessary. Either party may request that the hearing be recorded by a court reporter, in which case the party making the request shall bear the cost. If both parties make such a request, the cost shall be equally shared by the parties.
- G. The Personnel Commission or its hearing officer shall rule on all objections raised by either party.
- H. A list of witnesses to be called by each party shall be submitted to the Personnel Commission Office at least 48 hours prior to the date of the hearing. This will allow the Personnel Commission to secure the release time of employee witnesses prior to the hearing.
- I. The Chairman of the Personnel Commission or its hearing officer may, prior to or during the hearing, grant a continuance for reason(s) believed to be sufficient or important to reaching a fair and proper conclusion.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-45313

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.6 Admission of Evidence

- A. Each side will be permitted an opening statement and closing arguments (County Superintendent or designee's representative first, appellant or his/her representative last). The County Superintendent or designee shall be first in presenting its witnesses and evidence in an effort to support its charges, and then the appellant or his/her representative will present his/her witnesses and evidence in defense.
- B. Oral evidence shall be taken only an oath or affirmation.
- C. The hearing need not be conducted according to the technical rules relating to evidence and the examination of witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious business.
- D. If the appellant does not elect to testify on his/her own behalf, the appellant may still be called to testify and be cross-examined just as if he/eh had testified on his/her behalf.
- E. Each party shall have the following rights related to examination of witnesses and evidence:
 - 1. To call and examine witnesses.
 - 2. To introduce exhibits.
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination(s).
 - 4. To attempt to impeach any witness regardless of which party first called the witness to testify.
 - 5. To rebut all evidence presented by the opposing party.
- F. Each side will be allowed to examine and thoroughly cross-examine witnesses. The Commission or its hearing officer may, at its discretion, exclude witnesses not under examination from the hearing room, except for the appellant, County Superintendent or designee's representative, the Director, Human Resources, and their respective counsels or designated representatives. The Commission or its hearing officer may examine witnesses and ask questions of the parties.

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

4472.6 Admission of Evidence (Continued)

- G. Each side will be allowed to examine and thoroughly cross-examine witnesses. The Commission or its hearing officer may, at its discretion, exclude witnesses not under examination from the hearing room, except for the appellant, County Superintendent or designee's representative, the Director, Human Resources, and their respective counsel or designated representatives. The Commission or its hearing officer may examine witnesses and ask questions of the parties.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-45313;
California Evidence Code Section 772

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.7 Deliberation and Decision of Personnel Commission

- A. Whether a hearing is held in open or closed session, the hearing officer (if one is appointed by the Personnel Commission) shall deliberate on evidence presented and shall present his/her recommendations to the Personnel Commission in closed session.
 - 1. The hearing officer shall submit his/her written recommendations and findings of fact to the Director, Human Resources within 20 working days following the conclusion of the hearing.
 - 2. Upon receipt of the hearing officer's written recommendations and findings of fact, the Director of Human Resources shall contact the Chairperson of the Personnel Commission to schedule a meeting of the Commission to consider the findings and recommendations of the hearing officer.
- B. Whether the hearing before the Personnel Commission is held in open or closed session, the Commission, after it concludes the hearing, may deliberate its decision(s) in closed session. No persons other than members of the Personnel Commission, its legal counsel, and any Commission staff deemed necessary by the Personnel Commission, Shall be permitted to participate in the deliberations.
- C. The Personnel Commission shall render its judgment after soon as the conclusion of the hearing as possible, but no later than 20 working days following the conclusion of the hearing or its receipt of the hearing officer's recommendations. The decision(s) of the Commission staff deemed necessary by the Personnel Commission shall be permitted to participate in the deliberations.
- D. The Commission's written decision(s) shall contain findings of fact, and a determination of the issues presented.
- E. In a disciplinary action appeal hearing, the Personnel Commission may sustain, modify or reject the disciplinary action invoked against the employee. However, the Commission may not invoke more stringent discipline against the employee than that invoked by the County Superintendent or designee.
- F. In the case that a disciplinary action is not sustained, the Commission may order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal, and it shall order his/her reinstatement upon such terms and conditions as it may determine appropriate. Upon receipt of the Commission's written decision, the County Superintendent or designee shall forthwith comply with the provisions thereof. When the County Superintendent or designee has fully complied with the Commission's decision, he/she shall so notify the Commission in writing.

