CHAPTER 1

DEFINITIONS AND PRELIMINARY STATEMENT ON RULES

101 Definitions

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

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 6, Chapter 5, Division 3.

ADMINISTRATIVE CLASS: One of the classes meeting the criteria under the Fair Labor Standards Act which exempts incumbents from receiving payment or compensating time off for overtime.

ADMINISTRATIVE OFFICER: Refers to the Superintendent and others who may be designated by the Board of Trustees.

ALLOCATION: The placement of a class on a salary schedule, rate range or a flat rate.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increase. This is the first day of the pay period first following completion of year's satisfactory service.

APPEAL: a protest by an employee regarding an administrative action actually or potentially detrimental to him/her.

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

APPOINTING POWER: The Board of Trustees of the South San Francisco Unified School District.

APPOINTMENT: The act of the appointing power in approving the employment of a person in a specific position.

BREAK IN SERVICE: Severance of an individual's employment relationship with the District. The break in service may be cancelled by subsequent reemployment or reinstatement within 39 months.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace an employee with less seniority in a class.

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

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 who will select an eligible.

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

CLASSIFICATION: The act of placing a position in a class.

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

CLASSIFIED SERVICE: All positions and employees in the District's service in which the merit system provisions of the Education Code apply and which are not excepted by these provisions.

COMMISSION: The three-member Personnel Commission established pursuant to the merit system provisions of the Education Code.

CONTINUOUS EXAMINATION: A procedure authorized by the Personnel Commission for the frequent testing of applicants for designated classes. This is a method of recruiting applicants in which the last day for filing applications is not specified, and the examinations are conducted from time to time as the needs of the service require, and there are sufficient applications on file for the class.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary.

DIFFERENTIAL: Salary allowance in addition to the authorized salary step or flat rate based upon additional skills, responsibilities, or night work. Also, the size of the interval between salary schedules, salary ranges, or rates of related classes.

DISCHARGE OR DISMISSAL: Separation from service for a cause.

DISTRICT: The South San Francisco Unified School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission under specific conditions, which provides for simultaneous certification from an open eligibility list and a promotional eligibility list according to examination scores.

EARNED SALARY STATUS: For a permanent employee who has resigned, been laid off, or taken a voluntary demotion or reduction to limited-term status, the current flat rate of or the highest step achieved in the class in which the employee had permanency and a regular assignment at the time of termination or reduction.

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in a merit system examination for the selection of classified employees for a specific class. In the event of tie scores, more than one name may hold the same rank.

ELIGIBLE: A person whose name appears on a merit system eligibility list.

EMERGENCY APPOINTMENT: A temporary appointment for a period not to exceed 15 working days to prevent the stoppage of school business when there is insufficient time to canvass eligibility lists or 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, change location, demote, be reinstated after resignation, or be restored after voluntary demotion or reduction to limited-term or part-time status.

ENTRANCE QUALIFICATIONS: Mandatory and desirable experience and education qualifications prescribed for those who wish to compete in merit system examinations for a specific class.

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

EXHAUSTED LIST: A list of eligible from which it is impossible to fill a regular full-time or part-time vacancy. A list may be considered exhausted when only two eligible remain. A list may be exhausted for part-time positions, yet remain in effect for full-time positions, or vice versa.

FIELD OF COMPETITION: Those categories of persons (either from within or outside the District) authorized by the Personnel Commission to participate in a merit system examination for a specific class.

FISCAL YEAR: July 1 to June 30.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service.

GOVERNING BOARD: The Board of Trustees of the South San Francisco Unified School District. (Synonymous with Appointing Power)

GRIEVANCE: An employee complaint of concerning conditions of employment, not including appeals of disciplinary actions or requests for classification study or salary review.

HEARING: Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER: A qualified person employed by the Personnel Commission to hear and make recommendations on appeals from disciplinary action for non-medical reasons.

