Compton Unified School District

THE RULES AND REGULATIONS

OF THE

CLASSIFIED SERVICE

Adopted June 25, 1970

By

Personnel Commission
And Board of Trustees

Updated Through May 2019

PERSONNEL COMMISSIONERS

ANGELA BURRELL, *Chairperson*

JIMMIE THOMPSON, *Vice Chairperson*

VACANT, *Member*

Melissa Allen - *Sr. Director of Classified Personnel Services*
Secretary of the Personnel Commission

FOREWORD

The classified employees of the Compton Unified School District are a vital part of the educational program of this district. The caliber of the services they tender has a significant effect on the quality of the education provided for the young people of this community.

It is the desire of the Board of Trustees, The Personnel Commission, and the Administration that employees of the district be well informed on all phases of their employment Process. This copy of the Rules and Regulations of the Personnel Commission has been designed to provide that information. It clearly defines the regulations under which efficiency of performance is safeguard in this large organization.

Capable, loyal employees, knowledgeable of the affairs of the district, are important links in our public relations. As representatives of this district, they should be able to testify to the democratic practices which are maintained and the friendly atmosphere which prevails. In short, they should be able to point with pride their association with this district.

Careful study of this information will provide all classified employees with a sound understanding of their privileges and responsibilities.

Dr. Darin Brawley, Ed.D,. Superintendent

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CHAPTER 10

AUTHORITY FOR RULES AND DEFINITIONS

10.100 DEFINITIONS, GENERAL (EDUCATION CODE, SECTION 45101)

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

ACT OR THE ACT: The Act shall mean those sections of the Education Code of the State of California applying the merit system to classified employees in certain school districts. It shall include all of the provisions of Article 5, Chapter 3, Division 10, and applicable provisions of Chapter 1 and Articles 1 to 4, Chapter 3, Division 10.

ADMINISTRATIVE EMPLOYEE: For purposes of the Fair Labor Standards Act, this defines those positions that may be exempt from the provisions of overtime. Administrative positions as defined in the Fair Labor Standards Act and determined by the Personnel Commission are submitted to the Board of Trustees for appropriate designation and approval. **A listing of Executive and Administrative classes is provided in Rule 60.100.1B.**

In order to meet the provisions of the Fair Labor Standards Act, these minimum criteria must be met:

1. Regularly directs the work of two or more subordinate employees.

2. Has authority to make suggestions as to hiring, suspending, discharging, or promoting employees or any other change of status of an employee, which will be given particular weight.

3. Regularly exercises discretionary powers. Has been delegated the authority and responsibility to make decisions and empowered to carry them out in the manner determined by the administrator.

4. Does not devote more than 20 percent of the total hours worked in a week to activities which are not directly and closely related to the performance of work described in items 1 through 3 above.

ALLOCATION: The official placing of a position in a given class.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment. This is the first day of the pay period following completion of the required period of service.

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

APPOINTING AUTHORITY OR POWER: The Board of Trustees of the Compton Unified School District (also referred to as the "Governing Board") for employees of the District. The **Personnel Commission for employees of the Personnel Commission.**

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

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

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

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

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

CLASS SPECIFICATION: A formal statement of the duties and responsibilities of the positions in the class, illustrated by examples of **essential** tasks, and of the qualification requirements of the positions in the class.

CLASSIFIED SERVICE: All positions in the District's service to which The Act applies and which are not **exempted** by the Act. (See Rule 30.100).

COMMISSION: The Personnel Commission established pursuant to The Act for the Compton Unified School District.

DAY: A calendar day unless otherwise specified.

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 salary range with a lower maximum rate.

DISCHARGE OR DISMISSAL: Separation from service for cause.

DISTRICT: The Compton Unified School District.

DUAL CERTIFICATION: A special procedure, which provides for certification, in specified cases, from an open list while a promotional list exists. (See Rule 50.200.2).

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

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

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

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

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

EXECUTIVE EMPLOYEE: For purposes of the Fair Labor Standards Act, this defines those positions that may be exempt from the provisions of overtime. Executive positions as defined in the Fair Labor Standards Act and determined by the Personnel Commission are submitted to the Board of Trustees for appropriate designation and approval.

In order to meet the provisions of the Fair Labor Standards Act, an executive employee holds a position whose full-time primary duties and responsibilities consist of management functions with the following characteristics:

1. Has the authority to hire, suspend, or discharge employees.

2. Performs all or part of those functions listed for administrative personnel.

(For a listing Executive positions refer to section 60.100.1B)

GOVERNING BOARD: The Board of Trustees of the Compton Unified School District. (Synonymous with appointing authority or power.)

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

LATERAL TRANSFER: The reassignment of an employee without examination from one position in one classification to another position in another classification.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified. The term may also be used for separation from a permanent position, because an employee has exhausted all leave privileges after illness or injury.

LIMITED TERM: A temporary appointment of limited duration not to exceed six months or in the case of an appointment in lieu of an absent employee, not to exceed the authorized absence of said employee. (**Education Code, Section 45286**). (Synonymous with temporary.)

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for an absent employee during the employee's authorized period of absence, or in a position established for a period of six months or less.

OUT -OF-CLASS: The employee is performing the majority of significant duties of a higher classification than would be required by the governing board for the employee's regular status classification.

PERMANENT EMPLOYEE: In reference to District employee status, an employee who has completed a probationary period in a class in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class, or who entered the class by transfer, demotion, or reinstatement/reemployment without serving a probationary period.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months.

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

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. No employee shall obtain permanent status in the classified service until the employee has completed a probationary period in a class.

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

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

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

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment. (See Temporary)

RECLASSIFICATION: The removal of a position from one class and placement of the position in another class.

REEMPLOYMENT: Re-appointment to duty of an employee who has been laid off.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, and who are eligible to reemployment without examination in their former class, arranged in order of their right to employment.

REGULAR EMPLOYEE: An employee who has probationary or permanent status.

REINSTATEMENT: A re-appointment, after resignation of a permanent employee, in regular or limited-term status, without examination, to a position in the employee's former class or in a lower class in which the employee formerly had permanent status. (Education Code, Section 45309).

RESTORATION: Include "reemployment" (see above). Also, the reassignment to duty of an employee to the same class and status that he held when he resigned. Also, the reassignment of an employee who had demoted to his former class or to a related class or, after reduction to limited-term status, to permanent status.

SALARY SCHEDULE: The complete list of ranges, steps, and rates established for the classified service.

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

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

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

SEPARATION: Leaving a position; includes resignation, dismissal, layoff, retirement, etc.

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

STATUS: Tenure which is acquired in a classification by reason of examination, certification from eligibility lists, election or appointment by the appointing power, and the successful completion of the probationary period.

SUBSTITUTE EMPLOYEE: An employee occupying a permanent position during the absence of the incumbent.

SUSPENSION: An enforced absence of an employee **with or** without pay for disciplinary purposes or pending investigation of charges made against an employee.

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

TRANSFER: The reassignment of an employee without examination from one position to another position in the same class.

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service; i.e., those exempted by law.

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

AUTHORITY FOR RULES AND REGULATIONS

10.200 PRELIMINARY STATEMENT

10.200.1 Statutory Authority for Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code, Sections 45260 and 45261, and other provisions governing the Merit System Act in the Education Code. (Note: It is recognized that some of these rules venture into substantive matters within the prerogative of the Board of Trustees. For that reason, the initially adopted set of rules and regulations were submitted to the Board of Trustees for its approval.)

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

A. The rule obviously requires Board approval, and

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

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

The Commission shall also submit all proposed rules and amendments or deletions of existing rules to District Administration within a reasonable time prior to their adoption.

In addition, no rule or amendment that would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the Commission until the exclusive bargaining representative of the classified employees who would be affected has been given reasonable notice of the proposal.

10.200.2 Interpretation and Application of Rules

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

If the subject matter and procedure in a rule is within the scope of representation, as defined in Government Code Section 3543.2, a rule shall be applicable as

follows:

A. If a collective bargaining contract contains the subject matter and procedure, the rule shall not apply to employees in the unit.

B. If a rule provides for a benefit, and a contract does not provide for that benefit, the benefit shall not be available to employees in the unit unless that benefit is required by law.

C. If a rule prescribes a procedure and a contract does not, the rule shall apply to in the unit.

10.200.3 Generic Terminology

As used in these rules, the term "his" refers to the feminine as well as the masculine. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

10.200.4 Judicial Review

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

10.200.5 Effect of Data Contained in Addendum to Rules

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

10.200.6 Distribution of Rules and Regulations

The rules of the Commission shall be printed and made available to employees in the classified service, the public, and those concerned with the enforcement of this article (Education Code, Section 45262). Each employee shall be given a list of the places where copies of the rules and regulations may be reviewed. This list to be given at time of employment and a receipt obtained therefore. **A copy will be maintained in the Personnel Commission office and a copy will be made available for use in the Human Resources and Employee Relations offices, for reference by employees.**

10.200.7 "Emergency Waiver of Commission Rules" added 7/2/97

When the Superintendent declares that there is an emergency and the Personnel Commission concurs, the Personnel Commission may suspend specific Personnel Commission rules for specific period of time not to exceed six months. All education code provisions will remain active unless suspended by

State action.

CHAPTER 20

THE PERSONNEL COMMISSION

20.100 ORGANIZATION OF COMMISSION

20.100.1 Terms

By law, the term of each Commissioner is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or before September 1 of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not he will accept re-appointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of the Education Code for appointment to the Commission. (See, e.g., Education Code, Sections 45245, 45246, 45248.)

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 days.

20.100.2 Officers

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

20.100.3 Quorum and Majority

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

20.100.4 Vacancy (Emergency Appointments)

A. In the event a vacancy will exist, subsequent to the initial appointment, in the position nominated by the classified employees, the applicable provisions of Education Code, Section 45246 shall be followed.

B. In the event the resigning incumbent is unable to give thirty days or more notice, the following procedure will be used:

1. The Personnel Director shall immediately notify the Board of Trustees and the classified employees' organization of the effective date of the vacancy.

2. The Board of Trustees shall announce at its next regular

meeting the vacancy and the name of the nominees made by the employees' organization if known.

3. The Board of Trustees shall appoint the classified employees' nominee at its first regular meeting in which the name of the nominee is known.

20.100.5 Emergency Appointment

In the event a vacancy shall jeopardize the continuance of functions of the Personnel Commission, an emergency interim appointment may be made to the Commission as provided in Education Code, Section 45248 (b) (c) (d).

20.200 MEETINGS

20.200.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet regularly at such time and place as may be established by the Commission. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. In case of emergency, the Commission may meet at some other time and/or place, provided that at least 24 hours of notice is given to all Commissioners and to employee and administration representatives and posted on the Commission's official bulletin board.

20.200.2 Adjourned Regular Meetings

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

20.200.3 Special Meetings

Special meetings may be called at any time by the Chairman and shall be called upon the written request of-any two members. 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 who have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organization. Such notice must be delivered personally or by mail, at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission.

20 200.4 Public Meetings

A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 20.200.5. 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.

20.200.5 Closed Session

A. The Commission may hold closed session to consider the employment or dismissal of any employee-or to hear complaints or charges brought against such employee, unless such employee requests that the complaints or charges be heard in open session or requests a public hearing. The Commission shall not, consider specific complaints or charges brought against an employee in closed session unless the employees has been notified of his right to a public hearing and has declined the public hearing or properly failed to request same.

B. The Commission may hold closed session to consider personnel matters relative to its own staff and to consider examination materials as provided in these rules

C. The Commission in **closed** session shall not consider, reach agreement, arrive at a consensus on any matter other than those specifically provided for by these rules and regulations, the Education Code, and the Government Code commencing with Section 54950 et seq. (The Brown Act).

20.200.6 Agenda and Supporting Data

A. At least 72 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's official bulletin board and distributed to news media and other organizations, which have requested it.

B. Individual employees, employee organizations, and other interested parties may submit their written views on any item on the agenda, except those matters listed in Rule 20.200.5 and will be provided reasonable opportunity to present their views orally. In the event it is necessary, reasonable time limits to speak will be set by the Chairperson. The Commission will consider their comments and recommendations prior to arriving at a course of action.

20.200.7 Amendment, Deletion, or Addition to Rules

A. All proposals, from any source, to amend, delete, or 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, be acted upon at that meeting.

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

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

20.200.8 Minutes

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

20.200.9 Payment for Meeting Attendance

Each commissioner shall receive the sum of $50.00 for each meeting attended in any one month, including, regular, adjourned or special meetings. **The Personnel Commission at it's meeting of March 31, 1999 authorized payment not to exceed $250.00 per month as required by Education Code, Section 45250.**

20.300 COMMISSION EMPLOYEES

20.300.1 Status of Commission Employees

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

B. The Commission may, with respect to the staff of the Commission, expend funds for their orientation, training, retraining and development as relates to functions performed and for any purpose prescribed by Article 4.5 of the Education Code commencing with Section 45380.

20.300.2 General Duties of the Personnel Director

A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed upon him or herby law and these rules. He or she shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. He or she shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and rules and necessary to the proper functioning of the office and staff of the Commission. (Education Code, Sections 45264 and 45266).

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

C. The Personnel Director shall serve on the Superintendent's Cabinet at the pleasure of the Superintendent, in order to represent the Personnel Commission and the classified service in matters that affect them.

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

20.400 MISCELLANEOUS PROVISIONS

20.400.1 Communications

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

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

C. Individuals or groups who seek interviews with particular Commissioners as to matters which may later be placed before the Personnel Commission for decision shall be referred to the Commission office. It is against the policy of the Commission to take up such matters except at open meetings. Such matters shall be requested by individuals or groups to be placed on the Commission agenda.

20.400.2 Budget

A. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April.

B. The Commission shall designate one of its meetings in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing, as required in Education Code, Section 45253, it shall direct the Personnel Director to forward a copy of the proposed budget to the Board of Trustees and notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.

C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions that may be offered by district administration, the Board, or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Board.

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

20.400.3 Annual Report

A. The Personnel Director shall prepare or cause to be prepared, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees. (Education Code, Section 45266).

B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

20.400.4 Counsel for Commission (Education Code, Section 45313)

The counsel of the Governing Board shall aid and represent the Commission in all legal matters. If legal counsel refuses, or fails to respond to a written request by the Commission for aid or representation within fifteen (15) working days of receipt of the written request, legal counsel is deemed to have refused to aide or represent the Commission in that matter. The legal counsel shall refuse to represent the Commission in circumstances in which counsel knows, or has reason to know at the time the request is made, a conflict exists between the interests of the Commission and the interests of Board of Trustees or District.

If legal counsel refuses to aid or represent the Commission in a legal matter, the Commission may employ its own attorney and the reasonable cost thereof shall constitute a legal charge against the general funds of the District.

[NEW] 20.500 DISCIPLINE OF COMMISSION EMPLOYEES

20.500.1 Personnel Director

The Personnel Director shall be subject to disciplinary action for cause as specified in Rule 60.1000.1, and the Personnel Commission's determination of the sufficiency of the cause for disciplinary action shall be conclusive. Before the Personnel Commission takes any action to disciple the Personnel Director, the Personnel Director shall be given written notice of the proposed action, and the reasons thereof. Such reasons must state the specific grounds and particular facts upon which the action is proposed to be taken. These charges shall be in ordinary and concise language so that the Personnel Director may be expected to respond to them. If it is claimed that the Personnel Director violated a rule or regulation of the District, said rule or regulation shall be set forth in the notice. A mere quoting of the rule violated is not sufficient. The actual violation must be outlined in detail. The notice must also include a statement of the Personnel Director's right to be represented by legal counsel or other designated representative of his or her choice, and to appear before the Personnel Commission in open or closed session at a meeting of the Personnel Commission to respond, orally and/or in writing, to the matters set out in the notice. The Personnel Director and/or legal counsel or other representative may present to the Personnel Commission witnesses, evidence and/or documents that the Personnel Director believe refute or explain the matters set forth in the charges and confront any adverse witnesses. The decision of the Personnel Commission shall be final.

20.500.2 Personnel Commission Employees

Any Personnel Commission employee designated as a permanent employee shall be subject to disciplinary action for cause as prescribed in Rule 60.1000.1, and the Personnel Commission's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

The Personnel Director shall give the permanent Personnel Commission employee a written notice of the proposed action, and the reasons therefore. Such reasons must state the specific grounds and particular facts upon which the action is proposed to be taken. These charges shall be in ordinary and concise language so that the employee may be expected to respond to them. If it is claimed that the employee violated a rule or regulation of the District, said rule or regulation shall be set forth in the notice. A mere quoting of the rule violated is not sufficient. The actual violation must be outlined in detail. The notice must include a statement of the employee's right to a hearing on such charges, and the time within which such hearing may be requested which shall be not less

than five days after service of the notice to the employee. The notice must also include a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges.

If the employee requests a hearing, the hearing shall be conducted in accordance with the hearing procedures contained in Rule 60.1000.4. The decision of the Personnel Commission shall be final.

CHAPTER 30

POSITION CLASSIFICATION PLAN

30.100 THE CLASSIFIED SERVICE

30.100.1 Positions Included (Education Code, Section 45256)

A. All positions established by the Governing Board, which are not exempt from the classified service by law, shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.

B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.

30.100.2 Exemption from the Classified Service (Education Code, Sections 45106 and **45256)**

A. Generally - Positions required by law to have certification qualifications, part-time playground positions, full-time day students employed part-time, part-time students employed part-time in any college work study program or in a work experience education program conducted by a community college district pursuant to Education Code, Section 51760 et seq. and which is financed by state or federal funds, apprentices, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission, shall be exempt from the classified service.

B. Special Categories (Education Code, Section 45112) Board Assistants. The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual board members. Such positions, if created, and persons employed in such position shall be members of the classified service, except that such assistants or representatives shall be exempt from all provisions of these rules and the Education Code relating to obtaining permanent status in any position in the District, and procedures pertaining to the recruitment, appointment, classification, and salary setting.

Staff assistants shall serve at the discretion of the majority of the Board. A field representative shall serve at the discretion of the individual board member.

If a permanent classified employee is appointed to serve in such an exempt position, he shall retain status as a permanent employee. If

he is terminated from the exempt position, he shall have bumping rights in his former class in the same manner as if he had been laid off for lack of work or lack of funds.

C. Special Categories (Education Code, Section 45258) – Community Representative

Positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days in a fiscal year, or a total of 720 hours, **are exempt from the classified service,** provided that:

1. The authorized duties are not those normally assigned to a class of positions in the classified service.

2. The authorized duties are approved by the Personnel Commission in advance of employment, and

3. A regular classified employee of the school district shall not receive a concurrent appointment to such a position.

30.100.3 "Part-Time" Defined (Education Code, Section 45256)

A part-time position for purposes of this Chapter, is one for which the assigned time, when computed on an hourly, weekly or monthly basis is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service.