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

4472.7

Deliberation and Decision of Personnel Commission (Continued)

- G. Copies of the Commission's decision(s) shall be delivered to the parties personally or transmitted to them by certified mail. The requirement for notification of employee will be deemed to have been met if the decision is sent certified mail to the last known home address on file in the Personnel Commission Office. Failure to comply with the time requirements of this rule (4472.7) shall not invalidate the decision of the Personnel Commission.

Reference:

Education Code Sections 45190 and 45197

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4480 COMPLAINT PROCEDURES

4481 PROCEDURE FOR THE ADJUSTMENT OF COMPLAINTS

4481.1 Complaint Procedure

- A. This Rule establishes an orderly procedure for the resolution of alleged violations of Personnel Commission Rules. Complaints in other areas should be handled as follows:
 - 1. Alleged violations of County Board of Education policies or Administrative Regulations.
(See County Education Office Administrative Regulation No. 5003).
 - 2. Alleged discrimination in violation of non-discrimination in employment policy.
(See County Education Office Administrative Regulation No. 5001).
 - 3. Alleged harassment in employment
(See County Education Office Administrative Regulation No. 5006).
- B. Any employee alleging a violation of any Personnel Commission Rule shall notify the Director, Human Resources, within ten working days of the alleged incident, who shall investigate the allegation in a timely manner and attempt to have the matter resolved on an informal basis.
- C. If the alleged violation is not resolved on an informal basis, the Director, Human Resources shall prepare a written report of his/her decision and provide copies to the involved parties.
- D. If the matter is not resolved, the employee may submit in writing an appeal to the Personnel Commission within five working days following the date of the written report by the Director, Human Resources. The request is not timely unless it is received in the Human Resources Office within the five-day period.
- E. The Director, Human Resources shall notify the employee in writing within ten working days of the timely filing of an appeal request, of the time, date, and place of the Commission. The Personnel Commission shall conduct, or have conducted by a hearing officer, a hearing for the purpose of deciding the issue. The decision of the Personnel Commission shall be final and conclusive.
- F. Any employee may discuss with the Director, Human Resources any alleged complaints and receive information on the procedures to be followed.

Reference:

Education Code Sections 45260-45261

Approved: December 1, 1975
Revised: February 24, 1994
October 27, 2005
October 26, 2017

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4491 APPLICATION OF SALARY SCHEDULES
- 4491.1 Initial Placement

- A. New employees shall be placed in the salary range for the classification into which they are being hired, in accordance with established policies. Factors that may be considered in initial step placement include the new employee's education and experience, internal pay equity, recruitment difficulties, and labor market conditions.
- B. Initial salary placement at a step higher than the first step of the salary range may be made upon the written recommendation of the program manager, concurrence of the County Superintendent or designee, and approval by the Director, Human Resources.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017
December 16, 2021

Personnel – Series 4000

4400 The Merit System

4490 Wage and Salary Provisions

4491 Application of Salary Schedules

4491.2 Step Advancement

- A. Non-management classified employees serving an initial or promotional probationary period shall be advanced to the next higher step in the salary range for their job class on the first day of the pay period following the successful completion of the probationary period (130 paid days of service). The effective date of the salary step advancement upon completion of the probationary period shall become the employee's new anniversary date for purposes of future salary step advancements.
- B. Classified managers serving an initial or promotional probationary period shall be advanced to the next higher step in the salary range for their job class on the first day of the pay period following the successful completion of the probationary period (one calendar year). The effective date of the salary step advancement upon completion of the probationary period shall become the employee's new anniversary date for purposes of future salary step advancements.
- C. In order to be eligible for such future salary step advancements on the anniversary date, a classified employee — management or non-management — must be continuously employed (in paid status) for the year preceding the anniversary date. An unpaid leave of absence for 30 days or more shall cause the anniversary date to be adjusted for purposes of eligibility for salary step advancement.