HIS/HER: The term “his/her” as used in these rules shall refer to the feminine and masculine; whenever the singular is used, it shall include the plural as well as the singular; and whenever the plural is used, it shall include the singular as well as the plural.

ILLNESS: Any pronounced deviation for a normal, healthy state which makes it disadvantageous to the District and/or detrimental to the employee for him to be at work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of personal illness or injury. May also be used for short-term leaves for designated reasons of personal necessity.

INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating education, experience, and personal qualifications of the candidates. Also known as oral interview. Also the meeting between an eligible and an appointment authority in order to discuss possible appointment to a specific vacancy.

INVESTIGATION: A fact-finding procedure related to an appeal or complaint. An investigation is less formal than a hearing.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges or accident.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, with the right to return at the expiration of the period.

LIMITED TERM: A term used in the Education Code to designate employment for periods not to exceed six months or employment during the authorized absence of permanent employee.

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for an absent employee or in a position established for a period of six months or less. The employee may have been selected from an eligibility list or may be serving under a provisional appointment.

LOYALTY OATH: A statement required of each new employee concerning his support of the United States and California Constitutions, required by State Law and Local Board Rule.

MERGING: The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores.

MERIT SYSTEM: A personnel system in which merit and fitness govern each individual's selection, progress, and retention in the service.

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

NOTICE OF UNSATISFACTORY LEAVE: A form used as a written reprimand. Such notice may be used to lay a foundation for taking disciplinary action.

OPEN EXAMINATION: An examination which is not restricted to persons who are current permanent employees of the District, i.e., may be taken by any person otherwise qualified.

PERFORMANCE EVALUATION: An evaluation of the work and conduct of an employee. Also refers to the form used for this purpose.

PERMANENT EMPLOYEE: An employee who has completed a probationary period of 130 days or six months, whichever is longer, or paid regular service in a class in the classified service.

PERMANENT POSITION: A position established in excess of 130 days or six months, whichever is longer.

PERSONAL NECESSITY LEAVE: Leave which may be taken for reasons of personal necessity as specified in the Education Code, Personnel Commission rules and CSEA contract. Such leave is charged to the employee's illness leave.

PERSONNEL COMMISSION: Three members appointed in accordance with Education Code provisions and responsible for maintenance of the merit system for classified employees.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person.

PRIVILAGE: A benefit that is discretionary (may or may not be granted), as contrast to a right, which must be granted.

PROBATIONARY PERIOD: A trial period of 130 days of paid service or six months, whichever is longer, following appointment to a regular position in a class. Classes designated by the Commission as executive, administrative, or police classes may have a probationary period of one year.

PROBATIONER: An employee who has not completed the six month probationary period.

PROFESSIONAL EXPERT: A person employed in a professional capacity for a specific limited-term project; such persons are excluded from the classified service.

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

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

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances. (See Education Code Sections 45287 and 45289.)

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

REALLOCATION: Movement of an entire class from one salary schedule, or range, or hourly rate to another salary schedule, range, or hourly rate on the basis of either internal or external alignment or a change in the salary-setting basis for the class.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another, usually based on a change in duties, responsibilities or class concept.

REEMPLOYMENT: Return to duty of an employee who has been laid off. Also, applies to employees who return to duty for a limited period after retirement.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by lack of work, lack of funds, or abolishment or reclassification of position, exhaustion of illness or industrial accident leave privileges, or other reason specified in these rules, and who are eligible for reemployment without examination in their former class for a period of 39 months, arranged in order of their right to reemployment. In certain specific cases of reduction in class or time in lieu of layoff, the period of reemployment is extended an additional 24 months.

REGULAR APPOINTMENT: An appointment to a position of more than six months duration made from an eligibility list or from some other list of persons who are legally qualified: e.g., reemployment or reinstatement.

REGULAR EMPLOYEE: A person who has probationary or permanent status in the classified service.