30.100.4 Effect of Exemption

Any position or employee lawfully exempted from the classified service shall be excluded from the rights, benefits and burdens, imposed by these rules, except as provided by law or the Board of Trustees.

30.100.5 Professional Expert Assignments (Education Code, Section 45256)

A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.

B. When the person is known who is to be appointed as a professional expert, his name, date of appointment and evidence of his qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his own profession.

30.100.6 Apprentices (Education Code, Section 45263)

It shall be the policy of the Board of Trustees and the Personnel Commission to encourage the establishment of an apprenticeship program to train current employees and other qualified personnel who are properly motivated and who pass the necessary screening examination set up by the California Apprenticeship Council in those classifications where a labor market shortage continues to exist. The establishment of such a program shall be subject to the provisions of the Education Code, Section 45263.

30.100.7 Restricted Positions and Employees (Education Code, Section 45105)

A. If positions properly a part of the classified service are specially funded and, as a result of the special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas or other criteria which precludes employment through the normal competitive process, the positions shall, in addition to the assigned title, be designated as "Restricted".

B. The selection and retention of persons in these restricted positions shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program. Except that persons employed in the following categories of restricted positions: Instructional Aide, Nurse's Aide, or any other position involved in personal contacts with pupils or parents, established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems, shall not be subject to Education Code, Sections 45272 (eligibility lists) and 45273 (examinations). Those individuals who are mentally **and/or physically** handicapped (delete "can") **may** also be hired on a restricted basis.

C. Persons employed in "Restricted" positions shall be classified employees for all purposes except: (1) they may not attain permanent status, (2) they shall not be accorded seniority rights, (3) they may not be given provisional appointments concurrent with status in a restricted position, and (4) they are not eligible for promotion into the regular classified service, until they have completed 6 months of satisfactory service.

D. 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 examinations that are required for all other persons serving in the same class in the regular classified service. If the person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he or she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in a regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even through he continues to serve in a "restricted" position.

30.100.8 Weekend/Holiday Positions (Education Code, Sections 45204, 45127)

The Governing Board may, in accordance with Education Code, Section 45204, create a position or class of positions which require and permit the (delete "holders") **incumbents** of such position(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created the Commission shall, in classifying the position:

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

2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday. The overtime exemption shall not apply to hours required to be worked in excess of 8 on any Saturday, Sunday or holiday unless the class is specifically exempted from compensation for overtime in accordance with the Education Code, Section 45127.

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

30.200 GENERAL CLASSIFICATION RULES

30.200.1 Assignment of Duties (Education Code, Section 45109)

The Board of Trustees shall prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff.

30.200.2 General Nature of the Classification Plan (Education Code, Sections 45104 and 45256)

The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the class (es) in each series which are usually filled by open competitive examination. Those classes not so designated shall be considered as "promotional classes", provided that the Personnel Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate of range applicable to each class.

30.200.3 Class Specifications

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

A. The official class title.

B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme **hierarchy**.

C. A statement of **essential** tasks to be performed by persons holding positions allocated to the class.

D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, personal and physical traits and characteristics.

E. A statement of distinguishing characteristics, which differentiates the class from other related or similar classes.

F. License or other special requirements for employment or service in the class.

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

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

30.200.4 Interpretation of Class Specifications

The class specifications and their various parts are declared to have the following force and effect:

A. The definition and **essential** tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression of illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.

B. In determining the class to which any position shall be allocated, the specification 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 specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

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

D. Qualifications commonly required of the incumbents of all or many office or positions, such as, honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements.

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

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

30.200.5 Allocation of Positions to Classes

All positions substantially similar as to the duties performed and the responsibilities exercised by the incumbents of such positions and as to their qualification requirements shall be allocated to the same class.

30.200.6 Changes in Duties of Positions

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

30.200.7 Working Out of Classification (Education Code, Section 45110)

A. When an employee is required to work out of classification, the fact shall be reported to the Personnel Director, who shall immediately investigate and report to the Personnel Commission. After review, the Commission shall take such action as necessary based upon the facts. This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

B. Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the governing board, unless the duties reasonably relate to those fixed for the position by the Board, for any period of any period of time which exceeds five working days within a 15-calendar-day period except, as authorized herein.

C. An employee may be required to perform duties inconsistent with those assigned to the position by the governing board for a period of more than five working days provided that his salary is adjusted upward for the entire period he is required to work out of classification. The employee will receive a one step salary differential for the period worked out of classification. If the duties are performed in a position that is a higher classification, the employee shall receive at least a one step differential or the first step in the salary range of the position he is temporarily filling, whichever is the greater amount.

D. Working out of classification shall be defined as performing the majority of significant duties of a higher classification than would be required by the governing board for the employee's regular status classification. It shall be the responsibility of the Personnel Director of the Personnel Commission to make the determination of out-of-class status. This definition shall exclude situations when an employee is assigned to perform duties which are based on a change in organizational structure, change in technology, or the addition of what are determined to be higher-level duties, and those duties are permanently assigned, since the provisions of Section 30.300 - Reclassification of these rules shall then apply.

E. It is the intent of this section to permit the working of employees temporarily outside their normal duties, but to require that some additional compensation be provided during temporary assignments.

F. The selection of employees to be assigned to temporary assignments outside their normal duties shall whenever possible, be restricted to employees on appropriate eligibility lists. The assignment shall be determined by the department head.

G. When an employee is assigned to work out of classification, such assignments are to be on a temporary basis. Out of class assignments shall not convey status rights to the higher-level class, nor shall it be counted for seniority purposes in the higher class. The Personnel Commission may authorize successive out of class assignments of 90 calendar days in the absence of an appropriate eligibility list.

30.200.8 Review of Positions (Education Code, Section 45285)

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed at least once every (delete "two") **four** years. If the Director finds that a position or positions should be reclassified, the Director shall advise the administration of his findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report his or her findings and recommendation to the Commission. The Director shall also report his or her findings in cases where his or her review indicates that no change in classification is necessary.

30.200.9 The Creation of New Positions

A. When the Board of Trustees creates a new position, it shall submit to the Personnel Director, in writing, the duties to be performed by the position. The Personnel Director shall present recommendations to the Commission, and the Commission shall:

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

2. Recommend the proper salary placement of a new class, if one is established.

3. Recommend the minimum qualifications for the new classification, if one is established.

4. Notify the Board of Trustees of its action.

B. When the Personnel Commission has established the classification for the position and approved the minimum qualifications, it shall recommend to the Board of Trustees the salary range for the classification.

30.200.10 Positions Requiring Multiple Languages (Education Code, Section 45277)

A. The Board of Trustees may, with the approval of the Commission, designate positions within a class, which require the holder of the position to speak, read and write a language in addition to English.

B. The Board must clearly set forth valid reasons for placing language requirements on a position.

C. An announcement calling for an examination for a class with position(s) containing language requirements will contain appropriate information and will indicate that the appointment will be made from the highest three ranks of applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position

D. When a vacancy occurs in a position, which has approved language requirements, the Board will notify the Commission that the need for language requirements continues to be a part of the position.

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

F. If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list containing applicants who meet the special requirements if the personnel commission finds that the requirements of subdivision (a) and (b) of the Education Code, Section 45288 have been met. These appointments may continue for the period of the provisional appointment, but may not be additionally extended if certification can later be made from an appropriate eligibility list.

30.200.11 Instructional Aide Positions (Education Code, Section 45342)

As required by Article 7, Chapter 5, Division 3, (commencing with Section 45340) all teacher aide classes of positions shall be assigned a basic title of "Instructional Aide. The Commission, in classifying all such positions, shall determine subclasses thereof, if any, and additions to the basic title as well as completing other classification requirements.

30.300 RECLASSIFICATION

30.300.1 Requests for Study

A. Requests for classification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting study. Requests for study may be initiated by the administration, with the approval of the Superintendent, or by employees or employees' organizations, or by the Personnel Director.

B. Requests for reclassification from administration shall include a statement of the current authorized duties and responsibilities of the position and any proposed changes.

C. Requests from the employee or employee organization shall be submitted with a listing of duties presently performed including a statement indicating the reasons the employee or employee organization feels a reclassification is justified.

D. The Personnel Commission Staff shall conduct a desk audit of all related positions to insure a complete analysis is made of the position involved. For new positions created by taking duties and responsibilities from other positions, a representative sample of employees affected shall be interviewed to ascertain the level of duties and responsibilities performed. A report shall be submitted to the Personnel Director with a recommendation for appropriate action.

E. The Personnel Director shall make a preliminary report of his findings to the Superintendent, cabinet administrator and department head involved, which includes the action to be recommended to the Personnel Commission. Administration must indicate its disapproval of the action recommended within 5 working days. No response from administration shall indicate agreement with the action recommended. Upon disapproval of the action recommended, a meeting will be set up to attempt to resolve differences or to take other appropriate action.

F. Requests for reclassification with all back-up information and the recommendation of the Personnel Director shall be submitted to the Personnel Commission at its next regular meeting for review and action.

G. No position classification or reclassification plan which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the Personnel Commission until the exclusive bargaining representative and District Administration have been given reasonable notice of the proposed classifications or reclassifications. (Education Code, Section 45285.5)

30.300.2 Effective Date of Reclassification

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

30.300.3 Effects on Incumbents (Education Code, Section 45285)

A. For an employee to be reclassified upward with his position the reclassification must have been occasioned by a gradual accretion of duties and not be a sudden change resulting from reorganization of duty changes by the Board. Determinations of gradual accretion will be on the basis of the following guidelines:

1. Change in duties shall have occurred over a period of not less than one year.

2. Any increase in responsibilities shall have occurred over a period of not less than one year and shall be clearly defined by the supervisor of the incumbent.

3. A new job description reflecting the changes in duties and responsibilities shall be submitted to the Personnel Director along with the request for reclassification change.

B. When all of the positions in a class are reclassified upward, those incumbents with 2 or more years service in the class shall be automatically reclassified with the positions.

C. When a **portion** of the positions in a class are reclassified upward those incumbents with 2 or more years of continuous service in one or more of the positions being reclassified shall be reclassified with their position(s).

D. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until at least 2 years has elapsed from the last upward reclassification.

E. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:

1. The right to bump the employee in the same class with the lowest seniority in the class. The bumped incumbent shall also have the following rights.

2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he had greater seniority in that class.

3. The rights to be demoted or to transfer, with examination, to the class to which his position is reclassified. The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choices shall not affect his right under Rule 30.300.4, below.

30.300.4 Reemployment List for **Displaced** Incumbents (Education Code, Section 45308)

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

B. This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.

30.300.5 Salary Allocation at Reclassification

A. When a position is reclassified upward or reallocated to a new class, an incumbent who is reclassified or reallocated with his position shall be placed on the step in the higher class, which corresponds to his numbered step in the previous class.

B. When a position is reclassified downward or reallocated downward, an incumbent in the class shall be placed on the step in the lower class, which corresponds to the rate of his step in the former class.

30.400 INSERVICE TRAINING AND STAFF DEVELOPMENT

30.400.1 Conference Attendance

A. Every regular permanent classified employee shall be eligible to attend conferences, seminars, conventions, and training institutes conducted by recognized professional institutes at a national, regional, state, or section level, the principal business of which is related to upgrading the classified service, and/or, the public school instructional program.

B. Conferences do not include meetings of a promotional or lobbying type; meetings that offer college credits; pay a salary, or honorarium to the participant, or meetings that do not meet the criteria specifically mentioned in Education Code Section 45387.

C. For procedures for Conference Attendance, refer to Section C, Rule C-GPFBA of the Compton Unified School District Policies.

CHAPTER 40

APPLICATION AND EXAMINATION

40.100 APPLICATION FOR EMPLOYMENT

40.100.1 Filing of Application

All applications for employment shall be made upon official forms furnished by the Commission, filled out properly as therein directed and filed on or before the date specified and in the office specified in the examination announcement. Applicants taking more than one examination must file a separate and complete application for each such examination.

40.100.2 General Qualifications of Applicants

A. Applicants must possess all requirements that may be specified in the minimum qualifications established for the class.

B. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he applies; **individual applicants may request reasonable accommodations under the Americans With Disabilities Act** and the California Fair Employment and Housing Act.

C. An applicant may be required to take a physical or mental examination prior to employment. When a physical or mental examination is required, it shall be taken under the auspices of the Board of Trustees, at such time as the District shall designate. (Education Code, Section 45122)

Each applicant shall be required to complete a medical history questionnaire prior to employment. This questionnaire may be reviewed by a physician designated by the Commission and if the physician so directs, a physical examination may be required prior to employment.

D. Applicants for the position of Bus and Truck Driver shall be required to obtain a medical certificate from the Department of Motor Vehicles; have it completed by an examining physician, and have it returned to the Department of Motor Vehicles prior to employment. Such medical certificates must be renewed every two years. (Vehicle Code 12804)

The policy of this District is that (Vehicle Code 12804,

notwithstanding) all bus drivers must obtain physicals annually. Such examination shall occur on or about the employee's anniversary date. The District will bear cost of the examination.

40.100.3 Elimination of Unqualified or Employable Applicants, Candidates, and Eligibles

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons:

A. Failure to meet the general qualifications of Rule 40.100.2.

B. Knowing membership in the Communist Party or failure to execute the oath **or affirmation** of allegiance required by the State of California. **(Section 3, Article 20 of the California Constitution).**

C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

D. Conviction of or pleading guilty in court to a narcotics **or controlled** substance offense as defined in Section **44011** of the Education Code; or a charge of moral turpitude, any sex offense **as defined in section 44010** of the Education Code, or mistreatment of children. The Board of Trustees may hire a person convicted of a controlled substance offense if it determines from the evidence presented, that the person has been rehabilitated for at least five years. The decision of the Board is final. (Education Code, Section 45123).

E. Criminal, infamous, dishonest, immoral, or disgraceful conduct according to standards approved by the Personnel Commission. The following definitions apply:

1. Criminal - Conviction of crime(s) specifically set forth in the Education Code as cause(s) for rejection or termination.

2. Infamous - Crimes against nature.

3. Dishonest - Thefts, burglaries.

4. Immoral - Sex offenses, more specifically those set forth in the Education Code as causes for termination.

5. Disgraceful Conduct - Drunk or fighting in public, insulting,

slandering a fellow employee.

F. Making a false statement or omitting a statement as to any material fact on the application form.

G. Practicing any deception or fraud in connection with an examination or to secure employment.

H. Use of intoxicating beverages to excess or **evidence of being under the influence of intoxicating beverages or controlled substance while on duty.**

I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.

J. Previous dismissal from this District or any of the former districts which, comprise the Compton Unified School District.

K. A record of unsatisfactory service with this District or any of the former districts which comprise the Compton Unified School District.

L. Unsatisfactory health conditions.

M. Discharge other than honorable from the armed forces of the United States.

N. Conviction of a crime involving narcotics or substance abuse, violence or moral turpitude, or conviction of crime where the nature of the crime is such that it will indicate that the applicant is a poor employment risk for the position(s) for which he/she is applying.

O. Failure, after **being** due**ly** notice, to report promptly for review of the above **basis** for rejection **of the application**.

P. **Unwarranted** Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees.

Q. Physical or mental unfitness for the performance of the duties of the class, not subject to reasonable accommodations.

R. Involuntary separation from the Compton Unified School District because of incompetency or inefficiency, or any disciplinary cause, or voluntary separation while such charges were pending against such employee.

S. **Use or attempt to use political or other coercion, pressure, or bribery to secure an advantage in the examination or appointment.**

T. Conviction of a violent or serious felony as defined in Education Code Section 45122.1.

U. **Failure to report for duty after an assignment has been offered and accepted.**

V. **Directly or indirectly obtaining or seeking to obtain question(s) to be utilized in any examination given or to be given by the Personnel Commission.**

W. **Failure to submit application for employment correctly or within the prescribed time limited.**

Y. **Failure to submit to pass pre-employment medical evaluation (may include screening) or failure to satisfactorily pass the medical examination including the drug and tuberculosis tests.**

Z. Determined to be a sexual psychopath as defined in Education Code 45124.

AA. Other reasons deemed sufficient by the Personnel Commission.

40.100.4 Rejection and Appeal from Rejection

A. Applicants, candidates, and eligibles who are rejected for any reasons enumerated in Rule 40.100.3 shall be notified in writing by the Personnel Director. The notification shall state:

1. The reason(s) for rejection.

2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.

3. That, within seven calendar days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

B. If there has been an administrative review, as provided above, and

the rejection is sustained, the individual shall be:

1. Given a written notice outlining the reason(s) for sustaining the rejection, and

2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:

   a. Discrimination based on political or religious affiliations or opinions, race, color, sex, marital status, national origins or ancestry.

   b. Abuse of discretion.

   c. Inconsistency of the reasons given for the rejection 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 as expeditiously as possible. Its decision shall be transmitted in writing to all concerned and shall be final.

40.100.5 Action When Rejection Is Not Sustained

If a rejection is not sustained by the Personnel Director of the Personnel Commission, the Personnel Director shall institute immediate action to insure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

40.100.6 Applications not to be Returned

All applications and examination papers are confidential records of the District and shall not be returned to the applicants.

40.100.7 Applicant's Names Not Made Public

The names of applicants or unsuccessful candidates in any examination shall not be made public.

40.100.8 Veteran's Preference (Education Code, Section 45296)

A. Veteran's preference points shall be added to passing scores in entrance level only examinations as follows:

1. 5 additional points for veterans

2. 10 additional points for disabled veterans

At least 30 days of active service in the Army, Navy, Marines Air Force, or Merchant Marine, or as a nurse on active duty with the Red Cross, between the dates listed below, are required:

World War II	December 7, 1941 to December 31, 1946
Korea	June 27, 1950 to January 31, 1955
Vietnam	August 5, 1964 to May 7, 1975
Persian Gulf	**August 21, 1990 _____(Still current)**

B. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.

40.200 EXAMINATIONS

40.200.1 Examination Barred

No examination announcement may be made and no part of any examination be held until the Board of Trustees has properly approved, if a reclassification, or designated, if a new class, the position duties, and the Commission has completed the position classification including the establishment of minimum education and work experience requirements.

40.200.2 Promotional Examinations

Examinations shall, where practicable, as determined by the Commission be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examination.

Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class. (See also, Education Code, Section 45272)

40.200.3 Examinations for Certain Positions or Classes (Education Code, Section 45280)

A. Examinations for the position of business manager or any other single position class which the Personnel Commission declares to be at or above the level of business manager, shall be held on an open and promotional basis.