Reference: Education Code 45260-45261 and 45301

Approved: January 12, 1976
Revised: March 31, 1994
October 26, 2017
August 8, 2018
June 27, 2019
October 24, 2019
September 28, 2023

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4491 APPLICATION OF SALRY SCHEDULES

4491.3 Accelerated Salary Advancement

- A. Notwithstanding any other provisions of these rules, if a permanent employee demonstrates exceptional ability and proficiency in performance of his/her assigned duties, his/her salary may be advanced o the next higher step on the salary range prior to the normal step advancement date as established in Section 4491.2. This accelerated salary advancement will be made upon the written recommendation of the program manager, approval of the Superintendent or designee, and verification by the Director, Human Resources

- B. The effective date of the accelerated salary advancement shall be the first of the month following the approval and shall become the employee’s new anniversary date for purposes of salary step advancement.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976

Date(s) Revised: March 31, 1994

October 26, 2017

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4491 APPLICATION OF SALARY SCHEDULES

4491.4 Salary Placement When Promoted or Reclassified

- A. An employee who is promoted or reclassified to a classification allocated to a higher salary range shall be placed on the step of the salary range for the new classification that is at least five percent above the step at which the employee was placed in the previous classification but not more than the highest step on the new salary range. If a five percent increase falls between two steps of the new salary range, the employee shall be placed at the higher of the two steps.
- B. The step placement for an employee who is reclassified to a classification allocated to a lower salary range shall be as follows:
 - 1. If the employee's current step placement falls between two steps of the lower salary range, the employee shall be placed at the higher of the two steps.
 - 2. If the employee's current step placement is above the maximum step of the lower salary range, the employee's salary placement shall be Y-rated. That is, the employee may retain the higher salary range and step until such time as there is a step(s) in the lower salary range that is equal to or higher than the employee's retained range and step, at which time the employee shall be placed at the step in the lower salary range that is equal to or immediately above their retained range and step. During the time that the employee's salary is Y-rated, the employee loses their eligibility for annual salary step increases and salary schedule increases.
- C. An employee who is reclassified to a classification allocated to a different (higher or lower) salary range shall retain their anniversary date for the purposes of step advancement.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976

Date(s) Revised: March 31, 1994

October 26, 2017

February 22, 2024

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4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4491 APPLICATION OF SALARY SCHEDULES

4491.5 Salary Placement When Temporarily Reassigned (Out-of-Class Assignment)

- A. An employee temporarily reassigned to perform duties normally assigned to a higher classification shall be paid on a step of the higher salary range that is at least five percent above the rate of pay of his/her current salary (but not more than the highest step on the new salary range), if such assignment consists of five or more days within a fifteen day period. Out-of-class pay shall be effective from the first day of the temporary assignment.

Reference:

Education Code Sections 45110 and 45260-45261

Date Approved: March 31, 1994
October 26, 2017

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4491 APPLICATION OF SALARY SCHEDULES

4491.6 Placement Upon Reemployment or After Leave of Absence

- A. Upon reemployment or return from unpaid leave of absence, an employee shall be placed on the same step of the range for the class which he/she had achieved prior to taking the leave, including any change in rate or range applicable to the employee's class. Step advancement within the range shall be granted when:
1. The time required for step advancement has elapsed and the employee has met the requirements for advancement on the salary range by having worked the required assignment for the position; or
 2. The law and/or these rules provide that credit for advancement shall accrue during such leave(s) of absence.
- B. Credit for step advancement shall accrue during leaves of absence for military service, or to serve in limited-term or out-of-class assignments within the County Education Office and any paid leaves of absence (for example, industrial accident or illness leave).