REINSTATEMENT: A reappointment (discretionary with the Board of Trustees) after resignation within 39 months after the last day of paid service, without examination to a position in one of the employee's former classes or in a related lower class, with restoration of certain employee benefits. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

REJECTION: The refusal to accept an application or examine an applicant, candidate, or eligible, or the removal of name from an eligibility or substitute and relief list.

RESIGNATION: A voluntary statement, preferably in writing, from an employee to be terminated from one or all of his/her assignments.

RETURN TO FORMER CLASS: A reappointment to one's former class within 39 months after a termination of one's assignment to that class.

RIGHTS: A benefit which is bestowed by law or rule and which must be granted.

RULE OF THREE RANKS: The scope of choice available to an appointing power in making a selection from an eligibility list refers to selection from among those eligible having any of the three highest scores who are ready and willing to be appointed to a specific position.

SALARY RATE: A specific amount of money paid for a specified period of service: i.e., dollars per hour, pay period, or month, including any long-term differential.

SALARY SCHEDULE/SALARY RANGE: A series of salary steps that comprise the rates of pay for a classification.

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 SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry and/or other public agencies.

SCHOOL YEAR: Same as fiscal year (July 1 to June 30).

SENIORITY: Status secured by length of service counted from date of regular appointment. Used for determining order of layoff as well as for certain informal purposes.

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

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

STATE LICENSED PRACTITIONER: An individual or group licensed by the State of California as being competent to diagnose or treat the illness or injury concerned.

STATUS: Character of employment in the Classified Service or in a class, with the following categories:

> Regular: Based upon appointment of a fully qualified person to a position of more than six months duration. Sub-categories are “probationary” and “permanent.”
>
> Limited-Term: See definitions of “limited term” and “limited-term employee” above.

STEP ADVANCEMENT: Movement to a higher step of the salary range or schedule for a class as a result of having served the required number of days in paid status.

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

SUSPENSION: Temporary removal of an employee from a position for cause without pay or indefinite removal preliminary to investigation of charges pursuant to the provisions of the second paragraph of Section 45304 of the Education Code.

TEMPORARY: Employment on a basis other than permanent or probationary; i.e., in limited-term status; also used to denote a provisional employee.

TEMPORARY MILITARY LEAVE: Ordered military leave of not more than 180 calendar days, including travel time.

TERMINATION: The ending of an incumbent’s assignment in a specific class without the ending of his continuing status in another class.

TRANSFER: The reassignment of an employee without examination from one position to another position in the same class or to a position in a related class with the same salary range and when the same examination is given.

UNCLASSIFIED SERVICE: Includes part-time playground positions, full-time day students employed part-time, apprentices, and professional experts and community representatives employed in consulting or advisory capacities on a temporary basis for a specific project.

UNSATISFACTORY SERVICE: The performance of assigned duties in a manner which is detrimental to the good of the service, or the failure to perform them, or the performance of actions while on duty which are detrimental to the good of the service.

VETERAN'S CREDIT: Five additional points added to a passing score in entrance examinations, for military or related service rendered during the time of war or national emergency. An additional five points is added for disabled veterans.

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list in one of more positions, locations, or for a specific or unlimited period of time.

WORKDAY: Any day for which an individual employee receives compensation, regardless of the number of hours in a day for which the District's central office is open to the public for business purposes.

WORK YEAR: the portion of the year for which work is authorized.

Y-RATE: A rate above the established rate or range of salary for a class, paid under certain circumstances to specified employees upon authorization by the Personnel Commission in accordance with established rule.

102 Preliminary Statement

A. Statutory Authority for Rules:

1. The rules contained herein are established pursuant to the authority of the Personnel Commission under Article 6 (commencing with Section 45240) of Chapter 5 of Division 3 of the Education Code, and other provisions of the Education Code applicable to school districts that have adopted the merit system.

2. The initially adopted set of rules and regulations were submitted to the Governing Board for its approval. It is the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:

    1. The rule obviously requires Board approval; and
    2. It is difficult to define the division of Commission and Board authority regarding the rule in question.

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

B. Interpretation and Application of Rules:

1. 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.