B. When such examinations are held, all permanent employees of the District (classified and certificated), who meet the established minimum qualifications, shall be allowed to compete in the promotional examination.

Final scores of all successful competitors in the promotional examination will be adjusted to add seniority credits.

C. A single eligibility list will be developed from among the passing open and promotional candidates. Rating will be in accordance with the final score plus authorized credits.

D. These examinations are not, by law, considered "entrance examinations", and military preference credits are, therefore, not to be included.

E. No person shall be initially assigned to assist in instruction as an instructional aide unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors.

40.200.4 Notice of Examination

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 Commission, the Commission shall direct the holding of an examination to provide eligibles. At least 15 working days' advance public notice of such examination shall be given. The 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 **essential** duties and responsibilities of the position and the class.

3. **Minimum Qualifications required**.

4. The salary and other forms of compensation.

5. The last date of filing an application.

B. Examination bulletins for open, open and promotional, and promotional examinations shall be distributed and posted at regular permanent work locations for the information of interested employees, at least 15 working days prior to the final filing date of appropriate applications.

C. The Commission Office shall maintain records of employee requests for transfer and change of location to a vacancy and shall certify such employees to the appointing authority along with eligibles from appropriate eligibility lists.

40.200.5 Who May Compete (Education Code, Section 45134)

A. Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 40.100.4` provided that examinations may be restricted to promotional candidates at the discretion of the Commission.

B. Age shall not be a factor in admitting applicants to examinations.

C. The Personnel Director may prohibit an applicant from taking a subsequent examination for the same classification, if the same testing instrument is used, unless:

1. Four (4) calendar months elapsed between the two examinations in continuous testing classifications.

2. Three (3) calendar months have elapsed between the two examinations in non-continuous testing classifications.

3. The restrictions are uniformly applied to all applicants in the same examination.

D. If the testing instrument is changed, the three or four months waiting period may be waived, and all qualified applicants will be tested.

40.200.6 Admission to Examination

A. Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application. **A photo identification shall be required to be presented at time of examination.**

B. The Personnel Director may prohibit an applicant from taking the same examination thereof in a related class, more than once within any four-month period, provided that the same restriction is uniformly applied in the examination for that class or for the related class.

40.200.7 Character of Examination (Education Code, Section 45273)

A. Examinations shall be administered objectively and shall consist of at least two independent parts that relate to job performance for all regular classified positions.

B. Examinations may be written, oral, or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, character, or identity, and tests of technical knowledge, manual skill, or physical and mental fitness, which in the judgment of the Personnel Commission serves this end, may be employed.

40.200.8 Examination Procedures

A. Classified employees in any written test must take the test on the prescribed date unless in military service during a national emergency declared by the President or during any war in which the United States is engaged.

B. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.

C. 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 a given examination shall have been marked and rated.

D. Any competitor in any examination who places any identifying mark upon his test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his papers prior to the completion of the examination shall be disqualified.

E. The Commission may designate examinations for specified classes as continuous examinations. When so designated, the examination shall be administered as applicants are available, and the areas of the service indicate, and applicants shall be accepted every working day. Procedures for review of written tests shall be suspended.

F. The proceedings of all oral examinations shall be electronically recorded. Such tapes shall be retained 90 days following establishment of an eligibility list.

40.200.9 Examination Weighting

The relative weights of the different parts of the examination shall be determined by the Commission and set forth the examination instructions. All examination papers shall be prepared and rated under the direction of the Personnel Director.

40.200.10 Rating Required

Competitors shall be required to attain a minimum rating of 70% in each part of the examination to qualify for participation in the next succeeding part. A final overall rating of at least 70% is necessary in order to be placed on an eligibility list.

40.200.11 Review of Written Test (Education Code, Section 45274)

A. When the written test papers of all competitors have been rated, each candidate will be allowed to review any portions of the written examination that are not standardized, and not subject to review. A candidate may protest any question, outlining the basis for the protest. No candidate may copy and remove from the review room any questions or answers.

B. The protest sheets, if any, shall be filed with the Personnel Director within 24 hours. The Personnel Director shall review and act upon all protests. He may allow more than one answer to a question or may disqualify a question, if he finds the protest to be valid. If protests result in any change, the test-papers of all applicants will be reviewed and re-rated accordingly.

C. The Personnel Director shall inform the Protestant of his decision. If the Personnel Director rules against the protest, the applicant may appeal to the Personnel Commission, but the appeal shall not delay other parts of the examination process, except in the case of promotional examinations. No further action will be taken on promotional examinations until the Personnel Commission has ruled on the appeal of the employee.

40.200.12 Examination Papers

A. All examination papers submitted by competitors are the property of the District and are confidential records.

B. Examination records, including any recordings, and the rating sheet of each member of the oral panel for each candidate shall be retained by the Commission for a period of not less than 90 days after the establishment of an eligibility list.

C. Examination records shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, for 90 days following the approval of the eligibility list by the Personnel Commission, be made available to an examination candidate or his representative.

40.200.13 Qualifications Appraisal Interview: Oral Examination (Education Code, Section 45273)

A. If an examination includes a Qualifications Appraisal Interview (QAI), the Qualifications Appraisal Interview Board shall consist of at least two members.

B. Unless specifically directed to evaluate the candidates' technical knowledge and skills, the oral examination panel shall confine itself to evaluating general fitness for employment in the class.

C. When the oral panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupation area.

D. A district employee may serve on an oral examination board if she/he is not the first or second level of supervision over a vacant position in the class for which the examination is held.

E. Members of the governing board or Personnel Commission shall not serve on an oral examination board.

F. All oral examinations for regular classified positions shall be electronically tape recorded. In no case will an oral examination panel be provided with confidential references on employees of the District 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 panelists.

G. A candidate may review the QAI rating within five work-days following the mailing of notification of examination results. The purpose of the review is to counsel a candidate relative to his/her general QAI performance. Test material which has been rented, leased, or obtained under a contract where the terms of such rental or leasing, or contract prohibit such review or inspection, shall not be subject to review or inspection by a candidate.

H. If a candidate wishes to protest the QAI rating, she/he must submit the written protest to the Personnel Director during the five work-day review period. Such protest shall state specifically the parts of the QAI protested, or wherein errors are alleged to have occurred, citing authorities or references to support such protest, and stating the remedy to which the candidate believes she/he is entitled. The Personnel Director shall review and answer the QAI protests and shall make any necessary corrections. Such corrections shall be applied uniformly to all candidates. Candidates who have protested shall be notified in writing of the disposition of their protests.

I. If the protest is not sustained, the candidate may appeal to the Personnel Commission within five work days after notice of the decision of the Personnel Director was mailed to the candidate. Such appeal to the Commission shall be in writing and shall be based upon a charge that the rejection constitutes a violation of law, misapplication of the Rules and Regulations of the Classified Service, or that the reasons for rejection are inconsistent with the facts; the facts supporting such a charge shall be clearly set forth in the appeal and shall include the remedy sought by the candidate. Upon this written appeal to the Personnel Commission, a candidate may request to review the qualifications appraisal interview paperwork and the recording of his/her interview. Such request shall be granted as soon as practicable and the review shall be conducted by a Personnel Commission staff member. The Commission's decision shall be transmitted in- writing to all concerned and shall be final. No eligibility list will be approved by the Personnel Commission, or if the eligibility list has already been approved, no appointments will be made from the eligibility list until the Personnel Commission has ruled on the appeal of the employee.

40.200.14 Seniority Credit - Promotional Examination (Education Code, Section 45274)

In promotional examinations only, seniority credit shall be added to the final passing scores of candidates in the amount of 1/4 of one point for each year of service, not to exceed a total of five points. Credit shall be granted for time spent in regular status (see definition) in the classified service and on leave from the classified service or while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar-year basis. Credits shall be calculated for units of not less than a half year, unless greater accuracy is required in order to break ties in examination scores, otherwise fractions of years shall not be counted.

40.200.15 Ties in Examination Scores (This section deleted.)

40.200.16 Notice of Final Score

Each competitor shall be notified of his score for each portion of the examination, additional veteran's or seniority credits, the total thereof, and his standing on the eligibility list, if qualified.

CHAPTER 50

EMPLOYMENT LISTS

50.100 ELIGIBILITY LISTS

50.100.1 Establishment and Life of Eligibility Lists (Education Code, Section 45300)

A. After an examination, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points where applicable. The list shall be presented for approval of the Personnel Commission.

B. After approval, an eligibility list shall be in effect for one year, unless exhausted, and may be extended for not to exceed (delete "one") **two** additional years at the discretion of the Commission. Names of successful competitors may be added to eligibility lists resulting from continuous examinations without approval by the Commission.

C. It shall be the responsibility of eligibles to notify the Commission of their continued availability and current address every 90 days.

50.100.2 Reemployment Lists (Education Code, Section 45308)

A. There shall be established for each class a Layoff Reemployment List which shall take precedence over all other reemployment lists or employment lists in appointment. This list shall contain the names of all permanent and probationary classified service employees who have been laid off or demoted **in lieu of layoff** from any position because of the lack of work or lack of funds.

Employees who acquire leave of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the reemployment list in any given class. Such Layoff Reemployment List shall be in effect for a period of 39 months from effective date of layoff or demotion.

B. Any permanent classified employee of the District who voluntarily resigns from his permanent position may be reinstated or reemployed by the Board of Trustees of the District within 39 months after his last day of paid service and without further competitive examination, to a position in his former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class in which the employee formerly had permanent status.

If the Board of Trustees elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, it shall disregard the break in service and classify him as, and restore to him all of the rights, benefits and burdens of a permanent employee in the class to which he is reinstated or reemployed.

50.100.3 Termination of Eligibility Lists

A. An eligibility list is automatically terminated one year after its approval unless previously extended by the Commission.

B. An eligibility list is automatically terminated when no eligibles remain on the list.

C. An eligibility list may be terminated by the Commission 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.

50.100.4 Consolidation of Eligibility Lists (Education Code, Section 45291)

A. Appointments from an eligibility list shall be in the following order:

1. When more than one eligibility list exists in the same class, the order of precedence shall be in chronological order of Commission approval dates on comparable lists (open or promotional).

2. Eligibility lists in the same class shall not be merged with the exception of additions to eligibility lists resulting from continuous testing under Section 50.100.1.

B. When fewer than three ranks remain on the earliest approved lists, additional eligibles shall be certified for appointment from a subsequent list to total three ranks, in compliance with subsection A above.

50.100.5 Eligibility After Appointment (Education Code, Section 45286)

An eligibility list shall be used for full-time, part-time, regular, and limited-term assignments in the class. An eligible who accepts part-time employment shall continue to be eligible for full-time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular appointment.

50.100.6 Removal of Names from Eligibility Lists

A. The name of an eligible may be removed from an eligibility list by action of the Commission for any of the following reasons:

1. A written request by the eligible for removal.

2. Failure to respond within 5 business days following the mailing of an inquiry regarding availability for employment.

3. Any of the reasons listed in Rule 40.100.3.

4. Termination of employment if eligible is on a Promotional Eligibility List.

5. Failure to appear for an interview.

B. The name of an eligible may be removed from an eligibility list by the Personnel Director, subject to right of appeal to the Commission for restoration under Rule 40.100.4, for any of the following reasons:

1. Three waivers of certification during the life of the eligibility list, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this sub-rule.

2. Refusing an employment offer after having been properly certified as eligible for appointment.

50.100.7 Employment of Relatives (Education Code, Section 45275)

An applicant on an eligibility list who is related by blood or affinity within the first degree to an employee already working at the location where a specific vacancy exists or who is the parent or legal guardian of an enrollee in the same elementary or secondary school or children's center where a specific vacancy exists shall be by-passed and the next eligible referred to the employing department or school.

No employee shall be transferred to, assigned to, or remain at a school or department where a relative or spouse will be their supervisor or principal.

50.200 CERTIFICATION FROM EMPLOYMENT LISTS

50.200.1 Order of Precedence

Names shall be certified for appointment in the following sequence:

A. Lay-Off Reemployment List

B. Transfer

C. Voluntary Demotion

D. Promotional Eligibility List

E. Lateral Transfer

F. Reinstatement

G. Open Eligibility List

50.200.2 Dual Certification (Education Code, Section 45284)

When the same examination is held on an open competitive and promotional basis to provide a list of eligibles for any class having fewer than three permanent positions or for which the most recent promotional eligibility list failed to provide sufficient available eligibles to fill all the vacancies occurring in permanent positions during the life of the eligibility list, the Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists. The three ranks certified shall be those of open and promotional eligibles who have the highest examination scores, without veterans' credit but including seniority credit for promotional eligibles. When all promotional eligibles have been removed from the list, through appointment or otherwise, veterans' credit shall be added to scores of remaining open eligibles, and their ranks shall be adjusted accordingly. (See also, Rule 40.200.2)

50.200.3 Procedure When Fewer Than Three (two) Ranks Remain

A. When fewer than three ranks are available on the promotional list, sufficient ranks shall be certified from the open list to allow a choice among three ranks.

B. When fewer than three ranks are available for certification, the available ranks shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.

50.200.4 Waivers of Certification

A. An eligible may, without penalty, make himself unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a written request in the Personnel Office.

B. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability in writing.

C. An available eligible may waive certification twice without penalty. At the time a third waiver is to be signed or give by an eligible, he will be informed that the third waiver will remove his name from the eligibility list per Rule 50.100.6.

D. No employee of the District shall seek or solicit a waiver of a position from another employee in the District.

E. Waivers of positions shall be submitted in writing to the Personnel Commission.

50.200.5 Procedure of Certification and Appointment from Eligibility Lists

A. When a position is to be filled, the recommending authority shall notify the Personnel Director of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Director.

B. The Personnel Director shall ascertain the availability of employees seeking transfers and shall certify them first and by themselves to the recommending authority. If no selection is made, the names of all eligibles having the first three ranks shall be certified to the appointing authority.

C. Candidates shall be placed on the Eligibility List in order of their relative merit as determined by competitive scores. The final scores 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 willing to accept the position.

D. Employment of district personnel from eligibility or other employment lists is subject to action by the Board of Trustees based upon the recommendation of the Superintendent or the Superintendent's designees. The recommending authority shall consider and may select from the certified eligibles and shall notify the Personnel Director of his or her choice, in writing.

E. Eligibles who have been certified shall be entitled to an interview to present their qualifications. When there are more than three eligible candidates in the first three ranks, the recommending authority shall be required to consider all of the candidates and shall be required to conduct interviews with the eligible candidates prior to making a recommendation. Questions relating to political or religious opinions or affiliations, race, color, marital status shall not be asked of any candidate whose name has been certified for appointment, nor shall any discrimination be exercised.

F. If a candidate who has been certified as eligible for appointment to a position fails to keep his or her interview appointment or, at the interview declines the position, the appointing authority may fill the vacancy from the remaining certified eligibles or may request additional certification in accordance with Rule 50.200.6

50.200.6 Certification of Additional Eligibles

A. If, after certification of eligibles, the appointing authority desires certification of additional eligibles per Rule 50.200. 5D, a written request will be submitted to the Personnel Director which shall:

1. Specify the number of additional eligibles required.

2. Detail all pertinent data which requires the certification of additional eligibles including the name of the eligibles certified who refused appointment (and reasons given) or failed to respond for the interview.

B. The Personnel Director, when the request is received, shall immediately investigate the matter to determine if the request is validly made and, specifically, to determine that an appointment refusal was voluntary on the part of the concerned eligible. He shall:

1. If he finds the request to be valid he shall remove from the eligibility list at his discretion, the names of eligibles who fail to report for interview or who refuse appointment, and notify the eligibles of his action and their right of appeal to the Commission.

2. If he finds that a refusal of appointment was not voluntary and free of any type of duress he shall:

   a. Notify the appointing authority of his findings and refuse to certify additional eligibles, citing the provisions of this Rule.

   b. Refer the matter to the Personnel Commission together with his findings and recommendations, which may include suggested action under Education Code, Section 45317.

   c. Advise the appointing authority of the date of his report to the Commission in order to enable appropriate representation.

50.200.7 Certification From List for Another Class

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or a higher salary 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 Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledges were adequately tested in the examination.

50.200.8 Withholding Names from Certification

The name of an eligible may be withheld from certification when:

A. He expresses unwillingness or inability to accept appointment.

B. He fails to respond within three business days next following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.

C. He fails to present himself for duty at the time agreed upon after having accepted an appointment.

D. He cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment).

E. He fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met).

F. For any reason listed in Rule 40.100.3.

50.200.9 Restoration to Certification

A. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto by the Personnel Director, under the following circumstances:

1. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Director that he is now willing and able to accept appointment.

2. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the defect has since been corrected.

B. As provided in Rule 50.200.8E.

50.200.10 Duties of Eligible

A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides in the District, he shall respond within three days after the date the notice is mailed. If the eligible resides outside the District, he shall respond within three days plus the normal time required for the communication to be transmitted by mail to the eligibles place of residence and for his answer to be returned by mail.

1. In the event an eligible is notified by telegram of the certification, he shall present himself before the appointing power with some form of communication within 24 hours after the sending of the telegram.

2. Failure of an eligible to respond within the above-stated times will be deemed an automatic waiver of certification, and the Personnel Director may certify an additional rank in lieu of the name of such eligible.

B. An eligible who has been certified shall be allowed two weeks (one month in the case of administrative and executive classes) to report for duty after an offer of appointment to a permanent position has been made. If he is unable or unwilling to report by the end of two weeks (one month in the case of administrative and executive classes), he may be considered to have refused appointment; and the appointing power may request certification of another name from the eligibility or reemployment list.

1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of his selection.

2. Notification may be made by telephone, telegram, or registered or certified mail.

3. The appointing power may allow a period longer than two weeks at its discretion.

4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.

C. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Commission his correct mailing address and place of residence. This address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules.

Whenever such person shall have any change in mailing address or place of residence, he shall promptly notify the office of the Commission, stating the list or lists upon which his name appears, together with his new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his order of certification and/or appointment from such list or lists.

50.200.11 Subjects Regarding Which no Questions Shall Be Asked
(Education Code, Section 45293)

No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, 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 therefore.

50.200.12 Certification of Eligibles for Position with Language Requirement (Education Code, Section 45277)

A. If a position has multiple language requirements, as provided for in Rule 30.200.10, the appointing authority shall so indicate to the Personnel Director when calling for certification of eligibles to fill the vacancy.

B. In such an instance the Rule of 3 Ranks is suspended. The Personnel Director shall determine which eligibles posses the required language skill and shall certify the names of 3 ranks, in the order of their relative standing on the list, who meet the special requirements and who are ready and willing to accept the position.