Reference:

Education Code Sections 45162 and 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4491 APPLICATION OF SALARY SCHEDULES
- 4491.7 Salary Placement When Transferred**

- A. An employee who is transferred from one position to another position within the same job classification in the a different department or job site, or to a similar or related classification with the same salary range, shall retain his/her rate of pay and his/her anniversary date for purposes of salary advancement.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4491 APPLICATION OF SALARY SCHEDULES
- 4491.8 Salary Placement When Demoted**

- A. An employee who is granted a voluntary demotion, selects a demotion in lieu of layoff, or is involuntarily demoted shall be placed on a step in the lower salary range which is closest to (and not above) the step at which the employee was placed in the higher classification. The demoted employee shall retain the anniversary date established in the higher classification.
- B. An employee who competes for and accepts a position in a classification at a lower salary range shall be placed on a step in the lower salary range which is closest to the rate the employee earned in the higher classification. If the employee's current step placement falls between two steps of the lower salary range, the employee shall be placed at the higher of the two steps. The employee's new anniversary date shall be determined in accordance with Rule No. 4491.2, Step Advancement.
- C. An employee who is released from a promotional probationary period for a higher classification and is then assigned to a position in the previous classification in which the employee had achieved permanency shall be placed at the step of the salary range at which the employee was placed prior to the promotion, including any change(s) in step or range applicable to the classification to which the employee is returning and/or for which the employee is eligible. The employee shall retain the anniversary date held prior to promotion.

Reference:
Education Code Sections 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017
February 22, 2024

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4491 APPLICATION OF SALARY SCHEDULES

4491.9 Salary Placement When Reemployed or Reinstated

- A. When an employee is reemployed or reinstated following a resignation, lay off, or other separation from employment, the employee shall be placed on the same step of the range for the class which he/she had achieved prior to the separation, including any change(s) in rate or range applicable to the employee's class; except that step advancement within the range shall be granted under the following conditions:
 - 1. When the employee's paid status credit, combined with any previous service time earned prior to the employment separation, but after the last anniversary date increase, adds up to the equivalent of one year's service credit, the employee is eligible for step advancement in accordance with Rule No. 4491.2.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45311-4313

Date Approved: March 31, 1994
October 26, 2017

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4491 APPLICATION OF SALARY SCHEDULES
- 4491.10 Salary Placement Upon Reallocation or Salary Schedule Restructure**

- A. An employee in a job classification that is reallocated to a higher salary range shall be placed on the step of the new salary range for that classification that is at least five percent above the rate of pay the employee received prior to the reallocation, but not more than the highest step on the new salary range. If a five percent increase falls between two steps of the new salary range, the employee shall be placed at the higher of the two steps.
- B. If an employee's classification is reallocated to a lower salary range, the employee's salary step placement shall be as follows:
 - 1. If the employee's current step placement is between two steps of the lower salary range, the employee shall be placed at the higher of the two steps.
 - 2. If the employee's current step placement is above the maximum step of the lower salary range, the employee's salary placement shall be Y-rated. That is, the employee may retain the higher salary range and step until such time as there is a step(s) in the lower salary range that is equal to or higher than the employee's retained range and step, at which time the employee shall be placed at the step in the lower salary range that is equal to or immediately above their retained range and step. During the time that the employee's salary is Y-rated, the employee loses their eligibility for annual salary step increases and salary schedule increases.
- C. In the event of a salary schedule restructure, an employee shall retain the same rate of pay in the restructured salary schedule, if possible. If the salary schedule restructure results in the elimination of the employee's current salary range and/or step, the employee shall be placed at a range and step in the restructured salary schedule that is equal to or immediately above their rate of pay prior to the salary schedule restructure.
- D. An employee affected by salary reallocation or salary schedule restructure shall retain the same anniversary date for purposes of step advancement.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017
February 22, 2024

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4491 APPLICATION OF SALARY SCHEDULES
- 4491.11 Simultaneous Actions Affecting Salary**

- A. When more than one personnel action involving changes to an employee's salary range and/or step become effective on the same day, all such changes shall be in accordance with these rules and take place in the following order of precedence:
 - 1. Salary schedule restructure;
 - 2. Salary schedule increase;
 - 3. Salary step advancement;
 - 4. Promotion, demotion, reclassification, or reallocation;
 - 5. Longevity or other differential pay.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017
April 25, 2024