2. Notwithstanding the foregoing, specific provisions of certain rules may be suspended or amended when such proceedings are necessary to continue the business of the District during an emergency for such period of time as determined by the Commission, providing such suspensions, or amendments do not conflict with specific provisions of law or existing collective bargaining agreements.

3. 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.

C. Judicial Review:

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

103 Enforcement of Merit System Law and Rules

A. The Commission shall enforce the provisions of the Act and of these rules and hold such hearings and conduct such investigation as may be necessary to this end.

104 Additions, Deletions, or Amendments

A. The Commission shall prescribe, amend, and suspend, subject to the provisions of Chapter 5, Article 6 of the Education Code, such rules as may be necessary to insure the efficiency of the service and selection and retention of employees upon the basis of merit and fitness.

B. The Board of Trustees shall prescribe, amend, and suspend, subject to existing provisions of the law, such other rules governing classified employees as are deemed necessary in the conduct of school business.

C. Notice of Amendments:

1. These rules may be amended at any Commission meeting providing notices of proposed amendments have been posted prominently in all work locations in the District at least one week prior to the consideration by the Personnel Commission.

2. Any rule to be so changed shall be read at one meeting of the Commission and not acted upon until a subsequent meeting of the Commission unless emergency conditions require that the notice and one week period consideration be eliminated. In such a case, the Commission will state the nature of the emergency requiring this action.

D. Who May Submit Amendments:

Proposed amendments to these rules may be submitted in writing for consideration by the Commission by any classified employee or his/her representative, the Board of Trustees, or the administrative staff. The Commission shall consider such proposals and act upon them as it deems proper and in accordance with law.

E. Concurrence with Board Policy:

The Personnel Commission shall amend these rules to concur with written policy of the Board of Trustees when that written policy pertains to the classified service and is clearly within the exclusive jurisdiction of the Board of Trustees.

105 Distribution of Rules

A. The rules of the Commission and copies of the Merit System Law (commencing with Education Code Section 45240) shall be made available to each permanent worksite where employees report, school libraries and a copy shall be available for loan to employees in the Personnel Office.

LEGAL REFERENCES:

Education Code

45240 - 45320	Merit System
45260	Power of Personnel Commission to Prescribe and Amend Rules

Government Code

3543.2	Scope of Representation

CHAPTER 2

THE PERSONNEL COMMISSION

201 Establishment of Commission and Merit System

The South San Francisco Unified School District has been a Merit System district since July 1, 1966, after a vote of the classified employees with an overwhelming majority. San Bruno Elementary School District was established in 1866, merging with San Pedro in 1869 to form the South San Francisco Elementary School District. In 1907 the district became a K-8; in 1913 the district added South San Francisco High School; and in 1936 the Elementary and High School Districts unified.

202 Term(s) of Office and General Selection Procedures

The Personnel Commission is composed of three members who must be registered voters, reside in the South San Francisco Unified School District, and be known adherents to the principles of the merit system. One member of the Commission is appointed by the Board of Trustees, one member is appointed by the Board of Trustees upon the recommendation of the classified employee organization which represents the largest number of the District's classified employees, and the third member is appointed by the other two members of the Commission.

A. No member of the Board of Trustees of any school district or county board of education shall be eligible for appointment, reappointment or continuance as a member of the Commission. During his term of office, a member of the Personnel Commission shall not be an employee of the South San Francisco Unified School District.

B. As used in this chapter, known adherent to the principle of the merit system, with respect to a new appointee, shall mean a person who by the nature of his prior public, or private service has given evidence that he supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, known adherent to the principle of the merit system shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he supports the merit system and its operation.

C. The term of office for each of the commissioners is for a three-year period and expires at Noon on December 1st of the third year. The terms of office have been scheduled so that the term of office of one Commissioner expires each December 1st.