C. If there is an insufficient number of ranks who meet the language requirements and who are ready and willing to accept the position, the Personnel Director shall certify for appointment the top eligible ranks plus those possessing the language requirements who are ready and willing to accept the position, provided that the total number certified shall not exceed 3 ranks.

D. If there is an insufficient number of eligibles who meet the language requirement, an employee who meets the language requirement may receive provisional appointments which may accumulate to a total of 90 working days.

50.200.13 Reduction in Eligibility

A reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall be placed at the bottom of the eligibility list for the lower class. When no eligibility list exists for the lower class, reduction in eligibility may be granted only in accordance with Rule 50.200.7

50.300 PROVISIONAL APPOINTMENTS

50.300.1 Restrictions

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

1. No eligibility list exists for the class, or

2. An eligibility list exists, but there are less than 3 available ranks and the appointing authority refuses to appoint an available eligible.

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 shall be ineligible to serve in any full-time provisional capacity.

C. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined Education Code, in Section 45256, successive 90-working-day 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 specifications.

E. Notwithstanding Rules A and B, above, the Commission may extend the 90-working-day provisional appointment not to exceed 36 additional working days provided:

1. An examination for the class was completed during the initial 90 work-days of the employees' provisional assignment.

2. Satisfactory evidence is presented indicating:

a. Adequate recruitment effort has been and is being made.

b. Extension of this provisional assignment is necessary to carry on vital functions of the District.

c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.

F. Provisional employees appointed as substitutes shall not receive holiday pay.

G. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list; provided that continuous examination procedures for the class have been authorized by the Commission. Such successive provisional appointments are subject to prior approval of the Commission and persons may be employed in temporary capacities under the Governing Board for a total of more than six months in any one-year. Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list (Education Code, Section 45289).

50.300.2 Terminating Provisional Appointments (Education Code, Section 45287)

A. 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 by Rule 50.300.1E.

B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

50.300.3 Emergency Appointments (Education Code, Section 45290)

A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees, through its authorized department heads, may make emergency appointments, without reference to eligibility lists for a period not to exceed 15 working days.

B. When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

50.400 RESTRICTED APPOINTMENTS

50.400.1 Restrictions

A. If specially-funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria, which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Sections 45272 and 45273 of the Education Code:

1. The position of Instructional Aide, as defined in Section 45343 of the Education Code.

2. Any other position involving personal contacts with pupils or parents that is established to assist school-staff personnel responsible for school community relations; educational support services such as counseling, library or health; or the correction or prevention of behavioral problems.

50.400.2 Rights and Benefits of Restricted Employees

A. Persons employed in "restricted" positions shall be classified employees for all purposes except:

1. They shall not attain permanent status.

2. They shall not be accorded seniority rights.

3. The provisions of Education Code, Section 45287 and 45289 shall not apply.

4. They shall not be eligible for promotion into the regular classified service.

B. Employees serving in "restricted" positions shall, after completion of six months of satisfactory service, be given the opportunity to take the next competitive examination that is given for the class in which they are serving. If an employee successfully completes the examination and attains placement on the eligibility list, as a result thereof, and regardless of his numerical standing on the eligibility list, he shall be considered a part of the regular classified service even though he may continue to serve in a restricted position. He shall be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted from the date of his initial appointment to the restricted position.

CHAPTER 60

IN-SERVICE STATUS AND TRANSACTIONS

60.100 PROBATIONARY PERIOD

60.100.1 Duration of Probation (Education Code, Section 45301)

A. A new employee appointed from an eligibility list shall serve a probationary period of six months or 130 days in paid status, whatever is the longer period, excluding all paid and unpaid leaves of absences (except vacation and holidays), in one class before attaining permanency in the classified service. An employee who has been placed in a class in which he has not previously served a probationary period shall serve a probationary period of six months or 130 days in paid status, whichever is the longer period, in the new class before attaining permanency in the class. Credit toward completion of probation shall be granted for service in regular positions in the class after placement from an approved eligibility list.

B. For those classes, designated by the Commission as executive, administrative or police, the probationary period shall be one year. The following are designated as executive, administrative or police classes:

Accounting Manager
Administrative Analyst
Attendance Systems Analyst
Assistant Dir. – Student Nutrition
Assoc. Sup. – Bus. & Admin. Services
Benefit and Workers' Compensation Analyst
Budgeting Manager
Chief of School Police
Chief of Facilities
Communications Coordinator
Compliance Officer
Contract Analyst
Director – Information Technology
Director – Classified Personnel
Director – Communications
Director – Facilities Planning
Director – Maintenance
Director – Purchasing/Warehouse
Director – ROP/VEA
Director – Student Nutrition
Director – Transportation
Employee Relations Analyst
Facilities Coordinator
Facilities Coordinator – Oper. Compliance
Facilities Planning Inspector – Carpenter
Facilities Planning Inspector - Electrician
Financial Analyst
Financial Analyst – Facilities
Grants Application and Implementation Mgr.
Job Developer
Maintenance Coordinator
Manager School Partnership
Network Analyst
Nutrition Specialist
Nutrition Services Operations Manager
Office Software & User Support Trainer
Operations Coordinator
Operation Manager – ITD
Parent Involvement Coordinator
Personnel Analyst
Program System Analyst
Purchasing Analyst
ROP Coordinator
Senior Director
Senior Personnel Analyst
Senior Network Analyst
Senior Systems Analyst
Warehouse Manager

C. The probationary period shall not include time served under emergency, limited term, provisional or out-of-class appointment nor time while the employee is absent from work for five or more consecutive working days. Absence for the sake of this rule shall include all leaves of absence (which exclude vacation time and holidays) as stipulated in Section 60.700 of these rules.

60.100.2 Rights of Probationary Employees

A. A new employee who resigns in good standing during his initial probationary period shall, upon request, have his name restored in the proper rank to the eligibility list. Such action shall nor extend the life of the eligibility list, or the period of eligibility of the employee.

B. A probationary employee may be dismissed without cause at any time during the probationary period, with subsequent approval and ratification by the Governing Board. Notification of dismissal in writing shall be served on the probationary employee and a copy filed with the Personnel Commission. An employee serving his/her initial probationary period does not have the right of appeal his/her dismissal to the Personnel Commission.

C. A permanent employee who has been promoted to a higher class and who is rejected during the probationary period shall be reinstated in his former class. The permanent employee shall be notified in writing of the rejection and the reasons therefore. The notice of rejection shall be signed by the department head and the cabinet-level administrator, approved by the Superintendent or designee, and ratified by the Board of Trustees. In the event of such reinstatement, an employee in the class may be laid off in accordance with the specified layoff procedure. A permanent employee who is reinstated in his former class shall not have the right of appeal or the right to a hearing by the Commission.

D. A permanent employee who is suspended or dismissed or demoted to other than his former class during a probationary period retains full rights of appeal.

E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should he be laid off without fault or delinquency on his part before his probationary period is completed, his name shall be restored to the eligibility list and the time he has served shall be credited to him on his probationary period.

F. Upon initial employment and after each change in classification thereafter, each regular classified employee shall be furnished two copies of his class specification, salary data, assignment or work location, duty hours and the prescribed workweek by the department. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his supervisor.

60.200 CHANGES IN POSITION AND CLASS

60.200.1 Transfer

A. An employee may be transferred at his request, or for the good of the service, from one position to another in the same class, at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons. The employee shall submit an appropriate Transfer Request Form, to his immediate supervisor, who shall transmit the request through proper channels, to the Classified Personnel Office.

B. A permanent employee may be transferred to a position in a related class on the same salary schedule (Lateral Transfer). The employee shall submit a Request for Lateral Transfer to his immediate supervisor, who shall transmit the request through proper channels, to the Personnel Commission for its approval.

C. It shall be the policy of the District to publish and distribute examination bulletins, at least once a month to all work locations, for the benefit of employees that may be interested in taking scheduled examinations or requesting a transfer to an existing vacancy.

D. A District Transfer Form shall be available to any interested employee requesting a transfer or change of work location. When a vacancy does occur, those employees who have a transfer request on file, will have this request submitted to the appointing authority.

E. A file will be maintained in the Classified Personnel Offices for all employees requesting a transfer. Transfer requests will be kept for a one-year period from the date of submittal.

F. Transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner reflect adversely upon his rights, as provided in law and these rules.

G. The Personnel Commission shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers is permitted in the following situations:

1. As the employee's seniority in the classified service increases.

2. When the transfer request is based on reclassification, impending layoff, or reasons of health.

3. When the employee meets the minimum requirements for the class.

H. A permanent employee who transfers to a position in a class in which he has not previously completed a probationary period shall be considered probationary in that class and during the probationary period may be returned (transferred) to his former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.

I. Transfers shall have the following effects on seniority:

1. Within the same class - none.

2. From one class to another - the employee shall not receive seniority credit in the new class for service in other classes; however, he shall retain such credit as seniority in the classified service.

J. Transfers shall not be used as a method to avoid an impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this rule contemplates.

K. ADMINSTRATIVE OR GOOD OF ORDER (INVOLUNTARY TRANSFER). The Superintendent or designee, subject to the approval of the Board of Trustee, retains the right in accordance with these Rules to transfer staff at any time such assignment is in the best interest of the District. The employee shall be provided an official copy of the transfer notice within five (5) working days. Transfer shall be made for work related reasons and not for punitive measures.

1. Conference to Discuss Involuntary Transfer: An employee who has been involuntarily transferred may, within five (5) working days after receiving written notification, request and shall be granted a conference with the appropriate administer to discuss the administrative reassignment. An employee may also request a written rationale for the administrative assignment and the benefits that would accrue to the District as a result of the transfer.

2. A probationary employee administratively transferred to a position in his/her class shall acquire permanent status in the class upon completion of the balance of the probationary period.
3. An employee in an initial probationary period with the District may not be transferred to a position in a related class; but, must be appointed from an appropriate eligibility list.

60.200.2 Demotions

A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of his department head and that of the head of the department to which he is to be assigned.

1. An employee who requests a voluntary demotion must meet the minimum requirements (education and experience) for the class to which a voluntary demotion is requested.

B. Voluntary demotion is a privilege available to a probationary employee only in cases when he would otherwise be laid off for lack of work or lack of funds.

C. Involuntary demotion may be a disciplinary action for cause and may be subject to the pertinent rules and procedures.

60.200.3 Reinstatements/Reemployments (Education Code, Section 45309 and 45298)

A. A permanent employee who resigns in good standing may be reinstated in a vacant position in his former class and status within 39

months of the last date of paid service. Also, he may be reinstated in a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority.

B. An employee who has taken a voluntary demotion may be restored to a vacant position in his former class or in a vacant position in a related lower class, as determined by the Commission, within 39 months. Except when demotion was chosen in lieu of layoff and the vacancy is in the employee's former class, restoration is discretionary with the appointing authority.

C. An employee who has accepted a voluntary demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his position, has the right to be reemployed, in accordance with his seniority, in a vacant position in his former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right. If he has not been reemployed in his former class within 39 months, he shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same test of fitness under which he qualified for appointment to the class shall still apply. The Personnel Commission shall make the determination of the specific period eligibility for reemployment on a class-by-class basis.

D. Reinstatement or reemployment of a former permanent employee under this rule shall have the following effects:

1. Restoration to the former step in the current salary range for the class, or, if restored in a lower class, to the rate closest to (but not higher than) that of the step to which he would be assigned if he were restored in his former class.

2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of separation.

3. Restoration of former anniversary date, but without step advancement credit for the off-duty period.

4. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored.

60.200.4 Changes in Assigned Time

A. General Rule (Education Code, Section 45137)

1. If an employee is required to work in excess of the employee's

part-time assignment for a minimum of 30 minutes per day for a period of 20 consecutive workdays or more, the assigned time position will be adjusted to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis as specified in Education Code, Section 45136 and these Rules. (Education Code, Section 45137).

2. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the class in the affected work location area or school.

3. A seniority-bid list or lists at each work location area or school shall be maintained for the purpose of this rule. Employees on the seniority-bid list may accept or reject a "vacant" position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a "vacant" position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made.

4. A permanent employee displaced by virtue of this rule shall be entitled to bumping rights in accordance with proper seniority.

B. Increases in Time in Excess of One Hour Per Day

1. When an existing permanent position is assigned a permanent increase in time of more than 1 hour per day, the increased position shall be considered "vacant" for the purpose of this rule effective as of July 1 next following the date of the increase has been effected in the first quarter of the school year in which case it shall be considered vacant as of October 1st of that school year.

2. Eligibility and acceptance of "vacant" positions shall be made in accordance with Subsection A3 of this rule.

C. Increases in Time of One Hour or Less Per Day

1. When an existing permanent position is assigned an increase of 1 hour or less per day, the employee in the same class working less than 8 hours per day with the most seniority in the particular work location area or school where the adjustment is being made shall be entitled to the increase.

2. If the employee with the most seniority in the work location area or school where the adjustment is being made wishes to remain

at the same hours per day worked and wishes no increase in time, the adjustment will then be offered to the next employee in line with seniority within that particular work location area or school.

D. Decreases in Assigned Time

1. When the regular hours of employment of a position or positions are to be reduced, the administration shall:

   a. Determine the class(es) and location(s) affected by the reduction.

   b. Notify the Personnel Director at the earliest date possible but in no case later than at least one month in advance of the effective date of the reduction.

   c. Work with the Personnel Director to alleviate the effect of reduction on employees.

2. When a permanent position is to be reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided that he has greater seniority. If no such option is available, he may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that he has greater seniority. An employee so bumped shall have similar bumping rights.

3. When an employee is faced with a reduction in assigned time, the rules on transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.

4. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increases in assigned time.

60.200.5 Distinctive Uniform Requirement (Education Code, Section 45138)

The governing board may require the wearing of a distinctive uniform by classified personnel. The cost of the purchase, lease or rental of uniforms, equipment, identification badges, emblems and cards required by the District shall be borne by the District.

60.300 LIMITED-TERM EMPLOYMENT

60.300.1 Limited-Term Appointments (Education Code, Section 45286)

A. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee, but it need not coincide with the dates of that absence. Also, a substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.

B. The appointing authority may establish positions the duration of which is not to exceed six months; such positions shall be designated "limited-term". Such positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification by the Personnel Commission if the good of the service demands expeditious action.

C. Notwithstanding these limitations on the duration of these positions, the Commission may, based on a declaration of an emergency by the President of the United States or the Governor, authorize an extension that may not exceed one year. The duties of the extended position must be related to the emergency.

60.300.2 Eligibility for Limited-Term Employment (Education Code, Section 45286)

A. Limited-term appointments shall be made in accordance with procedures for regular appointments, except as provided below.

B. If an eligible has been appointed from an eligibility list to a substitute assignment or limited-term position, he shall continue to be eligible for limited-term appointments in the same or related class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in the order of seniority on a special list used for limited-term appointments and shall be certified there from before the current eligibility list is used. Names may be removed from this list for any of the causes listed in Rule 40.100.3 or Rule 60.1000.1, subject to appeal to the Personnel Commission.

C. Provisional appointments may be made to limited-term positions and substitute assignments subject to the provisions of Rule 50.300.

60.300.3 Compensation

A. When a regular employee is given a limited-term appointment in a second class in lieu of all or part of his regular appointment, his rate of pay in the second class shall be the rate appropriate to that class which is next above his regular rate, if any.

B. Former permanent employees who are reinstated as limited-term employees within 39 months after resignation shall be paid in accordance with Rule 60.200.3. The salary step so determined shall be applicable to all future limited-term appointments of that employee in that class until he loses eligibility for such appointments.

C. All other limited-term employees shall be paid at the hiring rate for regular appointments in the class.

60.300.4 Rights and Benefits (Education Code, Section 45136)

A. Regular employees who are serving in limited-term appointments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.

B. All other limited-term employees shall be granted only those benefits provided by law, such as paid holidays and bereavement leave. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited-term appointment, except as provided under Paragraph A of this rule.

60.300.5 Termination's

A. Limited-term appointments shall be subject to termination at any time.

B. Limited-term employees may be dismissed at any time for any reason, which reasons shall be made known to them and to the Personnel Director in writing. The Personnel Director may remove the employee's name from the special list for limited-term appointments, if his investigation supports such an action.

60.400 ASSIGNMENTS OF DISABLED EMPLOYEES

60.400.1 General Policy

When a permanent employee becomes unable to perform the duties of the classification because of illness or injury as determined by medical authority designated by the Commission, effort shall be made to place him in a position the duties of which are within his capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission in the cases noted below.

60.400.2 Reassignments

A. A disabled employee's duties in his regular position may be altered in accordance with his disability. Such changes in duties shall be I informally reported to the Personnel Director, who shall determine whether the position requires classification study.

B. A disabled employee may accept demotion or transfer to a less demanding class, with the approval of the Personnel Director.

C. A disabled employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

60.400.3 Effect of Refusal by Employee

A disabled employee may refuse assignments to other classes without effect on his rights under sick leave provisions of the law and these rules. However, there is no obligation for the appointing authority to renew offers of reassignment, which have been refused or to make alternative offers.

60.500 EMPLOYMENT OF PERS RETIREES (Education Code, Section 45135)

60.500.1 General Policy

A. Any person receiving a retirement allowance from the Public Employees' Retirement System may be employed for up to **960** working hours in a calendar year whenever other eligible are not available and the retirees' skills or knowledge is needed, or during an actual emergency to prevent the stoppage of public business, in accordance with Government Code, Section 21221.

B. The retired person must certify that he understands he is restricted to **960** working hours in any calendar year with the District and other employers subject to PERS and that his employment and continuance in employment is discretionary with the Governing Board.

60.500.2 Compensation

A. A retiree employed under this rule shall be entitled only to the appropriate salary earned to include overtime compensation as provided for in Rule 70.300.3. He shall be entitled to all fringe benefits applicable to employees with limited term status only, except retirement contributions.

B. Retired personnel shall normally be paid on the first step of the hiring step of the salary schedule of the class to which assigned, but may be paid on a higher step upon the approval of the Governing Board, but in no case will the compensation be at a rate other than one payable to a regular employee in that class.

60.500.3 Assignment (Education Code, Section 45135)

A. A retired employee employed under this rule is not subject to reinstatement to PERS nor does the compensation paid provide for retirement allowance adjustment.

B. The appointing authority will certify to the Personnel Director that a retiree employed under this rule meets the provision thereof and his combined calendar-year employment by all employers subject to PERS does not exceed 60 working days. The retiree will sign an affidavit indicating the number of days worked during the calendar-year if any and submit this affidavit to the Personnel Director before being approved for employment.

60.600.1 When Evaluations Are To Be Made

A. Probationary employees serving six (6) months probation--at the end of the second, fourth, and during the sixth month of service.