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4491 APPLICATION OF SALARY SCHEDULES

4491.12 Official Salary Schedule

- A. The official salary schedule for classified employees as issued by the Human Resources Office on the basis of the County Superintendent/County Board of Education action shall be used to determine monthly, daily and hourly compensation for classified employees. This Salary Schedule shall be used to determine vacation and holiday pay.
- B. The Personnel Commission shall recommend to the County Superintendent/County Board of Education salary schedules for the classified service. The County Superintendent/County Board of Education may approve, amend, or reject these recommendations

Reference:

Education Code Sections 45160, 45260-45261 and 45268

Date Approved: January 12, 1976

Date(s) Revised: March 31, 1994

October 26, 2017

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4492 DIFFERENTIAL AND LONGEVITY PAY PRACTICES

4492.1 Language or Special Skill Requirements

- A. When a language other than English or other special skills or competencies, such as use of a sign language or possession of a specialized health care certificate, are required to perform the duties assigned to the position, the salary for the position shall be two ranges higher than for a similar position with no such requirement.

Reference:

Education Code Sections 45180-45182 and 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: March 31, 1994
October 26, 2017

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4492 DIFFERENTIAL AND LONGEVITY PAY PRACTICES

4492.2 Longevity Increments

CLASSIFIED NON-MANAGEMENT

- A. Non-management classified employees will receive longevity increments prorated and calculated monthly in accordance with the following schedule:

- After 30 years of service: an additional increment of \$1750
 - After 35 years of service: an additional increment of \$1750
 - After 40 years of service: an additional increment of \$1750

CLASSIFIED MANAGEMENT

- B. Classified management employees hired prior to July 1, 2005 and employed in management positions prior to July 1, 2018 shall choose in writing between Longevity Option 1 or Option 2 as defined below. Classified managers not meeting the above criteria shall be eligible for longevity Option 2.

- 1. Classified management employees will receive prorated longevity increments in accordance with the following schedule:

- After 15 years of service: 2% of the 15th year base salary
 - After 20 years of service: 4% of the 20th year base salary
 - After 25 years of service: 6% of the 25th year base salary
 - After 30 years of service: an additional increment of \$1750
 - After 35 years of service: an additional increment of \$1750
 - After 40 years of service: an additional increment of \$1750

- 2. Classified management employees will receive prorated longevity increments in accordance with the following schedule:

- Beginning on July 1 of the 15th year of service: 2% of the base salary. On July 1 of each subsequent year, the longevity calculation will replace the prior calculation with 2% of the current year base salary.

Date Approved: September 4, 1986
Date(s) Revised: May 26, 1994
December 20, 1995
May 28, 1998
December 20, 2000
June 28, 2018

PERSONNEL - Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4493 HOLIDAY PAY

4493.1 Paid Holidays

- A. In accordance with legal statutes and as provided by the County Superintendent and County Board of Education, all probationary or permanent classified employees shall be entitled to the following holidays:
 - 1. New Year's Day (January 1)
 - 2. Dr. Martin Luther King Jr. Day (third Monday in January, or Monday or Friday in the week in which January 15 occurs)
 - 3. Lincoln Day (Monday or Friday of the week in which February 12 occurs)
 - 4. Washington Day (third Monday in February)
 - 5. Memorial Day (last Monday in May)
 - 6. Juneteenth (June 19)
 - 7. Independence Day (July 4)
 - 8. Labor Day (first Monday in September)
 - 9. Veteran's Day (November 11)
 - 10. Thanksgiving Day (fourth Thursday in November)
 - 11. Friday following Thanksgiving Day
 - 12. Workday preceding Christmas Day
 - 13. Christmas Day (December 25)
 - 14. One additional workday during the week of December 24 or December 25 which will provide for at least a three-day weekend (in lieu of Admission Day)
 - 15. Workday preceding New Year's Day.
- B. All probationary and permanent classified employees shall be entitled to the above-noted paid holidays provided they are in a paid status during any portion of their working day immediately preceding or succeeding the holiday. Holidays which occur before or after a person is employed by the County Education Office shall not be considered as paid holidays for such individuals.
- C. Probationary and permanent classified employees of the County Education Office who are not normally assigned to duty during the school holidays of December 25, January 1, or any Board declared holidays during the winter recess shall be paid for those holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.
- D. When a holiday listed in paragraph A above falls on a Sunday, the following Monday shall be the observed holiday. When a holiday listed in paragraph A above falls on a Saturday, the preceding Friday shall be the observed holiday.
- E. When a probationary or permanent classified employee is required to work on any of these holidays, the employee shall either: (1) be paid compensation, at the rate of one and one-half times the employee's regular rate of pay, in addition to the holiday pay received; or (2) accrue compensatory time off for such work, at the accrual rate of one and one-half times the actual hours worked on the holiday, in addition to the holiday pay received.