D. Specific Appointment Procedures: On or about September 1st of each year, the Personnel Director shall notify the Board of Trustees and the recognized classified employee organizations of the name and home address of the commissioner whose term will be expiring, and whether or not he/she will accept reappointment for another three-year term. The notification will also provide the name of the appointing authority, and the procedures to be followed in filling the upcoming vacancy.

1. The Board of Trustees' Appointment: By September 30th, the Board of Trustees shall publicly announce the name of the person it intends to appoint or reappoint. At a Board Meeting to be held after 30 and within 45 days of the date the Board publicly announced its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Board of Trustees for appointment. The Board at that time may make its appointment, or may make a substitute appointment or recommendation without further notification or public hearing.

2. Where a system is already in existence and a vacancy in a position nominated by the classified employees will occur, the classified employees shall submit the name of its nominee to the governing board at least 30 days prior to the date on which the vacancy will occur and the governing board shall appoint that nominee to be effective on the date on which the vacancy would occur and the board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the board shall then appoint the new nominee.

    a. In the event that a vacancy is created on a Personnel Commission because of the classified employees' failure to agree upon a nominee, the Board of Trustees, upon the recommendation of the Personnel Director, may make the emergency appointment until such time as a permanent appointment can be made, but not to exceed sixty days.

3. The Commissioners' Appointment: By September 30th, the appointee of the Board of Trustees and the appointee of the Classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held after thirty and within forty-five days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, employee organizations, and members of the Board of Trustees the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. Each candidate shall be invited to this meeting.

    a. The appointee of the governing board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint, if the vacancy is their appointee.

    b. If the governing board appointee and the classified employee's appointee are unable to agree upon a nomination by September 30, the Executive Officer of the State Personnel Board shall make the appointment within 30 days.

    c. The appointee of the governing board and the appointee nominated by the classified employees may make their appointment or may make a substitute appointment or recommendation without further notification or public hearing.

E. Filling of Vacancies During Term of Office: In the event that a vacancy occurs during the term of office of any day of the commissioners, a new appointee shall be selected by the original appointing authority to complete the unexpired term in accordance with the procedures noted below. The Personnel Director shall immediately notify the other Commissioners, the Board of Trustees, and the recognized classified employee organizations of the name of the Commissioner, the effective date of the vacancy, the duration of the unexpired term, the name of the appointment authority, and the procedures to be followed in filling the vacancy.

1. Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term. The procedures required in Section 202D shall be followed in the appointment and recommendation for appointment to fill vacancies occurring subsequent to the initial appointments.

2. Notwithstanding subsection (1) the governing board at the request of the Personnel Director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy or vacancies to insure the continuance of the functions of the Personnel Commission. An interim appointment shall terminate on the date the notification of permanent appointment is received by the appointee.

3. An interim appointee must meet the requirements of Education Code Section 45244 and be free of the restrictions contained therein.

4. An interim appointment in no event shall be valid for more than 60 days.

203 Officers of the Commission

A. The officers of the Commission shall be the Chairperson and Vice-Chairperson.

B. The Chairperson shall be elected on a rotating basis annually. At the first meeting following appointment of a new member or the reappointment of an old member to the Commission, the Chair shall be rotated. The Vice-Chairperson will assume the role of Chairperson and the Commissioner not holding office will assume the role of the Vice-Chairperson.

C. The Chairperson shall be the presiding officer at all regular and special meetings of the Commission. In the event of the absence of the Chair, the Vice-Chairperson shall preside.

204 Quorum and Majority

Two members shall constitute a quorum for any regular or special meeting of the Commission, and the affirmative vote of two members shall be required to make any motion of the Commission effective.

205 Rules of Order of the Commission

The Personnel Commission shall be guided in the conduct of its meetings by Robert's Rule of Order

206 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 for closed sessions (see Rule 207). This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings, unless employees are authorized to do so.

B. Individual employees, employee representatives and other interested parties may submit their written views on any matter before the Commission within five working days of the meeting 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.