B. Probationary employees serving one (1) year probationary periods-in executive, administrative or designated police classes (60.100.1B) - at the end of the third, sixth, and ninth month of service.

C. Permanent employees (non-executive/administrative) - at least once each year, during April, and at any time more than 60 working days later if employee leaves the control of his or her immediate supervisor.

D. Permanent executive or administrative or designated police employees--at least once a year, not later than the last workday in April.

60.600.2 Who Makes Evaluations

Each immediate supervisor under whom the employee has served for 60 working days or more during any rating period shall provide a performance evaluation, even though the employee may have left.

60.600.3 Procedure to be Followed

A. Performance evaluation reports shall be made on prescribed forms, and shall be prepared by the employee's immediate supervisor if possible. The form shall be reviewed by the next higher supervisor and by the department head.

B. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him. The evaluation form shall be signed by the employee to indicate receipt, and he shall be given a signed copy. When the employee is no longer supervised by the person preparing the evaluation, it may be delivered by mail.

C. Performance evaluation reports shall be filed in the employee's personnel records and shall be available for review in connection with promotional examinations and disciplinary actions.

60.600.4 Special Evaluations

At any time, a supervisor may, with the approval of his department head, issue to an employee a Notice of Commendation or a Notice of Unsatisfactory Service. Such notices shall be made on prescribed forms and shall set forth specific reasons for recognition of outstanding or unsatisfactory service by the employee. They shall be delivered to the employee personally by his immediate supervisor whenever practicable. A copy of such notice shall be placed in the employee's personnel record and shall be available for review in connection with promotional examinations and disciplinary actions.

60.600.5 Appeals

If the employee is not satisfied with a performance evaluation, he or she may appeal through the grievance procedure provided for in the applicable collective bargaining agreement, or, if none is applicable, Rule 80.100. However, none of the aforementioned provisions shall be construed to mean that performance standards or the evaluator's judgment regarding the level of performance of an employee is subject to the grievance procedure. Those matters as well as other substantive matters regarding evaluations are expressly excluded from the grievance procedure.

60.600.6 Personnel File Information (Education Code, Section 44031, Labor Code, Section 1198.5)

A. Materials placed in personnel files should indicate that a copy has been given to the employee concerned.

B. Every employee shall have the right to inspect personnel records upon request pursuant to Labor Code Section 1198.5, provided that the request is made at a time such person is not actually required to render service to the district or with the permission of the department head on district time.

Employees shall not have the right to inspect material, including ratings, reports, or records, which (1) were obtained prior to the employment of the person involved (2) were prepared by identifiable examination committee members or (3) were obtained in connection with a promotional examination, and including other records or information identified in Labor Code, Section 1198.5.

C. Information of a derogatory nature, excepting material listed in Section A above, shall not be entered or filed in any employee's personnel files unless and until the employee is given notice and an opportunity to review and comment thereon. The employee shall have the right to enter, and have attached to any derogatory statement, his or her comments. A rebuttal statement on the original statement or attached to the document shall be proof that the employee had the opportunity to review and comment on the material. A signature of the employee acknowledging receipt shall be verification that he has received a copy of the document. If the employee refuses to sign acknowledging receipt of the material, the refusal may be indicated on the document or the server may prepare a memorandum which shall be attached to the derogatory statement advising that the employee has been served, how, when and where. A review of derogatory statements shall take place during normal business hours, and the employee shall be released from duty for this purpose without loss of pay.

60.700 LEAVE OF ABSENCE

60.700.1 Vacation (Education Code, Section 45197)

A. Every classified employee in a permanent, probationary, restricted status or a permanent employee temporarily assigned to a provisional position shall earn vacation at the prescribed rate as part of his compensation. Vacation shall also be earned during any paid leave of absence. Vacation cannot be taken until completion of the probationary period or six months of service with the exception of those classified employees who are not required to work during winter or spring recess.

B. Classified employees who are employed on a monthly basis shall earn vacation for each qualifying month of service effective July 1, 1970, based on the following schedule: (16-l/2 working days during a calendar month constitutes a qualifying month of service).

Classified employees who are employed on an hourly basis and employees who are in a paid status for less than a qualifying month in any given month shall earn vacation at the ratio their hours worked bears to eight hours per day, forty hours per week, weeks per month, or months to a calendar year.

1. 1 through 2 years of service, one (1) day of vacation for each qualifying month of service to a maximum of 12 days each fiscal year.

2. 3 through 10 years of service, 1-1/4 days of vacation for each month of qualifying month service to a maximum of 15 days for each fiscal year.

3. 11 through 14 years of service, 1-1/2 days of vacation for each qualifying month of service to a maximum of 18 days for each fiscal year.

4. 15 through 19 years of service, 1-3/4 days of vacation for each qualifying month of service to a maximum of 21 days for each fiscal year.

5. 20 years of service and over, 2 days of vacation for each qualifying month of service to a maximum of 24 days for each fiscal year.

6. In no case will employees be paid for any accumulated vacation if six months of service in regular status or the probationary period is not completed prior to separating from service with the District.

7. In no case will any employee who was hired prior to July 1, 1970, have a reduction in vacation time, for the same time worked, due to the change in the vacation schedule.

8. For classes designated as executive and administrative by the Board of Trustees, vacation shall be earned at the rate of 22 days each fiscal year. Vacation will be taken at the discretion of the appointing authority, upon completion of the probationary period.

9. In no case will any employee who was hired prior to July 1, 1970, have a reduction in vacation time, for the same time worked, due to the change in the vacation schedule.

10. For classes designated as executive and administrative by the Board of Trustees, vacation shall be earned at the rate of 22 days each fiscal year. Vacation will be taken at the discretion of the appointing authority, upon completion of the probationary period.

C. For the purpose of this rule, when the first day of service falls between the first and fifteenth day of the month, vacation shall be earned from the first day of the month. Later appointments shall be considered as effective on the first day of the following month.

D. Vacation time will accumulate for a period of two years only. The end of the fiscal year *will* be the deadline in determining the cut-off period. Vacation days may only be used in the year they are earned or the following; unused vacation days may not be carried over beyond the school year after they are accrued.

E. Vacation schedules shall be prepared and **approved by the employee's supervisor and department head**. Vacation leave shall not be taken without the prior approval of the immediate supervisor. 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 work load of the department. Vacation may be taken in units of not less than one full day.
The rate at which vacation is paid shall be the employee's current rate.

F. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation credit by reason of subsequent changes in conditions of employment during that vacation.

G. Emergencies as determined by the Superintendent or his designated representative can be cause for the carrying of vacation time beyond the two year period.

H. Upon separation from the service, except for cases listed under item 6 above, an employee shall be paid for his accumulated vacation credit at the rate of pay applicable to his last regular assignment.

I. When an employee has accumulated the maximum allowable vacation credit and when a critical emergency prevents his being off duty, the nature and duration of the emergency shall be reported to the Board of Trustees. The Board of Trustees may authorize payment in lieu of vacation earned above the maximum or may permit the accumulation of excess vacation credit for the duration of the emergency.

J. Illness and Bereavement While on Vacation (Education Code, Section 45200)

Any classified employee who commences his prescribed vacation period and subsequently becomes ill or is bereaved before his vacation period has been completed, shall be placed on sick leave or bereavement leave under the following conditions:

a. If the illness or bereavement is for three (3) consecutive days or more.

b. If the illness or bereavement is such that had the employee been working he would have been absent on sick or bereavement leave.

c. If the employee supplies adequate notice and relevant information regarding the bases for such interruption or termination of vacation leave to his immediate supervisor.

60.700.2 Paid Sick Leave (Education Code, Section 45191)

A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease. An employee shall not use sick leave in connection with a birth, adoption or foster care, or to care for a child, parent or spouse with a serious health condition, unless mutually agreed upon by the District and the employee, except as provided in Labor Code, Section 233.

B. Every classified employee in a permanent, probationary, or restricted status shall earn one-day sick leave for each month worked in a fiscal year. Unused sick leave may be accumulated without limit.

C. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick leave, which he would normally earn in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.

D. Sick leave may be taken at any time, provided that new employees with probationary status may use only six days of paid sick leave during their initial probationary periods.

E. Pay for any day of sick leave shall be the same pay the employee would have received if he had worked that day.

F. In order to receive compensation while absent on sick leave, the employee must notify his supervisor of his absence within the first working hour of the first day absent, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.

G. At least one day prior to his expected return to work the employee shall notify his supervisor in order that any substitute employee may be terminated. If the employee fails to notify his supervisor and both the employee and the substitute report, the substitute is entitled to the assignment, and the employee shall not receive pay for that day.

H. An employee absent for more than five (5) working days, shall be required to present a signed statement from the attending physician indicating that the employee was unable to work due to illness or disability and the inclusive period of illness or disability, to his department head.

   If absence due to illness is longer than ten (10) working days, a medical release, signed by the attending physician, must be submitted to the department head upon return to work.

I. Employee's who have a questionable attendance record and indicate a high incidence of sick leave usage, may be required to submit medical justification for any absence at the discretion of the supervisor or department head.

J. For all paid leaves less than six months in length, the employee shall return to the same position held prior to the leave. A temporary replacement shall be provided for the extent of the leave. For all paid leaves longer than six months in length, the position shall be filled by transfer or from an eligibility list in the same higher class. The employee returning from a leave of absence over six months in length will be assigned to a comparable vacant position in the same job classification in the District or will replace an employee with less seniority in the same class if no vacancies are available.

K. In situations when a temporary replacement is not available, this fact shall be transmitted to the Superintendent who may declare an emergency and approve the hiring of a person in a probationary status for the remaining period of the leave. If at the end of the leave no vacancy exists, assignment will be made to replace any other provisional or probationary employee in the same classification with less seniority. If replacement of another employee is not possible the person will be returned to the eligibility list for consideration for future vacancies.

60.700.2.1 Entitlement to Other Sick Leave (Education Code, Section 45196)

A. A regular classified employee and those employees classified as Instructional Aides or restricted, who have completed a probationary period will be credited as of the date of permanency with a certain number of working days of half-pay illness leave. The number of 50% sick days the employee shall be credited with shall be calculated as follows: 100 minus the number of full-pay sick leave days to which the employee is entitled under Section 60.700.2.

B. Thereafter, as long as he remains, the employee will be credited annually with the correct number of working days of illness leave each July 2nd to bring his balance to the number of working days of half-pay illness leave, as calculated in Section A.

C. No half-pay illness leave shall be allowed until after the exhaustion of all full-pay privileges including regular sick leave and accumulated vacation.

D. The days of half-pay illness for classified employees who work on less than a full-time basis shall be pro-rated on the basis of the number of hours worked in a week.

E. The leave shall not be accumulated from year to year and when such leave will overlap into a new fiscal year, the employee shall be entitled to only that amount of leave remaining at the end of the fiscal year in which the illness or injury occurred.

60.700.3 Additional Sick Leave (Education Code, Section 45195)

After exhaustion of all paid leave, the employee may be placed on additional unpaid leave upon request and with the approval of the Board of Trustees. The additional leave may be for any period of time up to a year, providing that the total leave time for any one illness both paid and unpaid will not exceed two years.

60.700.4 Termination of Sick Leave (Education Code, Section 45195)

A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided that he is able to resume the assigned duties and, if the leave has been for more than 20 working days, he has notified the District of his return at least three working days in advance.

B. If, at the conclusion of all sick leave and additional leave, paid or unpaid, granted under these rules, the employee is still unable to assume the duties of his position, he will be placed on a reemployment list for a period of 39 months in the same manner as if he were laid off for lack of work or lack of funds.

60.700.5 Industrial Accident and Industrial Illness Leave (Education Code, Sections 44043 and 45192)

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. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial accident illness under provisions of the State Worker's Compensation Insurance laws, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from Worker's Compensation provided that:

1. He has probationary or permanent status.

2. In the opinion of the Superintendent or his designated representative the illness or injury constitutes an industrial accident or illness, or, if contested by the District, it is ultimately determined to be work related.

C. Paid industrial accident leave shall be for not more than 60 working days in any one fiscal year for the same industrial accident or industrial illness, and allowable leave shall not accumulate from year to year.

D. Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of a compensation award made under State Worker's Compensation Insurance laws. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.

E. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if he is eligible therefore. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to the worker's compensation award.

F. After all paid illness leave has been exhausted following a paid industrial leave, an employee may choose to receive pay from accrued vacation, earned compensatory time, or other earned leave to the extent necessary to make up the employee's regular salary when receiving a worker's compensation award.

After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident leave without pay. The total time of all leave benefits provided under this rule, including unpaid industrial accident leave, shall not exceed 24 months for any one industrial or industrial illness.

G. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his former class, he 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.

H. 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 and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.

I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he was on leave for a period not to exceed 39 months.

J. An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his former status and time basis, and in assignment areas in which the employee has made himself available. Employees removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.

K. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal worker's compensation award granted the employee under State Worker's Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in his basic daily assignment. An employee who is not permanent shall have his regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

During all paid leaves resulting from an industrial accident or industrial illness, whether sick leave, vacation, or other available leave provided by law, the employee shall endorse to the District all wage-loss benefit checks received under State Worker's Compensation Insurance laws. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule.

L. Any employee receiving benefits as a result of Education Code, Section 45192 and this Section, shall during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state.

60.700.6 Bereavement Leave (Education Code, Section 45194)

A. Every person employed in the classified service shall be granted necessary leave of absence, not to exceed three days, or five days if out-of-state or more than 300 miles in travel is required on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee, nor shall such leave be deducted from leave granted by other sections of the Education Code or provided by the governing board of the District.

B. Members of the immediate family include the mother, mother-in-law, father, father-in-law, grandmother, grandfather and grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, and sister of the employee, or any relative living in the immediate household of the employee.

C. One day of bereavement leave shall be allowed for the death of a niece, nephew, aunt, uncle, brother-in-law and sister-in-law of the employee.

D. Acceptable documentation of the death which qualified the employee leave under this Section may be required by the District.

60.700.7 Personal Necessity (Education Code, Section 45207)

A. A classified employee may elect to use, not to exceed seven days in any one fiscal year, sick leave which has been earned pursuant to Education Code, Section 45191 and Section 60.700.2 of these Rules, for personal necessities which fall in the following categories:

1. Bereavement leave, which may be necessary beyond that authorized in these rules and law.

2. Accident, involving his person or property, or the person or property of a member of his immediate family.

3. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction, and for which no other leave is provided for in these rules.

4. Imminent danger to the home of the employee occasioned by a factor such as a flood or fire, serious in nature and which requires the absence of the employee during his working day.

5. His attendance upon a member of his immediate family who is seriously ill or requiring care of attendance. The employee is expected to make other arrangements for the care of the ill person as soon as possible.

6. Any other significant event, personal to the employee, for which paid leave of absence is not authorized, under which the circumstances the employee can not reasonably be expected to disregard, and which requires the immediate attention of the employee during his assigned hours of service. An employee will be required to submit adequate proof that an emergency did exist. Should the District rule that the data submitted does not constitute an emergency, the employee may appeal the ruling of the Personnel Director. The Personnel Director shall hear the evidence and render a decision.

B. Immediate family as used in this section shall have the same meaning as provided in Rule 60.700.6B.

60.700.8 Jury Duty and Witness Leave (Education Code, Section 44037)

A. Leave of absence for jury service shall be granted to any classified employees who have been officially summoned to jury duty in 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 leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the Department Head within one workday of receipt of the summons.

B. Leave of absence to serve as a witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or the authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the department head.

C. The jury service fee and witness fee referred to in A and B, respectively, do not include reimbursement for transportation expenses.

D. An employee who has received a leave of absence under this rule shall make himself available for work during hours when his presence is not required in court.

60.700.9 Absence for Examination

Every employee in the classified service shall be permitted to be absent from his duties during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty, provided that he gives two days' notice to his immediate supervisor.

60.700.10 Military Leave

Military leave of absence shall be granted and compensated in accordance with the Military and Veterans Code, Section 389 and 395 and that which follows.

60.700.11 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 Superintendent or his designated representative, subject to the following restrictions:

1. Leaves of absence without pay may be granted for any period not exceeding one year, except that leave of absence for military service shall be granted as provided by the Education Code and the Military and Veterans Code. Leaves of absence for service in the Peace Corps, or the Red Cross or Merchant Marine during time of national emergency, may be granted for a period not to exceed 24 months.

2. The granting of a leave of absence without pay gives to the employee the right to return to a comparable level position within his class at the expiration of his leave of absence, provided that he is physically and legally capable of performing the duties of that position.

B. The Governing Board may, for good cause, cancel any leave of absence by giving the absent employee due notification.

C. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.

D. 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 the employee may be terminated by the Board of Trustees. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.

E. If an employee cannot be placed in a vacant position in his class upon return from leave of absence, he shall have bumping and reemployment rights, in accordance with his seniority, in the same manner as if had been laid off for lack of work or lack of funds on the date his leave expires.

60.700.12 Pregnancy Disability Leave (Education Code, Section 45193)

A. Leave taken by a classified employee because of medical disability connected with or resulting from her pregnancy shall be charged to her available sick leave. After sick leave is used up - extended illness leave is available under the conditions set forth in Section 60.700.2.1 of these Rules.

1. If an employee notified the Superintendent of her desires to return to active employment after a leave which has been charged entirely to sick leave in accordance with the provisions of this section, said employee shall immediately be assigned to the same position which she held at the time the leave commenced, or if that position is no longer in existence, to a substantially equivalent position. Upon her return said employee shall be afforded the same rights as other classified employees who have been on sick leave and who return to active employment.

2. This policy shall not operate in such a manner to deprive an employee of any other rights to which she may be entitled.

B. Parental Leave - a parental leave of absence without pay shall be granted to a classified employee for the purpose of childbearing and/or child rearing as follows:

1. An employee who is pregnant shall be entitled upon request to a leave to begin at any time between the commencement of her pregnancy and one (1) year after a child is born to her. Said employee shall notify the Superintendent in writing of her desire to take such leave, except in case of emergency, and shall give such notice at least thirty (30) days (calendar month) prior to the date on which her leave is to begin. She shall include with such notice either a physician's statement certifying her pregnancy or a copy of the birth certificate of her child, whichever is applicable. An employee who is pregnant may continue in active employment as late into her pregnancy as she desires provided she is able to properly perform all her required duties as she is deemed physically able to perform by her attending physician.

2. A male employee shall be entitled upon request to a parental leave of absence to begin at any time between the expected birth of a child whom he has fathered and one (1) year thereafter.

3. An employee adopting an infant (i.e., one (1) year of age or less) shall be entitled upon request to a leave to commence at any time during the first year after receiving de facto custody of said infant child, or prior to receiving such custody if necessary or in order to fulfill the requirements of adoption.