Reference:

Education Code Sections 1318, 37220, 45203-45206.5
Santa Barbara County Counsel Opinion dated April 27, 1983

Date Approved: January 12, 1976
Date (s) Revised: May 26, 1983
May 26, 1994
May 28, 1998

October 26, 2017
June 22, 2023

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4490 WAGE AND SALARY PROVISIONS

4494 WORK PERIODS AND OVERTIME

4494.1 Workday and Workweek

- A. The workday shall normally be no more than eight hours and the workweek shall normally be no more than 40 hours for a non-management classified employee. The workweek shall consist of no more than five consecutive working days for any employee having an average workday of four hours or more.
- B. The County Superintendent or designee may extend a regular workday or workweek when such overtime is necessary to carry out the business of the County Education Office.
- C. The County Superintendent or designee may establish a workday of less than eight hours per day and a workweek of less than 40 hours for some or all of SBCEO's classified positions.
- D. The County Superintendent or designee may establish work schedules longer than eight hours per day, pursuant to Education Code 45132 or 45133. This flextime scheduling shall be consistent with the maximum of 40 hours per designated workweek and applicable overtime rules.

Reference:

Education Code Section 45127, 45131-45133 and 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: May 26, 1994
October 26, 2017
September 28, 2023

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4494 WORK PERIODS AND OVERTIME
- 4494.2 Rest Periods**

- A. All classified employees will be granted a rest period of 15 minutes for every four hours of work at about mid point of each morning and afternoon shift.
- B. Employees not wishing to take rest periods may not take longer lunch periods and may not leave their places of employment early as a result.
- C. Each supervisor shall arrange appropriate rest periods of employees under his/her supervision. It shall be the responsibility of each employee to take not longer than the period allowed. It shall be the responsibility of each supervisor to make certain that the limit is not violated.

Reference:

Education Code Sections 45260-45261

Date Approved: January 12, 1976
Date(s) Revised: May 26, 1994
October 26, 2017

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4494 WORK PERIODS AND OVERTIME
- 4494.3 Meal Periods**

- A. All classified employees who are scheduled to work six consecutive hours or more per day shall be assigned and unpaid, uninterrupted meal period of at least 30 minutes to a maximum of one hour. The meal period shall be assigned at or about the mid-point of each workday.
- B. The County Superintendent or designee may establish positions that require duties to be performed during the meal period (for example, supervising students and/or feeding students). Under these circumstances, the meal period shall be paid.

Reference:

Education Code Section 45260-45261

Date Approved: May 26, 1994
October 26, 2017

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4494 WORK PERIODS AND OVERTIME

4494.4 Overtime

- A. Overtime is defined as hours worked in any of the following circumstances:
 - 1. in excess of eight hours in a workday
 - 2. in excess of 40 hours in a workweek
 - 3. on the sixth or seventh day following the commencement of the workweek for employees having an average workday of four hours or more
 - 4. on the seventh day following the commencement of the workweek by an employee having an average workday of less than four hours
 - 5. on a holiday, as defined in Personnel Commission Rule 4493.1.