C. Individuals or groups who wish to present proposals for action by the Commission shall present their requests to the Personnel Director for placement on the Commission agenda. Although the Personnel Commission may on occasion designate one of its members to investigate a specific subject or matter, it is against the policy of the Commission to take up or consider any proposals except at open public meetings.

D. All requests for investigation of personnel problems related to alleged violations of Merit System Law or personnel Commission Rules brought before the Commission or the Commission staff shall be made in writing and shall include specific pertinent facts.

E. <u>Regular Meetings</u>

1. The Personnel Commission shall hold its regular meeting at times and places determined by the Commission.

F. <u>Special Meetings</u>

1. Special meetings may be called by the Chairperson or upon the written request of two members of the Commission. Notice of a special meeting shall be issued at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

207 Closed Session

A. Closed sessions may be held in accordance with the provisions of Government Code Section 54957 to consider personnel matters, negotiations and to receive legal advice.

B. The Personnel Commission shall also, in compliance with Government Code Section 54957.1, publicly report at the meeting during which the closed session is held or at its next meeting any action taken in closed session and the roll call vote thereon.

208 Minutes

A. The Personnel Director shall ensure that the minutes record the time and place of each meeting, the names of Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, his/her dissent or approval and reasons shall be recorded.

B. 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 who have requested them.

209 Compensation of Members of Personnel Commission

In accordance with Board action, each Commissioner shall receive the sum of $25.00 for each meeting attended in any one month, including regular, adjourned, or special meetings.

210 Status of Commission Employees

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.

211 General Duties of the Personnel Director

A. The Classified Personnel Director shall perform all of the duties and carry out all of the functions imposed upon him/her by law and these rules. He/she shall act as secretary to the Commission, shall be free of prejudgment or bias in order to insure the impartiality of the Commission, and shall issue and receive all notifications on its behalf. He/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 Section 45266)

B. The Classified Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he/she deems necessary to his/her responsibilities.

C. 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 Classified Personnel Director, subject to appeal to the Commission.

D. The Classified Personnel Director shall keep such records as are necessary for transactions and reference and for making reports showing administrative actions, including: records of all examinations, eligible lists, records and files of employment history of each employee, history of each position, classification plan and related correspondence.

E. The Personnel Commission is responsible for appointing, directing, evaluating, and disciplining the Classified Personnel Director.

212 Budget Hearing

A. The Personnel Commission shall hold a public hearing on its proposed budget no later than May of each year.

B. The Commission shall forward a copy of its proposed budget to the Board of Trustees at least ten working days prior to the date of the public hearing. The Commission shall invite the board and the district administration to attend and present their views on the proposed budget. Prior to adoption of the proposed budget, the Commission shall fully consider the views of the Board and other interested parties.

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

213 Annual Report

A. The Personnel Director shall prepare, as required by Education Code Section 45266, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees and the Superintendent.

B. The report shall be prepared for a 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.

214 Counsel for the Commission

The counsel of the governing board shall aid and represent the Commission in all legal matters, and if he/she refuses, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the district.

LEGAL REFERENCES: Education Code

45240	Personnel Commission and Director
45244	Qualifications for Membership on Personnel Commission
45245	Appointment of Members of Personnel Commission
45246	Announcement of Recommended Appointees; Public Meeting of Governing Board
45247	Terms of Office
45248	Vacancies
45250	Compensation of Members of Personnel Commission
45252	Office Accommodation of Personnel Commission
45253	Annual Budget of Personnel Commission
45255	Expenditure of Funds for Staff Training

Government Code

54950 to 54961

CHAPTER 3

CLASSIFICATION

301 Positions Included in the Classified Service

A. The position classification plan shall include all the classified positions established by the Board and the Commission, the classes adopted by the Commission, as described and defined in the class specifications and interpreted in these rules, the allocation of positions to classes, and the provisions for administration as provided in these rules.

302 Positions Excluded from the Classified Service

A. The Commission shall classify all employees and positions within the jurisdiction of the Board of Trustees or of the Commission, except those which are exempt from the classified service, as specified in this rule or provisions of the Education Code.