C. Reemployment Rights - A classified employee who is granted a parental leave of absence pursuant to Section B shall have the following reemployment rights:

1. If an employee notified the Superintendent of his or her desire to return to active employment within sixty (60) days (two calendar months) after the termination of her pregnancy for any reason, or the acquisition of de facto custody of an infant child, said employee shall within seven (7) days after receipt of the notice be assigned to the same position which she or he held at the time the leave commenced, or if that position is no longer in existence, to a substantially equivalent position.

D. Participation in District Fringe Benefit Program - While on leave, an employee shall have the option to remain an active participant in the district's fringe benefit programs by contributing thereto the amount she or he would have been required to contribute if actively employed and the school district shall contribute the amount it would have been required to contribute if the employee were actively employed.

E. Substitute Employment - A classified employee on parental leave of absence shall not be denied the opportunity to substitute in the school district by reason of the fact that she or he is on parental or maternity leave of absence.

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

A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in his regular position, and such assignment shall not be considered separation from service.

B. The employee may, with the approval of the appointing authority, voluntarily return to his position or a position in the class of his permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

60.700.14 Leave of Absence for Study (Education Code, Section 45381)

A. Every regular classified employee who has completed seven consecutive years of service in regular status with the District shall be eligible to apply for a leave of absence for study purposes. The granting of such leave shall be entirely discretionary with the appointing authority. 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 governing board, but must be completed within three years after the initial part of the leave was 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 an application with the governing board for a leave of absence under this rule and must outline:

1. His work history with the District (e.g., 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 application must include the complete course of study to be pursued, institution giving the course, costs involved degree or credits to be granted, and other pertinent data.

4. Amount of compensation requested while on leave.

5. Service, if any, to be performed by the employee for the District during the leave.

6. The benefits to be derived by the District by the granting of the leave.

7. Willingness by the employee to provide a bond to the District as required by law.

8. Agreement by the employee that he will serve the District for at least two years after termination of the leave.

9. Willingness to provide the District evidence of satisfactory study progress at agreed intervals during leave. Failure to provide such evidence or to make satisfactory progress may, at the option of the District, result in immediate cancellation of the leave.

10. Agreement by the employee that he will report any employment during the leave to the Personnel Director, who shall determine whether conflict exists with the purpose of the leave.

D. The employee must file an application with the governing board for a leave of absence under this rule and must outline:

E. If a leave is granted under this rule, the employee will be paid, at a minimum, the difference between what his salary or wage would have been had he not been on leave and the salary paid the substitute employee. In lieu of the minimum, the Board and employee may agree, in writing, to greater compensation. If the Board approves compensation 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 District or provide a written statement indicating that he will serve at least two years with the District 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 District following return to duty after termination of the leave.

2. If the employee provides the required bond or submits a written document, approved by the Board in accordance with Education Code, Section 45384, the employee shall be paid the agree-upon compensation in the same manner as if he were in active service with the District. If the employee fails to complete two years of service for the District following return from leave, except as provided below, he may be required to refund to the District a pro rata 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 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.

60.700.15 Leave of Absence for Retraining (Education Code, Section 45381

In the event that the Governing Board contemplates the abolition of positions in the classified service and creation of new positions because of automation, technological improvements, or for any other reason, it may provide for retraining of displaced employees in accordance with this rule.

A. To be eligible for retraining leave, an employee must:

1. Have served at least three years in the District.

2. Be serving in a position which the District contemplates abolishing, or show that the retraining will clearly benefit the District.

3. Indicate a willingness to undergo the prescribed training program.

4. Indicate a willingness to serve the District for at least two years after successful completion of the retraining program.

B. The Governing Board shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.

C. The employee shall be considered a permanent employee for all purpose during the period of the retraining program and shall receive his normal compensation and benefits. The Board may prescribe duties, if any, to be performed by the employee on behalf of the District during retraining leave.

D. The Board shall provide for reasonable expenses necessary for the prescribed retraining, but may recover costs from the employee if he fails to complete the prescribed retraining program.

E. The Board may establish retraining programs for purposes other than outlined in this rule and grant leaves of absence for retraining in the same manner as for study leaves of absence, except that the three-year service requirements shall prevail. Such programs must be endorsed by the Commission and must be available to all qualified employees of the District, except that approval for such leave shall be discretionary with the Governing Board.

60.700.16 Transfer of Sick Leave From Another District (Education Code, Section 45202)

Any classified employee of any school district who has been an employee of that district for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently, within one year of termination of his former employment, accepts a classified position shall be credited with all of the earned but unused sick leave which was credited to him in his former school district under Education Code, Section 45191.

[**New**] 60.700.17 Family Care and Medical Leave

A. Any employee who has served in the District 1,250 hours or more in the immediate preceding twelve (12) month period, shall be eligible to take unpaid family care and medical leave in accordance with the provisions of Title 29 of the United States Code Section 2601, et seq. (FMLA) and California Government Code Section 12945.2.

B. Family care and medical leave may be used for the following reasons:

1. The birth of the employee's child.

2. The placement of a child with the employee in connection with the employee's adoption or foster care of the child.

3. To care for the serious health condition of the employee's child, parent or spouse.

4. Because of the employee's own serious health condition that makes the employee unable to perform the functions of the position in which the employee is employed, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

C. For purposes of this provision, "serious health condition" means an illness, injury, impairment or physical or mental condition which prevents the employee from performing the functions of the position in which the employee is employed, or which warrants the participation of the employee in providing care to a family member during a period of treatment, and involves either:

1. In-patient care in a hospital, hospice or residential health care facility; or

2. Continuing treatment or continuing supervision by a health care provider.

D. For purposes of this provision, "health care provider" has the same meaning as it is prescribed in Government Code, Section 12945.2, subdivision (c)(6).

E. For purposes of this provision, "child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either:

1. Under eighteen (18) years of age; or

2. An adult dependent child.

F. For purposes of this provision, "Parent" means a biological foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

G. An employee is entitled to family care and medical leave for no more than a total of twelve (12) workweeks within a twelve (12) month period measured forward from the first day of the employee's leave, unless additional leave is granted by the Superintendent/Designee.

1. The entitlement to leave for the birth or placement of a child shall conclude at the end of the twelve (12) month period beginning on the date of such birth or placement.

2. The entitlement to leave for a serious health condition, shall expire at the end of the twelve (12) month period beginning on the initial date of discovery or diagnosis of the serious health condition, which ever occurs first.

H. The determination as to the date on which the family care and medical leave shall begin and the duration of such leave shall be made at the discretion of the Superintendent/Designee when considering the scheduling and replacement problems of the District. However, an employee who is pregnant may continue in active employment as late into her pregnancy as she desires provided she is able to properly perform all her required duties as she is deemed physically able to perform by her attending physician.

I. Except in cases of emergency, an employee shall give the classified personnel department of the District reasonable advance notice of his/her intent to take family care and medical leave.

1. If the event necessitating family care leave is known more than thirty (30) calendar days prior to the employee's need for leave, the employee must provide the classified personnel department of the District with a thirty (30) calendar day advance written notice of the employee's need for leave and the reasons for the needed leave so as to allow the District to determine whether the leave qualifies for family care and medical leave.

2. If the event necessitating family care leave is known less that thirty (30) calendar days prior to the employee's need for leave, the employee must provide the classified personnel department of the district with as much advance notice as reasonably possible,

however under no circumstances, except for cases of medical emergency unforeseen circumstance, will a requiest for leave be made less that ten (10) working days in advance of the requested leave. Failure to provide at tleast ten (10) working days advance written notice entitles the District to delay commencement of the leave until ten (10) working days have passed from the date of the request.

3. If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of District operations. This scheduling shall be subject to the health care provider's approval.

4. Failure to provide timely and sufficient notice may permit the District to delay or deny the family care and medical leave.

J. Family care and medical leave can be taken in multiple periods.

1. The minimum duration of any family care and medical leave for reason of birth, adoption or foster care placement of a child of the employee, shall be two (2) weeks. However, the District must twice grant an employee's request for family care leave of at least one (1) day but less that two (2) weeks duration if the employee complies with all the requirements of the provisions of this Section.

2. Family care and medical leave for the serious health condition of the employee's child, parent or spouse or of the employee, may be taken intermittently in one (1) day increments when medically necessary, as determined by the health care provider of the person with the serious health condition.

K. During the period of leave taken pursuant to the provisions of this Section, the employee must concurrently use any accrued vacation leave, other accrued time off, or any other available paid leave. If the employee takes a leave because of his/her own serious health condition, the employee must concurrently use any accrued sick leave during the period of the leave. However, an employee shall not use sick leave in connection with a blirth, adoption or foster care, or to care for a child, parent or spouse with a serious health condition, unless mutually agreed to by the District and the employee.

L. The District shall maintain the employee's health and welfare programs, for the duration of the family care and medical leave, not to exceed a cumulative maximum of twelve (12) workweeks in a twelve (12) month period.

M. The employee shall retain his/her employee status with the District during the leave period, and the leave shall not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.

N. An employee's request for family care and medical leave due to the birth of a child shall be supported by either a statement from a physician certifying the pregnancy or a birth certificate.

O. An employee's request for leave to care for a child, spouse or parent who has a serious health condition shall be supported by a certification from the health care provider of the individual requiring care. This certification shall include:

1. The date on which the serious health condition commenced.

2. The probable duration of the condition.

3. An estimate of the amount of time that the health care provider believes the employee needs care for the individual requiring the care.

4. A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.

5. Failure to comply with this requirement may permit the District to delay or deny the family care and medical leave.

P. An employee's request for family care and medical leave, because of the employee's own serious health condition, must be supported by a certification issued by his/her health care provider. That certification shall be sufficient if it includes all of the following:

1. The date on which the serious health condition commenced.

2. The probable duration of the condition.

3. A statement that, due to the serious health condition, the employee is unable to perform the function of his or her position

4. Failure to comply with this requirement may permit the District to delay or deny the family care and medical leave.

Q. Upon expiration of the time estimated by the health care provider in subsection O.3 and subsection P.2 of this Section, if additional leave is required, the District may reuire the employee to obtain recertification in accordance with the same procedures provided in subsections O an P of this Rule.

R. In any case in which the District doubts the validity of the certification provided pursuant to subsections O and P of this Rule, the District may require, at the District expense, that the employee obtain the opinion of a second health care provider, designated or approved by the District concerning any information certified under subsections O and P of this Rule.

1. The health care provider designated by the District shall not be employed on a regular basis by the District.
2. If the second opinion from the opinion in the original certification, the District may require, at the District's expense, that the employee obtain the opinion of a thired health care provider, designated or approved jointly by the District and the employee. The opinion of the thired health care provider shall be final and binding on the District and employee.

S. As a condition of an employee's return from family care and medical leave because of the employee's own serious health condition, the employee must obtain certification from his/her health care provider that the employee is able to resume work without restriction.

T. The District shall not refuse to reinstate, and shall not discharge, fine, suspend, expel or discriminate against any employee because he/she exercises the right to family care leave or because he/she gives information or testimony related to his/her or another person's family care leave in an inquiry related to family leave.

U. If both parents are employed by the District, the District shall not be required to grant leave in connection with the birth, adoption, or foster care of a child or serious health condition of a child that would allow the parents' family care and medical leave totaling more than a cumulative total of twelve (12) workweeks in a twelve (12) month period.

V. Substitute Employment – An employee on family care and medical leave for the birth or placement of a child, shall not be denied the opportunity to substitute in the District by reason of the fact that he/she is on family care and medical leave.

W. Leave taken by an employee pursuant to the provision of this Rule shall run concurrently with any accrued vacation leave, sick leave, other accrued time off, or any other available paid leave taken as provided in subsection K and shall run concurrently with leave taken pursuant to the FMLA or California Government Code, Section 12945.2, and under no circumstance shall entitle an employee to an aggregate amount of leave in excess of twelve (12) workweeks in a twelve (12) month period.

X. An employee is entitled to take, in addition to the leave provided for under these provision, the pregnancy disability leave provided for under Rule 60.700.12.

60.800 LAYOFF

60.800.1 Procedure Regarding Layoff (Education Code, Sections 45117, 45298 and 45308)

A. When 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, including higher classes, shall be considered to have the least seniority and, therefore, shall be laid off first.

For service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status except overtime. Service prior to July 1, 1971, will be computed as the Rule and Regulations provided prior to that date.

B. The names of permanent and probationary 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 relative order of seniority.

C. Employees who are laid off for lack of work or funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such employees shall have the right to participate in promotional examinations in the District as if they were still in the employ of the District during the period of 39 months.

D. When, as a result of the expiration of a special funded program, Classified positions must be eliminated; the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before May 28, informing them of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than 30 days prior to the effective date of their layoff.

E. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 30 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

F. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of

classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the governing board, without the notice required by subsections (D) or (E) hereof.

G. Employees serving in classes designated Confidential shall, for layoff and bumping rights, be credited with concurrent service in the corresponding Non-Confidential class, in order that they may bump into Non-Confidential positions.

60.800.2 Rights of Employees Laid Off for Lack of Work or Funds (Education Code, Section 45298)

In addition to the procedure and rights prescribed in Rule 60.800.1, permanent employees in the classified service shall have the following rights:

A. Bumping - A permanent employee in the classified service who is laid off from a class and who has previous service in an equal or lower class shall have the right to bump an employee with less seniority in that class. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which layoff occurs and in higher classes.

B. Voluntary Demotion or Transfer - A permanent classified employee who will suffer a layoff for lack of work or funds despite the exercising of bumping rights in order to avoid layoff may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that he is qualified to perform the duties thereof and provided further that the appointing authority approves the voluntary demotion. (See also, Rule 60.200.3C).

60.800.3 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 in the same organizational unit unless the regular employee declines the limited-term position.

B. A limited-term employee may be laid off at the completion of his assignment without regard to the procedure set forth in this rule.

60.900 RESIGNATION

When an employee desires to resign from his position, he shall present his resignation, at least two weeks prior to the effective date if possible, in writing, to the appointing power, and a copy of such resignation shall immediately be filed by the appointing power with the Personnel Director. The resignation is effective upon receipt by the Superintendent or designee.

A resignation relates only to the specific position from which the employee resigns and does not impair his rights to other positions which he may hold on eligibility lists except that an employee who resigns shall have his name removed from promotional eligibility lists.

60.900.1 AUTOMATIC RESIGNATIONS (added 5/7/97)

A. A permanent or probationary employee who is absent without leave for five consecutive working days will be deemed to have resigned from District employment as of the last date on which the employee worked, or the last day he or she was on an authorized leave of absence.

B. In the case of a permanent employee:

1. The employee must be given written notice of the District's intent to invoke the automatic resignation rule and the facts supporting the invocation of the rules. The notice of intent must be signed by the department head or principal. In the notice, the employee must be informed of his or her right to respond orally, to the notice, or in writing to the notice by submitting a written request for an informal hearing within five (5) working days after service of the notice of intent on the employee. This written request must be sent to the originator of the notice, with a copy to the Director of Employee Relations.

2. If the employee timely request an informal hearing to challenge the facts supporting the invocation of this rule, the appropriate cabinet-level administrator will schedule an informal hearing to consider the matter.

   a. At the informal hearing, the employee may represent himself or have a designated representative.

   b. After the informal hearing the employee will be given written notice of the decision.

   c. If the decision is that the employee is deemed to have resigned, the Superintendent or designee will notify the employee in a "Notice of Separation" of his or her automatic resignation and the effective date of separation.

3. If the employee does not request an informal hearing within five (5) working days, the Superintendent or designee will notify the employee in a "Notice of Separation" of his or her automatic resignation and the effective date of separation.

C. A probationary employee is not entitled to the notice of intent to invoke this rule or to the informal hearing provided to permanent employees under 60.900.1B. A probationary employee will be deemed to have automatically resigned upon service of a "Notice of Separation" on the employee notifying the employees of his or her automatic resignation and the effective date of separation.

D. An employee who is deemed to have resigned under this rule may file a written request for reinstatement with the Superintendent or designee within fifteen (15) calendar days of service of the Notice of Separation. If the employee files a timely request for reinstatement, the request will be considered by the Board of Trustees.

E. The employee's request for reinstatement must contain an explanation as the reasons for his or her absence and of the reasons for his or her failure to obtain authorization for the absence. The employee must also include with his or her request for reinstatement proof that the employee is ready, able, and willing to resume his or her duties of his or her position, or, if not, proof that he or she has obtained the consent of his or her department head or principal, the appropriate cabinet-level administrator, and the Superintendent or designee to a leave of absence to commence upon reinstatement. The Board of Trustees, at its sole discretion, may grant the request for reinstatement and reinstate the employee.

F. An employee so reinstated shall not be paid salary for the period of his or her authorized absence from employment and/or separation from the District or for any portion thereof.

G. An employee who is deemed to have resigned under this rule shall have his or her name removed from promotional eligibility lists, and his or her name shall not be placed on the reinstatement list established for permanent classified employees who voluntarily resign. (See Personnel Commission Rules 50.100.2B, 50.200.1F, and 60.900.)

H. Any notice under this rule may be personally served on the employee or it may be served by registered mail to the last known address of the employee. Service is complete on mailing.

60.1000 DISCIPLINARY ACTION AND APPEAL

60.1000.1 Causes for Suspension, Demotion, Dismissal (Education Code, Section 45302)

A. Persons employed in the permanent classified service may be suspended, demoted, or dismissed upon proof of any of the following charges:

1. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code or of rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission pursuant to it; provided that specific instances must be set forth as to any of the causes enumerated under this heading.

2. Dishonest, drunkenness, immoral conduct or addition to use of narcotics.

3. Political activities engaged in by an employee during his assigned hours of employment, or which are in conflict with the employee's assigned duties..

4. Conviction of a felony or of any crime involving moral turpitude.

Determination of a Criminal Record

A plea or verdict of guilty or a finding of guilt by a court in a trial with or without a jury is deemed to be a conviction, irrespective of a subsequent order under provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering a plea of not guilty, or setting aside the verdict of guilty or dismissing the accusations or information. The record of such conviction of a sex offense as defined in Education Code Section 44010 or of a narcotics offense defined in Education Code Section 44011 shall be sufficient proof of a crime involving moral turpitude.

For dismissal of a permanent classified employee and/or rejection of application for employment, see Education Code Sections 44009, 44010, 44011, **44836, 44837**, 44907, 45122.1, 45123, 45124, 45303.

5. Frequent absence or tardiness.

6. Illness leaves, when habitually taken for trivial indisposition's.
7. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges.

8. Failure or refusal to report for review of criminal records or for health examination after due notice.

9. Advocacy of the overthrow of the government of the United States or the State of California or any local government by force, violence, or other unlawful means, or knowing membership in any organization that advocates the overthrow of federal, state, or local government by force, violence or other unlawful means..