Overtime work and the method of compensation must be authorized in advance by the employee's supervisor and approved by the appropriate associate superintendent. The overtime hours worked, the method of compensation, and the required approvals must be recorded on the prescribed SBCEO form.

- B. An employee who performs authorized overtime work shall receive compensation at the rate of one and one-half (1.5) times the employee's regular rate of pay, including any differential compensation to which the employee is entitled in their current assignment. Alternatively, upon the request of the employee and with the approval of the supervisor and appropriate associate superintendent, the employee may accrue compensatory time off at the rate of one and one-half (1.5) times the number of overtime hours the employee worked.

Payment shall be in cash unless compensatory time off is requested and approved. Payment for overtime worked shall be provided as soon as possible following the pay period in which the overtime is worked.

Accrued compensatory time will be recorded in the employee's leave balances maintained by SBCEO. Compensatory time may be taken within 12 calendar months following the month in which the overtime was worked. Compensatory time off must be requested according to the same procedures as other leave requests, and shall be taken at a time that is mutually agreed upon by the employee and the supervisor. If the employee fails to take (or is not granted) compensatory time within 12 calendar months following the month in which it was earned, SBCEO shall pay out the value of the compensatory time, in accordance with established SBCEO policy.

- C. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leaves of absence shall be considered as time worked by the employee. Overtime shall be calculated to the nearest one quarter-hour of overtime worked.
- D. If a combination of assignments meets any of the definitions of overtime in Paragraph A, the excess time worked shall be considered overtime.
- E. Notwithstanding the provisions of this Rule, the Personnel Commission may specify certain positions or classes of positions as supervisory, administrative or executive and exclude the employees serving in such positions and the positions from the overtime provisions. Such exclusion shall be according to the provisions of Section 45130 of the Education Code.

Reference:

Education Code Sections 45127-45133 and 45260-45261

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	October 26, 2017
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4400 THE MERIT SYSTEM

4500 MISCELLANEOUS PROVISIONS

4510 PAYROLLS

4510.1 Official Roster

- A. The Director, Human Resources shall maintain, in his/her office, an official record or roster containing the names and complete employment records of all classified employees holding positions with the County Education Office.

Reference:

Education Code Sections 45169, 45260-45262, and 45310-45311

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4000 THE MERIT SYSTEM

4500 MISCELLANEOUS PROVISIONS

4510 PAYROLLS

4510.2 Payroll Audit

- A. The Director, Human Resources shall audit all initial employment assignments and changes in employment assignments for all classified personnel and, if found to be in accordance with existing law and rules, shall certify the assignment(s) for payment. All changes of assignment including transfer, change of hours, etc., shall be reported to the Director, Human Resources for recertification.
- B. The Director, Human Resources shall make periodic audits of all classified payrolls and, if he/she finds assignments that are not in accordance with existing law and rules, he/she shall withdraw his/her certification and order payment stopped.
- C. If, upon examination of a payroll or service report by the Director, Human Resources, it is found that any person named thereon has been employed in violation of any provision of the Merit System or rules and regulations of the County Education Office, notice of such violation shall be mad and shall deserve as official notification that the drawing, signing, or issuing of any warrant by the disbursing officer of the County Education Office for the payment of salary or compensation to such person is unlawful.

Reference:

Education Code Sections 45196, 45260-45262, and 45310-45311

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4000 THE MERIT SYSTEM

4500 MISCELLANEOUS PROVISIONS

4520 EMPLOYEE REQUIREMENTS

4520.1 Hiring Procedures

- A. Authorization to employ all classified employees shall be on prescribed forms signed by a duly authorized representative of the County Superintendent of Schools and the Director, Human Resources. This includes but is not limited to probationary, permanent, provisional, limited-term, substitute, reemployment and reinstatement appointments.
- B. Forms authorizing employment shall not be executed until preemployment processing is completed.
- C. Payment to any person for work performed prior to the execution of the proper documents shall be the personal responsibility of the employee authorizing such work; such payment shall not be made from the County Education Office funds.