B. All requests for positions exempt from the classified service shall be subject to appropriate evidence of action or agreement by the Board of Trustees as required by law.

C. Education Code Sections 45256 and 45256.5 specify that the following are exempt from the classified service.

1. Positions which require certification qualifications.
2. Part-time playground positions.
3. Full-time students employed part-time.
4. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Article 7 (Commencing with Section 51760) of Chapter 5 of Part 28 of Division 4 of this title and which is financed by state or federal funds.
5. Apprentice positions.
6. Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the Commission when so designated by the Commission.
7. Positions designated by the governing board as senior management.

(See Rule 314, Designation of Senior Management Positions.)

303 Professional Experts Assignments

A. When a professional expert assignment is to be made, the administration shall submit to the Classified 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/her name and data relative to his/her qualifications shall be submitted to the Classified 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/her own profession, as evidenced by one of the following:

1. Approval of a committee of members of his/her own profession.

2. Certification or license to practice that profession by a government agency if such license is established.

3. Listing in such publications as the Biographical Directory of American Men of Science, or Leaders in Education, where individuals are chosen for listing by members of their own profession.

4. By membership in professional honor societies limited to that profession.

5. By advanced degrees in recognized university with a major in the field of that profession.

6. By equivalent criteria acceptable to the Commission.

C. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Authorization for service as a professional expert shall not exceed six months or the length of a specific project, whichever is longest. Additional required service shall be submitted to the Commission for approval.

304 Establishment of Positions/Assignment of Duties

A. The governing board shall fix and prescribe the duties to be performed by all persons in the classified service and other positions not requiring certification qualifications of the school district, except those persons employed as a part of the Commission staff as provided in Article 6 (commencing with Section 45240).

B. The Board may recommend the minimum educational and work experience requirements for classified positions to the Commission. Minimum qualification requirements shall be subject to approval of the Commission.

305 Classification Plan

A. The classification plan shall consist of classes placed in groups according to general occupational nature and listed in a series by specific occupation.

B. The Commission shall classify all employees/positions in the classified service with due advance notice to all interested parties.

306 Definition of Class

A. 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. The titles of the classes shall be used in the payrolls submitted to the Commission for checking and certification and shall be used in the records and correspondence of the Commission.

B. The Commission shall adopt a position classification plan and may create new classes and abolish, divide, or combine existing classes within the classification plan as the needs of the classified service required.

307 Class Descriptions

A. For each class established by the Commission, the Personnel Director shall cause to be maintained in the office of the Commission, in suitable form, official class specifications as approved by the Commission, including:

1. The official class title.
2. The basic function of the class summarizing the duties and responsibilities.
3. Distinguishing characteristics, when possible, giving the positions to be included and excluded from each class.
4. A statement of the desirable qualifications for determining the skills, knowledge, abilities, licenses or certificates, and physical traits or characteristics.
5. Examples of duties to be performed in positions allocated to the class.
6. The date the class specification was adopted and/or revised.

B. The Commission may secure the assistance of any competent agency or person outside the District to prepare or assist in the preparation of such class specifications.

308 Interpretation of Class Descriptions

A. Class specifications and their various parts are hereby declared to have the following force and effect:

1. The class titles used in the classification plan is to be used as payroll titles and in connections with any personnel record or transaction.

2. Class specifications are descriptive and explanatory only. They are not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualifications 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.

3. In determining the class to which any position shall be allocated, the description for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their content and from illustrative information in other parts of the specifications, but to general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

4. Each class specification should identify its proper relationship to other descriptions, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.

5. Qualifications commonly required of the incumbents of all or many offices or positions, such as freedom from disabling defects such that would render a candidate unable to perform the full range of duties and responsibilities of the position, citizenship, honesty, sobriety and industry even though not specifically mentioned in the specifications, are implied in the qualification requirements. Nothing in this statement shall restrict the Board from employing the disabled to meet affirmative action goals when reasonable accommodation can be made.