10. Knowing membership in the Communist Party.

11. Physical or mental ailment, condition or impairment that renders the employee unfit for service.

12. Abandonment of position. (Five working days of unexcused absence).

13. Failure to disclose material facts or the making of any false or misleading statement on any application, examination form, or other official document of the District.

14. Frequent unexcused absences or tardiness.

15. Abuse of leave privileges by habitual use of illness leave, or by absence so frequent that, over an extended period of time, the efficiency of the service is impaired.

16. Failure to progress adequately in a training program which is required for the classification.

17. Sexual Harassment as defined by guidelines established by the Equal Employment Opportunity Commission and/or Fair Employment and Housing Commission, whether or not the loss of tangible job benefits is determined. (See Government Code 12940, Section 12940, effective 1-1-83).

18. Inability to meet requirements of the job, including, but not limited to, legal inability (such as loss of license or failure to obtain, possess, or maintain any license, certificate, or other similar qualification necessary for the employee to perform the duties of the position).

19. A record of one or more convictions which indicates that the employee is unfit for service.

20. Evident unfitness for service.

21. Unlawful descrimination, including harassment, on the basis of race, color, ethnicity, national origin, ancestry, religious creed, physical or mental disability or condition, marital status, gender, sexual orientation, or age, against any individual or group of individuals while acting in the capacity of an employee of the District.

22. Unlawful retaliation against any officer or employee of the District, or member of the public, who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of appropriate authority any information relative to the actual or suspected violation of any law of this state or the Unitied States occurring in the scope of District employment or directly related thereto.

23. Sexual harassment as defined in Education Code, Section 212.5 and in any Board Policy or District Regulation.

24. Causing, threatening to cause, or participating in an act of hate violence as defined in Education Code, Section 233(e).

25. Intentionally engaging in harassment, threats, or intimidation, directed at a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.

26. Misuse, misappropriation, theft, destruction, mishandling, or wast of District property or funds, or the property or funds of employees of the District.

27. Offering anything of value or any service in exchange for special treatment in connection with the employee's jov or employment, or accepting anything of value or any service in exchange for granting any special treatment to antoher employee or to any member of the public.

28. Violation of any Board Policy or District Regulation pertaining to the use , possession, or sale of drugs or alcohol.

29. Possession of alcoholic beverages or illegal drugs on District property or while on the job; drinking alcoholic beverages or using illegal drugs on District property or while on the job; being under the influence of alcohol or illegal drugs on District property or while on the job.

60.1000.2 PROCEDURES FOR DISCIPLINARY ACTION

A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way was discriminated against because of his political or religious acts or opinions or affiliations, or race, color, sex, national origin or ancestry, or marital status, subject to the provisions of Paragraph A.3, Rule 60.1000.1.

B. A regular permanent, classified employee may be recommended for disciplinary action only after having received a preliminary written notice of the proposed action and the date it will be effective, and the reasons therefore. Such reasons must state the specific grounds and particular facts upon which the action is proposed to be taken. These charges shall be in ordinary and concise language so that the employees may be expected to respond to them.

   If it is claimed that the employee violated a rule or regulation of the District, said rule or regulation shall be set forth in the notice. A mere quoting of the rule violated is not sufficient. The actual violation must be outlined in detail.

C. If it is the intention to either dismiss, demote, or suspend a permanent classified employee, the following procedures must be observed:

   1. The approved Statement of Charges and other supportive attachments must be served personally or by certified mail on the employee. (See Rule 60.1000.2K)

   2. The employee shall be extended the right to respond to the charges either orally or in writing within seven (7) working days.

   3. If an informal review is timely requested, the review will be held with a District official who has the authority to recommend, to modify, sustain or dismiss the proposed disciplinary action. If the employee does not request a review, the disciplinary action will be processed.

   4. At this informal review, the employee may represent himself or be represented, and may present oral or written testimony.

   5. After the informal review, or after the time has elapsed to request an informal review, and after considering any timely written response submitted by the employee, the District official shall decide whether to recommend disciplinary action. Thereafter, both the employee and the Classified Personnel Department must be notified of the decision of the District official.

6. The notice of recommendation of disciplinary action and statement of charges shall be presented to the Board of Trustees for action. The employee shall have the right to address the Board of Trustees in open or closed session in response to the recommended action and statement of charges.

D. An employee may be suspended by the Superintendent prior to the Board of Trustees' approval, subject to later ratification by the Board.

E. Approval of the charges by the Board of Trustees and prescribed disciplinary action to be taken must be transmitted to the employee within ten (10) calendar days of the effective date of the disciplinary action.

F. When formal disciplinary action has been taken, the action and the charges shall be filed with the Personnel Commission within ten (10) calendar days of the action. The Personnel Director, shall immediately notify the employee of the charges, inform the employee of his or her appeal rights, give the employee a copy of the charges, and report the action to the Commission at its next regular meeting.

G. Dismissal shall cause removal of the employee's name from all employment lists.

H. Failure to appeal, as provided below, shall make the action of the governing board final and conclusive.

I. Suspension, without pay, shall not exceed the time limitations prescribed in the Education Code, Section 45304.

J. The supervisor involved will present the necessary backup information for the department head or principal involved to prepare the charges against the employee. The charges will be prepared for the signature and approval of the appropriate cabinet level administrator, or designee on the letter of charges. In the case of charges against classified department heads, the charges will be prepared by the appropriate cabinet level administrator.

K. When any notice or other document is to be served or transmitted to an employee, the notice or document shall either be personally served on the employee or transmitted to the employee by United States certified mail, addressed to the last known address on file in the Classified Personnel Department. Service by certified mail is deemed complete the first business day following deposit of the notice or document in the United States mail.

60.1000.3 Appeal (Education Code, Section 45305)

A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 calendar days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made only on the following grounds:

A. That the procedures set forth in these rules have not been followed.

B. That the action was taken because of political or religious acts or opinions and affiliations, or race, color, national origin or ancestry, sex, or marital status.

C. That there has been abuse of discretion.

D. That the action taken was not in accord with the facts.

E. Penalty invoked is excessive.

60.1000.4 Hearing Procedures (Education Code, Sections 45306, 45307, 45311 and 45312)

A. The Personnel Commission may conduct hearings on appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. All such hearings shall be electronically tape recorded. Tape recordings of proceedings shall be confidentially stored for a period of at least 90 calendar days following the date of the decision by the Personnel Commission.

B. Hearings shall be conducted in the manner most conductive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.

C. The Personnel Commission and/or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. The findings shall be based on the preponderance of evidence.

D. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present his witnesses and evidence in defense.

E. Each side will be allowed to examine and cross-examine witnesses.

F. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representative, which may include employees of the school district.

G. The Commission or its hearing officer may, and shall if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.

H. The Commission or its hearing officer may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

I. An employee may request the hearing be held in either open or an closed session. The Commission, after conclusion of the hearing held before the Commission or its hearing officer, may deliberate its decision in closed session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If any staff member is not serving full time for the Commission and/or was a witness in the proceedings, he shall also be barred from the Commission's final deliberations.

J. The Commission shall render its decision as soon practicable after the conclusion of the hearing. In the event the hearing is held before a hearing officer, the hearing officer shall prepare and submit to the Commission findings and recommendations as soon as practicable after the conclusion of the hearing. The Commission may accept, reject or amend any of the findings or recommendations of its hearing officer in accordance with Education Code, Section 45312. Both the District and the charged employee will be given an opportunity address the Commission in closed session prior to the Commission taking action on its hearing officer's findings and recommendation. The Commission's decision shall set forth which charges, if any, are sustained and the reasons therefore. The Commission may modify the disciplinary action, but may not make the action more stringent that that approved by the Governing Board. A decision to not sustain the disciplinary action shall not be based on nonsubstative procedural errors committed by the District or Governing Board unless the errors are prejudicial errors.

K. If the Commission sustains the employee, it may order all or part of his full compensation from the time suspension, demotion, or dismissal, and it shall order his reinstatement upon such terms and conditions as it may determine appropriate. The Commission may direct such other action as it deems appropriate to effect a just settlement of the appeal, including, but not limited to, compensation

for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause, and charges which were not sustained by the Commission. (Education Code, Section 45307)

L. The Commission's decision and order will be filed with the Governing Board and served on the charged employee and will set forth its findings and decision. If a disciplinary action is not sustained, its order shall set forth the effective date of the action ordered by the Commission. Upon receipt of the Commission's written decision the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision it shall so notify the Commission in writing.

M. The employee or his representative may obtain a copy of the transcript of the hearing upon written request within 90 calendar days of the decision of the Commission and agreement to pay for all necessary costs.

60.1100 UNEMPLOYMENT INSURANCE

A. Every regularly employed classified employee hired by the Board of Trustees or Personnel Commission of the District shall be eligible for unemployment insurance pursuant to Sections 135.3, 605.2, and 802 of the Unemployment Insurance Code.

B. Regular employees for purposes of this section include all persons employed pursuant to Section 30.100.1 of these rules and regulations and pursuant to Education Code, Sections 45104, 45105, 45108, 45256, and 45347.

C. Persons serving as substitute, short-term, part-time, playground, full-time students employed part-time, part-time students employed part-time in any college work study program or in a program conducted by a community college district pursuant to Education Code, Section 51760 et seq. and which is financed by state or federal funds, apprentice, temporary professional expert, emergency, limited-term, or provisional employees or volunteers are excluded from unemployment insurance coverage.

D. Unemployment compensation benefits, extended duration benefits, and federal/state extended benefits based on service performed in an eligible classified position shall not be payable to any individual with respect to any week if any day of the week is within any school vacation, summer or special school session, recess or holiday and employee is scheduled to return to work at the end of the recess period. If the employee is not returned to work by the District at the end of the recess period or is laid off within 30 working days thereafter, the employee may be eligible for unemployment benefits.

E. Employees who are not required to work during periods when students are not in school (i.e., winter, spring and summer recesses), are excluded from eligibility for unemployment insurance benefits during these periods unless these employees previously receive termination or layoff notices effective after the recess period.

CHAPTER 70

WAGE AND SALARY PROVISIONS

70.100 DETERMINATION OF SALARY SCHEDULES

70.100.1 Factors in Salary Determination

The Personnel Director shall prepare recommendations for the allocation of classes to salary schedules for approval by the Commission. These recommendations shall take into account the following factors:

A. Wages and salaries paid for similar work in private industry in the recruitment area.

B. Wages and salaries paid by other governmental agencies which may be in competition with the District in the labor market.

C. The principle of like pay for like work within the classified service.

D. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.

E. Such other information as the Commission may require.

70.100.2 Salary Studies

A. A salary study shall be made:

1. Whenever a new class is created.

2. Annually, of all classes in the classified service upon direction of the Commission. The annual study may consist of a "benchmark study" only and upon direction of the Commission.

3. When directed by the Commission.

B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.

C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives, except when the data was obtained in confidence. The staff shall indicate its tentative recommendations to, and shall meet and confer with, employee organization representatives and district administration.

An effort shall be made to ameliorate all differences before recommendations are submitted to the Commission.

70.100.3 Salary Recommendations (Education Code, Section 45268)

A. After making its findings, the Commission shall present salary recommendations to the Governing Board for approval. The Board may approve, amend or reject these recommendations, but may not alter the relationships among classes as established by the classification plan. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of like pay for like service.

B. Salary recommendations for the classified service shall be presented to the Board in May of each year, with a prospective effective date of July 1. A salary recommendation shall also be made each time a new classis created. Salary recommendations made at other times of the year shall be based on clear evidence that the class in question is substantially overpaid or underpaid in relation to community rates or alignment with other classes. Nothing in this paragraph shall prevent adjustments in salary based on classification studies resulting from changes in duties and responsibilities, regardless of when such changes occur.

C. The Governing Board reserves the right to increase or decrease the salaries of classified employees at any time during the school year, pursuant to Education Code, Section 45162.

70.100.4 Appeals of Recommendations (Education Code, Section 45268)

A. An employee or his representative may appeal the recommendation of the Personnel Director in regard to the salary of his class. He shall have the opportunity to present his case in writing and orally at a regular meeting of the Commission. The administration shall have the same privilege.

B. If the Governing Board desires reconsideration of salary recommendations, it may return the recommendations to the Commission, which shall reconsider them at its next meeting. After reconsideration, the Commission will advise the Board of its findings and the reasons therefore.

70.200 APPLICATION OF SALARY SCHEDULES

70.200.1 Initial Placement

All new employees shall be appointed at the hiring rate for the class as approved by the Commission. The hiring rate shall be the first step of the schedule of the class, except as follows: for classes where recruitment efforts have indicated difficulty in recruiting at the first step, an accelerated hiring rate may be set, with the approval of the Board of Trustees, at any step of the schedule of the class. If an accelerated hiring rate is approved, by the Board of Trustees, all current employees in the class shall be advanced to that rate and shall begin a new cycle of step advancement. Advanced step placement of an individual under Rule 70.200.1.1 does not constitute approval of an accelerated hiring rate under this Rule or require that all employees in the class be advanced.

70.200.1.1 Advanced Step Placement (added 7/2/97)

Notwithstanding Rule 70.200.1, the appointing authority may recommend to the Personnel Director advanced step placement for an individual candidate up to and including the fifth step on the salary range. The Personnel Director may approve such salary placement if the following criteria are met:

1. The individual candidate has additional, directly-related, and recent experience, over and above the minimum requirements for the class and/or,

2. The individual candidate had directly-related and recent education over and above the minimum requirements for the class, and/or

3. The individual candidate's most recent employment is at a salary rate which would prohibit employment in this District unless a salary incentive was offered.

The Personnel Director shall indicate in the Annual report to the Board of Education all instances of the use of this rule identifying the department or school, the classification and recommending authority.

70.200.2 Step Advancement

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

B. For the purpose of this rule, when the first day of service falls between the first and 15th day of the month, the appointment shall be considered as effective on the first day. Later appointments shall be considered as effective at the beginning of the next month.

C. A permanent employee who is serving temporarily in a provisional assignment shall have his increment date processed in the normal manner. The actual movement to the higher salary step, however, shall not take effect until the individual returns to his regular permanent position.

D. Whenever several factors affecting salary rate come due at the same time, the salary adjustment shall be made in such order that an employee shall gain the maximum benefit from the adjustment.

70.200.3 Promotions

A. When an employee is promoted to or assigned to a classification with a higher maximum salary than his previous classification, his salary will be adjusted to the minimum or to that step of the new range that represents not less than a five percent salary increase.

B. Employees promoted to a new classification shall be on probation for a period of six months from the effective date of the promotion. At the end of the probationary period the employee will achieve permanency in his new classification. The employee will receive his first step increase upon achieving permanency in the new classification. The provisions of Section 70.200.2 shall apply to this section.

C. Employees promoted or appointed to a classification designated as administrative or executive or police (exempt) shall be on probation for one year from the effective date of promotion or appointment. However, such employees shall receive their first step increase at the end of the first six months of employment in the new classification. The provisions of Section 70.200.2 shall apply to this section. These administrative classifications will be evaluated quarterly during the one year probationary period.

70.200.4 Placement After Leave of Absence (Education Code, Section 45192)

A. Upon return from an unpaid leave of absence, an employee shall be placed on the same step of the range for the class which he had achieved prior to the leave, regardless of changes in rate or range applicable to the class; ~~except that step advancement within range shall be granted.~~

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

C. When an employee is restored, after leave of absence to his previous salary step, he shall receive credit for step advancement for service prior to the leave. His anniversary date shall be adjusted accordingly in order that he shall be granted step advancement after having completed the amount of service required by Rule 70.200.2

70.200.5 Placement When Demoted

A. An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate he earned in the higher class, provided that he shall not receive a salary increase thereby. He shall retain the anniversary date established in the higher class.

B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 70.200.2A.

70.200.6 Differential Pay (Education Code, Sections 45181 and 45185)

A. All positions, the regularly assigned time of which requires the incumbents to work one-half time or more between the hours of 5 p.m. and 12 midnight, shall be paid at monthly rates one step higher or an hourly rate on equivalent percentage higher than the rates or rate for employees in that class working between the hours of 8 a.m. and 5 p.m. If the regularly assigned time requires the incumbent to work one-half time or more between the hours of 12 midnight and 8 a.m., the employee shall be paid at monthly rates two steps higher or an hourly rate an equivalent percentage higher than the rates or rate for day shift employees in that class. If such shifts normally occur less frequently than five days per week, such higher rates shall be paid only if more than one-half the workweek is on the night shift.

B. Employees assigned to a night shift on a continuous basis who are ordered to temporary day shift work for periods not to exceed 20 working days each shall suffer no reduction in compensation by reason of the change. On the 21st working day, the employee shall revert to the day shift rate.

EXHIBIT E

70.300 WORK PERIODS AND OVERTIME

70.300.1 Workday and Workweek

The maximum number of hours of regular employment of an employee is eight hours a day and 40 hours a week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized administrators order and authorize employees to work in excess of eight hours in one day or 40 hours in one week.

70.300.1.1 Four Day Workweek (Education Code, Section 45132)

A. The Board of Trustees may establish a 10 hour per day, 40 hour, 4 consecutive day workweek for employees in the Maintenance and Operations Department, providing the establishment of a 4 consecutive day, 10 hour per day workweek shall be with the concurrence of the concerned employee, class of employees, or classes of employees as ascertained through the employee organization representing a majority of the concerned employees or class, or classes of employees.

B. Employees so assigned will be assigned on a volunteer basis only, verified by written statement signed in triplicate: original is retained by the employee, one copy shall be filed in employee's personnel file, and one copy shall be available to the operating department.

C. The work week for purposes of this section is defined as commencing at 12 midnight on Sunday night and ending at 11:59 p.m. on the following Saturday.

D. All designated and authorized work performed in excess of 10 hours per day on the 5th, 6th, and 7th days of a four day workweek shall be considered overtime and the rate paid for all hours worked in excess of 10 hours per day or on the 5th, 6th, and 7th days shall be equal to 1-1/2 times the regular rate of pay for the employee.

E. The intent of this section is to insure the voluntary basis of the 4 day workweek program.

70.300.2 Overtime Defined

A. Overtime is ordered and authorized working time in excess of eight hours in one day or 40 hours in one week. No one shall order or authorize overtime unless it is compensable as provided below.

B. In determining the eligibility of an employee to receive the prescribed overtime rate, the number of hours "worked" by an employee shall include, in addition to actual hours worked, time during which the employee is excused from (and is paid for) holidays, sick leave, vacation, compensation time off, or any other paid leave of absence.

70.300.3 Compensation for Overtime

A. All overtime must be approved in advance in writing by the appropriate supervisor.

B. The employee has the election of taking either compensating time off or cash payment for accrued overtime, providing the needs of the District do not conflict.