Reference:

Education Code Sections 45260-45261 and 45317)

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4400 The Merit System

4500 Miscellaneous Provisions

4520 Employment Requirements

4520.2 Tuberculosis Examination

- A. Every person initially employed by the County Education office shall be required to complete and pass a risk assessment for tuberculosis, which determines that a person is free of active tuberculosis. This examination shall consist of the approved risk assessment process, an approved intradermal tuberculin test, or an X-ray of the lungs. The person may submit adequate proof that the person has undergone a test for tuberculosis within the last 60 days and provide certification that the person was found to be free of active tuberculosis.
- B. Consistent with adopted procedures, every employee shall complete and pass a tuberculosis risk assessment to determine that the employee is free from active tuberculosis at least every four years after initial employment, or upon administrative discretion. If at any time there is cause to believe that an employee is afflicted with active tuberculosis, the employee may be excluded from service until the County Superintendent or designee is satisfied that the employee is not afflicted.
- C. After examination, each person shall provide a copy of the tuberculosis clearance documentation to the Human Resources Office verifying that the employee is free from active tuberculosis.

Reference:

Education Code Section 45260-45261 and 49406

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4400 THE MERIT SYSTEM

4500 MISCELLANEOUS PROVISIONS

4520 EMPLOYMENT REQUIREMENTS

4520.3 Medical Examination

- A. Persons appointed to a position in the classified service may be required to have completed and passed a job-related medical examination prior to initial appointment. The examination will be administered after the initial offer of employment but prior to actual finalization of the appointment.
- B. In the best interest of the employee and the classified service, an employee may be required to undergo a medical examination at the recommendation of his/her program manager and approved by the County Superintendent or designee, if there is probable cause an employee's health is jeopardizing the performance of his/her duties.
- C. The medical examinations shall be administered by a physician designated by the County Education Office. The determination of the kind and extent of the examinations shall be made by the County Education Office.
- D. All expenses incurred for the examinations referred to in this section shall be paid by the County Education Office.
- E. Information received as the result of medical examinations shall be confidential and shall not be revealed to anyone no directly involved in the hiring or employment procedure.

Reference:

Education Code Sections 45122 and 45260-45261

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4400 THE MERIT SYSTEM

4500 MISCELLANEOUS PROVISIONS

4520 EMPLOYMENT REQUIREMENTS

4520.4 Criminal Records Check

- A. Each classified person offered employment shall submit to a criminal records check in accordance with established procedures and legal requirements. No person can begin employment until clearance from the State Department of Justice has been received by the County Education Office. This requirement applies to all probationary, permanent, substitute and temporary employees.
- B. The Human Resources Office will provide the required finger print card and information on where impressions can be prepared or processed by an electronic fingerprinting system. The criminal records check will include a personal description of the person and other identification as required. The cost of submitting a criminal records check shall be paid by the applicant, unless otherwise authorized.
- C. The Human Resources Office shall submit fingerprint information to the Department of Justice and will receive criminal record reports of classified persons employed or offered employment with the County Education Office. At the discretion of the Department of Justice, it may forward copies of the fingerprint or electronic transmission to other bureaus of investigation it may deem necessary in order to verify any record of previous arrests.
- D. The Director, Human Resources shall receive the criminal record reports. If it is determined that a conviction of a violent or serious felony or other conviction preventing employment has occurred, the Director, Human Resources shall notify the applicant that he/she cannot be employed.
- E. When the Department of Justice notifies the County Education Office by telephone that a current temporary, substitute, or probationary employee has been convicted of a violent or serious felony, that employee shall immediately be placed on leave without pay. When the County Education office receives written notification, the employee shall be terminated automatically and without regard to any procedure for termination. If notification is received on a permanent employee, the Director, Human Resources shall recommend to the County Superintendent or designee whether or not the person should be retained in employment.
- F. All criminal record reports are confidential and are to be handled by designated employees in accordance with procedures established by the Human Resource Division. Any employee who divulges information contained therein to an unauthorized person is subject to disciplinary action.

Reference:

Education Code Sections 44010-44011, 45122.1, 45125-45126
and 45260-45261; Penal Code Sections 667.5 and 1192.7

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