C. Overtime worked must be paid in cash or compensating time off allowed at one and one-half times the actual hours worked. Any compensating time off not used during the calendar month in which earned must be paid in cash during the following pay period.

D. The workweek shall consist of not more than five consecutive working days for any employee having an average workday of four hours or more during the workweek. Such an employee shall be compensated for any work required to be performed on the sixth or seventh day of following the commencement of the workweek at a rate equal to 1-1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

E. An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his workweek, be compensated at a rate equal to 1-1/2 times the regular rate of pay of the employee designated and authorized to perform the work. Positions and employees excluded from overtime compensation pursuant to Section 70.300.4 of these rules, shall likewise be excluded from the provisions of this section.

F. The employee's records must clearly indicate the number of hours worked per week, the number of overtime hours per week, and the amount of compensating time off accrued and taken during the pay period.

G. Positions and employees excluded from the overtime provisions pursuant to Section 70.300.4 of these Rules, shall likewise be excluded from the provisions of this section.

70.300.4 Classifications Exempt From Overtime

A. Employees and positions designated as supervisory, administrative or executive shall be excluded from the overtime provision. The following positions are examples of management positions which shall be exempted from overtime relating to the payment of time and one-half for all ordered overtime:

Accounting Manager
Administrative Analyst
Assoc. Sup. – Bus. & Admin. Srvs.
Budgeting Manager
Chief - School Police
Chief of Facilities
Communications Coordinator
Contract Analyst
Director – Information Technology
Director – Classified Personnel
Director - Communications
Director – Facilities Planning
Director - Maintenance
Director – Purchasing/Warehouse
Director – ROP/VEA
Director – Student Nutrition
Director - Transportation
Facilities Coordinator
Facilities Planning Inspector – Carpenter
Facilities Planning Inspector - Electrician
Financial Analyst
Job Developer
Maintenance Coordinator
Manager School Partnership
Network Analyst
Nutrition Specialist
Office Software & User Support Trainer
Operations Coordinator
Parent Involvement Coordinator
Personnel Analyst
Program System Analyst
Purchasing Analyst
Risk Manager
ROP Coordinator
Senior Director
Senior Personnel Analyst
Senior Systems Analyst

B. Weekend and/or holiday positions, if lawfully created, are exempt from overtime pay for holidays only, as provided for in Section 30.100.8

70.400 HOLIDAY PAY

70.400.1 Eligibility for Holiday Pay (Education Code, Section 45203)

A. All employees that are part of the classified service will be entitled to payment for authorized holidays, provided that they were in a paid status during any portion of the working day immediately preceding or succeeding the holiday.

B. Holidays shall include July 4, the first Monday in September known as "Labor Day," September 9, November 11 known as "Veterans Day," Thanksgiving, December 25, January 1, February 12 know as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," and all other days approved by the Board. If the holiday falls on Saturday, the preceding Friday shall be deemed to be the holiday. If the holiday falls on Sunday, the following Monday shall be deemed to be the holiday.

C. The holidays listed in B are guaranteed holidays for all members of the classified service who establish eligibility for same under A above, except that the employees serving in positions created under Rule 30.100.8 are exempt from guaranteed holidays.

D. Pay for a holiday shall be the same the employees would have received had the day not been a holiday. Exception: See Rule 70.600 regarding benefits for Part-Time Employees.

E. Classified employees required to work on holidays shall be paid for such work as prescribed in Rule 70.300.2, or Rule 70.300.4, as related to positions lawfully exempted from overtime.

F. When a regular employee is required to work on any holiday designated by the Board, under B of this rule, he shall be paid compensation, or given compensating time off, for such work at the rate specified in Rule 70.300.2, in addition to the regular pay received for the holiday.

G. Provisional employees appointed as substitutes shall not receive holiday pay.

70.400.2 School Holidays

Regular employees who are not normally assigned to duty during the school holidays which include December 25 and January 1 and any other Board declared holidays 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.

70.400.3 Exchange of Holidays by Board Action

A. The Board of Trustees may, prior to July 1 of any year, specify if so authorized in law, that schools will be maintained and classified employees are required to work on any or all of these holidays; September 9, November 11 known as "Veterans Day," February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," and/or the last day in May known as "Memorial Day."

B. If the Board lawfully takes such an action it shall designate another day, during the same school year, as a holiday for classified employees in lieu of the regular, normal holiday. The day designated as an "in lieu" holiday shall provide classified employees with at least a three – day weekend.

70.500 PAYROLLS

70.500.1 Official Roster

The Personnel Director shall maintain, in his office, an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Act.

70.500.2 Payroll Audit (Education Code, Section 45310)

A. The Personnel Director shall audit all initial assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing law and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll following the initial assignment and certification by the Personnel Director shall bear the certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification by the Personnel Director.

B. The Personnel Director shall make periodic audits of all payrolls, and if he finds assignments not in accordance with law and rules, he shall withdraw his certification and order payment stopped in accordance with the procedure described in Rule 70.500.2C.

C. If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification to be Governing Board and the County offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful.

70.600 BENEFITS FOR PART-TIME EMPLOYEES

A. Benefits for persons employed less than full time are to be provided as authorized in Education Code, Sections 45136 and 45137.

B. Sick leave and all other benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to 8 hours per day, 40 hours per week, 4 calendar weeks per month, or 12 months during a calendar year.

C. If an employee works a minimum of 30 minutes per day in excess of his part-time assignment for a period of 20 consecutive workdays or more, the assigned time will be adjusted to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis. See Rule 60.200.4

D. Vacation pay shall be granted on the basis of the average number of hours worked per working day during the portion of school year in which the part-time employee is assigned to duty.

E. Those classified employees who work more than four hours a day will receive all the health and welfare benefits authorized all other employees of the district. In addition, those cafeteria workers who receive regular appointments regardless of hours worked and instructional aides and "restricted" employees who work at least four hours will be entitled to the health and welfare benefits authorized all other employees. The benefits for these employees are prorated on the basis of hours worked.

F. Specially funded federal and state programs must have the necessary funds included in their programs to cover the employees under the aforementioned basis.

G. This section shall not apply to employees properly designated as substitute, short-term, or limited-term as defined in education Code, Sections 45103 and 45286, and these Rules.

70.700 **MERIT AWARD PLANS** (See Education Code, Section 44015)

A. The Governing Board may make awards to employees who:

1. Propose procedures or ideas which thereafter are adopted and effectuated, and which result in eliminating or reducing district expenditures or improving operations.

2. Perform special acts or special services in the public interest.

3. By their superior accomplishments, make exceptional contribution to the efficiency, economy or improvement in operation of the school district.

CHAPTER 80

MISCELLANEOUS PROVISIONS

80.100 PROCEDURE FOR THE ADJUSTMENT OF CLASSIFIED PERSONNEL GRIEVANCES

80.100.1 Purpose of Adjustments Procedure

The adjustment procedure is the medium through which classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies or administrative procedures, working conditions, or Job relations, including the complaint of one employee against another employee. Because complaints should be adjusted as promptly as possible, various time limits have been established to minimize delays in the various steps that have been provided. There is an obligation on the part of an aggrieved employee to make known the existence of his complaint and the facts pertaining to his complaint within 30 working days of any specific or documented incident or at the earliest possible date after the recognition of a non-specific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships. Matters excluded from the adjustment procedure shall be:

A. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Board of Trustees.

B. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission. In cases where the Personnel Commission rule regulates less than the total procedure, the Commission may waive that rule and thereby provide that the dispute be settled through the adjustment procedure.

C. Complaints about the subject matter of a Board rule or policy or administrative procedure, rather than the administration of the Board rule or policy or procedure. An employee with such complaint should direct his suggestions for change through administrative channels to the Board or to the administrator who established it.

80.100.2 Steps in the Adjustment Procedure

A. Informal Discussion - Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt to resolve the problem. The conference shall be confined to the parties immediately concerned. A prompt and courteous examination of the facts to reach a satisfactory adjustment shall be attempted within one working day. The supervisor shall promptly communicate his decision and supporting reasons to the employee(s).

B. Informal Review -

1. If the problem has not been resolved by the immediate supervisor, the employee may request, either orally or in writing, that an informal review be made by the next higher level supervisor in whom authority exists to take corrective action. In the case of school-assigned personnel, this supervisor would be the site administrator unless the informal discussion was between the site administrator and the employee.

2. The supervisor shall attempt to hold a conference within one working day after he has received the employee's request for an informal review.

3. The employee must be in attendance; he may present his own case or may present the problem through a representative of a own choosing at the informal review and at any subsequent state of the adjustment procedure. The supervisor and the respondent may each have a representative at the informal review and at any subsequent stage of the adjustment procedure. Any employee of the District may serve as a representative without prejudice or loss of salary, provided that he notifies his supervisor in advance in writing.

4. Following the oral presentation of the complaint to the supervisor, if the complaint has not been resolved to the satisfaction of all concerned, the employee or his representative shall prepare and Following the oral presentation of the complaint to the supervisor, if the complaint has not been resolved to the satisfaction of all concerned, the employee or his representative shall prepare and present the complaint in writing to the supervisor and respondent, if other than the supervisor, within five working days. The respondent, if other than the supervisor, shall prepare a similar statement of his position and submit it to the supervisor, with a copy to the appellant. Present the complaint in writing to the supervisor and respondent, if other than the supervisor, within five working days. The respondent, if other than the supervisor, shall prepare a similar statement of his position and submit it to the supervisor, with a copy to the appellant.

5. The supervisor shall communicate in writing his decision and supporting reasons to the appellant, the respondent, if other than the supervisor, the appellant's immediate supervisor, and the concerned division heads within five working days.

C. Administrative Review -

1. If the appellant remains dissatisfied following the informal review, he may submit a written complaint within five working days after receipt of the decision, requesting a formal administrative review.

2. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the informal review, the reasons why the decision is being appealed, and the name of the appellant's representative, if any. The appellant may obtain assistance from the District's Personnel Department, or such other office as may be designated, throughout the course of the adjustment procedure.

3. The appellant shall submit the complaint directly to his department head and route one copy of the complaint through the appellant's administrative chain of command, one to his division head for information purposes only, and one to the responder.

4. The department head or the department head's designated representative shall hold a conference with all interested parties on the complaint within five working days of receipt, unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure maybe modified by agreement of the parties involved.

5. The department head or his designated representative shall submit written notice to the appellant and the appellant's supervisors of the decision in the matter within five working days after the conclusion of the conference. One copy shall be forwarded through the administrative chain of command, one to the division head for information, and one to the respondent, if other than the supervisor. The department head shall implement the decision.

6. If the appellant, the respondent or the concerned division heads are not satisfied with the decision of administrative review, they may appeal to the Superintendent or designee within five (5) days.

7. This statement shall include a copy of the original grievance, the decision rendered, and a clear concise statement of why the decision of the prior step was unsatisfactory.

8. The Superintendent or designee shall communicate a decision within five (5) days after receiving the Appeal. Either the Superintendent or designee may request a personnel conference within the above time limits. If the Superintendent or designee does not respond within the time limits, the appellant may appeal to the next step.

D. Hearing Procedure (See Section 60.1000.4)

1. If not satisfied with the decision of the Superintendent or designee, the appellant may, within five (5) days, submit a request in writing to the Superintendent for advisory arbitration of the dispute.

2. The grievant and the District shall attempt to agree upon an advisory arbitrator. If no agreement can be reached, they shall request the State Conciliation Service to supply a list of five (5) names of persons experienced in hearing grievances in public schools. Each party shall alternately strike a name until one name remains. The remaining person shall be the advisory arbitrator. All grievances reaching the arbitration level shall be numbered. The odd numbered grievances shall give the Board the first elimination. The even numbered grievances will give the appellant the first elimination.

3. The fees and expenses of the arbitrator and the hearing shall be borne equally by the District and the appellant. All other expenses shall be borne by the party incurring them.

4. The arbitrator shall, as soon as possible, hear evidence and render a decision on the issue or issues submitted to him. If the parties cannot agree upon a submission agreement, the arbitrator shall determine the issues by referring to the written grievance and the answers thereto at each step.

5. The arbitrator will have no power to add to, subtract from or modify the written policies, rules, regulations and procedures of the District.

6. Issues arising out of the exercise by the Board and administration of its responsibilities, including the underlying, its exercise of such discretion shall not be subject to this procedure.

7. After a hearing and both parties have had an opportunity to make written arguments, the arbitrator shall submit in writing to all parties his findings and recommendations which shall be advisory to the parties.

8. By filing a grievance and processing it to advisory arbitration, the appellant expressly waives any right to statutory remedies or to the exercise of any legal process other than as provided by his grievance/ arbitration procedure. The processing of a grievance to advisory arbitrator shall constitute an express election on the part of the appellant that the grievance arbitration procedure is the chosen forum for resolving the issues contained in the grievance, and that the appellant will not resort to any other forum or procedure for resolution of the issues.

E. Board of Trustees Review

1. In the event that either party is not satisfied with the recommendation or recommendations of the arbitrator, the party may appeal the decision in writing within (10) days to the Board of Trustees.

2. The Board of Trustees may review the records of the hearing, including the findings, conclusions, recommendations, or conduct its own hearing or investigation of the appeal.

3. When the Board of Trustees has reached a decision, the Clerk of the Board of Trustees shall notify the Superintendent and the individuals involved as soon as possible after- the completion of the review of the appeal. The Superintendent shall implement the decision.

4. The decision of the Board of Trustees on an appeal shall be final and conclusive.

F. Grievance Procedure Guidelines

1. At all steps of the Grievance Procedure in Rule 80.100.2, the responsible supervisor, principal, department head, or administrator shall give his undivided attention to the grievant. He shall search for or listen to any person who can provide information that will aid in resolving the grievance. Additionally, any document, report, letter, etc., that will assist will be utilized.

2. The employee filing a grievance has the responsibility of providing all information available concerning his grievance. He must make the facts and/or circumstances surrounding the grievance so clear that those making a decision can fully understand the grievance.

   Further, the employee shall state just what corrective action or remedy he expects. Such remedy or action must be reasonable and within the authority of the District.

3. All concerned with a grievance must meet in good faith in their efforts to resolve the grievance. Each shall have as a goal the resolution at the earliest possible time. Courtesy, good faith and respect must be a part of each grievance step and each decision.

4. At all steps of the grievance procedure the employee may have another employee, attorney, or employee organization representative present as a witness and/or to present his case.

80.200 POLITICAL ACTIVITY

80.200.1 Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code, Section 44034.

80.200.2 Cause for Disciplinary Action

Any employee may be disciplined for improper political activity. Improper political activity includes:

A. The use of any District property, equipment, or facility for any political purpose unless the use, thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.

B. The use of any District property, equipment, or facility for any political purposes or the performance of any political act during regular hours of duty.

C. Engaging in active campaigning in behalf of any candidate, including himself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during his assigned hours of employment.

D. Attempting to gain any advancement or privilege under the Act or these rules through political activity.

80.200.3 Personal Candidacy

Any employee may be a candidate for any political office for which he may file without suffering any loss of employment status in the District unless he violates the provisions of Rule 80.200.2, and except as provided in Rule 80.200.4B.

80.200.4 Leave of Absence

A. An employee who files for a political office may request, and shall be granted, an unpaid leave of absence which shall commence not earlier than one month prior to the concerned election and continue until the election processes have been completed insofar as his candidacy is concerned.

B. Such leave is required if the employee is a candidate for election to the Governing Board.

80.200.5 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the District, may request, and shall be granted, an unpaid leave of absence which shall commence on the date he assumes the office and shall terminate not later than 30 days after his last day in the elected office. Reelection to the same office or election to a different office, which provides reasonable continuity of elected public service shall cause extension of the approved leave. An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. He will be placed on (an) appropriate employment list(s) and notified that he may be offered limited-term employment.

80.200.6 Intent

It is the Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The District has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights but, at the same time, to insure that its employees do not wrongfully use their duty hours or District facilities for political purposes.

80.300 NEW EMPLOYEE CLEARANCES

80.300.1 Physical Examinations

A. Initial Employment

1. A medical examination or complete Health Questionnaire will be required of every eligible initially employed in a regular classified or exempt position by the Compton Unified School District, depending upon the nature of the duties to be performed. A medical examination will be required for all classifications involving strenuous physical activities to be conducted by a District appointed physician at District expense. All other eligibles for classification including provisional part-time, and limited-term appointments, not requiring strenuous physical activities in the performance of the duties of that classification, will be required to complete a Health Questionnaire which will become a part of the employee's permanent personnel file. If the information on the Health Questionnaire indicates a questionable medical history in relation to the performance of duties, a medical examination will be required.

2. A medical statement indicating that a person is not able to perform the duties of the position for which he is being considered for employment will be grounds for disqualifying the person in compliance with Section 40.100.2 of these rules.

3. Prior to employment, each person is required to submit a statement from a licensed physician and surgeon, that he has submitted to an examination within the past 60 days, that he is free from active tuberculosis, preceding the R date of employment (Education Code, Section 49406 (a). This section received by the Board of Trustees at its meeting of December 13, 1979).

B. After Employment

1. Every employee is required to undergo an examination to determine that he is free from active tuberculosis at least once every four years of employment. Cafeteria employees are required to have an X-ray at least once each school year. These x-rays will be provided by the Compton Unified School District (Education Code 49406(b). This section received by the Board of Trustees at its meeting of December 13, 1979).

2. The District shall maintain adequate records on each employee which indicate compliance with these rules and the law.

C. School Bus Drivers

1. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles in Chapter 29b of the Driver's License Examiner's Manual of Procedure.

2. The District shall arrange for and defray the costs of the school bus driver's examination for its employees and shall reimburse new employees for the costs of the required examination, but not to exceed the amount which it pays for the examination required of its regular employee bus drivers.

D. Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has applied for return from leave of absence may be appealed to the Commission.

2. The Commission may employ outside medical experts to give a medical advisory opinion.

3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

80.300.2 Criminal Records Check

A. Fingerprinting - Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place before the start of employment.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.

2. The criminal record reports from the California Bureau of criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record the appointing authority shall decide whether or not the person should be employed or retained in employment.

3. If an employee is to be dismissed because of information disclosed on the criminal record reports or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore. If it approves the recommendation, the Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefore. The Commission shall provide the person with an opportunity to appeal the decision in writing within 10 days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final.

80.400 PENALTIES

80.400.1 Violations (Education Code, Section 45317)

Any person who, willfully or through culpable negligence violates any of the provisions of this article is guilty of a misdemeanor. It is also unlawful for any person:

A. Willfully, by himself or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article - - or Commission rule.

B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article - - or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

C. Willfully to 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 this article--or Commission rule.