6. The qualification requirements, when considered with other parts of the description, are 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 do not require a particular form or content of test or testing procedure.

309 Classification of New Positions

A. Whenever a new position is created, the appointing power shall immediately report that fact in writing to the Personnel Director in the manner prescribed, stating the duties to be performed and the responsibilities to be assigned.

B. The Director shall then make such investigation as necessary and proper and shall determine whether the position shall be allocated to an existing class or whether a new class should be created.

C. If a new class is required, the Director shall submit to the Commission for approval his recommendations as to class specifications, placement in the appropriate hierarchy and allocation of the new class to an appropriate salary range.

310 Out-of-Class Assignments

A. When an employee is required to work out-of-classification, the fact shall be reported in writing by the Supervisor to the Personnel Director.

B. When an employee shall be required to perform duties which are not fixed and prescribed for the position by the class specification, or which do not reasonably relate to those fixed for the position, for five days or more in a fifteen calendar day period, he or she shall have his or her salary adjusted upward in such amounts as will reasonably reflect the duties required to be performed. (Applies to CSEA unit members)

C. Food Service employees who are required to work out of classification or who are required to change their work location for two (2) hours or more will be paid at the higher rated classification.

D. All hours performed in an out-of-classification assignment shall count towards seniority in the employee's current classification.

311 Changes in Duties of Positions

A. Any changes in the duties of existing positions shall be promptly reported in writing by supervisors, through proper channels to the Personnel Director who shall then consider such changes to determine whether or not the position should be allocated to a different class or remain as currently allocated.

B. If the Director finds that a position should be reclassified, such data shall be presented to the Commission for action including class specification, proposed class salary, proposed hierarchy placement, and a determination regarding "gradual accretion," if relevant. The effective date of the reclassification shall be the date determined by the Commission.

312 Reclassification Policy

A. Reclassification requests must be submitted in writing together with the reasons to justify the opening of a study.

313 Effect of Classification Changes on Incumbents

A. When All Positions in a Class are Reclassified Upward:

1. Incumbents of the positions who have been in a class for three or more years will be granted status in the higher class without further competitive examination. Incumbents granted status pursuant to this paragraph shall be granted all rights and benefits in the higher class attained in the lower class.

2. Incumbents of the positions who have been in the class less than three years will be granted status in the higher class upon passing an open competitive examination or comparable qualifying examination for the higher class.

B. When a Portion of the Positions in a Class are Reclassified Upward:

1. An incumbent who has a continuous employment record of three or more years in one or more of the positions reclassified shall be granted status in the higher class upon passing a competitive or qualifying examination for the higher class.

2. An incumbent who has a continuous employment record of less than three years in one or more of the positions being reclassified must receive an appointment from an appropriate eligibility list for the higher class in order to remain an incumbent of one of the reclassified positions.

C. Reclassification Downward:

1. When there is a vacant position in the higher class:

a. If the incumbent elects, he/she may be transferred to such vacant position.

b. If the incumbent does not elect transfer to another position in the same class, he/she may retain the reclassified position in the lower class, receiving the salary at the same step in the salary range for the lower class that he/she was receiving in the higher class. In such cases, the employee shall be placed on a reemployment list in accordance with the provisions of Rule 1404, Reemployment Lists.

D. Reclassification at the Same Level:

1. Incumbents of positions reclassified to a class at the same salary level shall be granted status in the new class without further examination.

314 Designation of Senior Management

A. Under the provisions of Education Code Sections 45108.5 and 45256.5 the Board of Trustees may designate up to two positions as Senior Management of the Classified Service. Employees whose positions are so designated shall be part of the Classified Service; however, they shall not attain permanent status in Senior Management classes. Senior Management positions may include the fiscal advisor to the Superintendent and the highest positions that have District-wide responsibility for formulating policies or administering a principle District program area, as determined by the Board.

B. Positions designated Senior Management of the Classified Service shall be filled from an unranked alphabetical list of persons who have demonstrated managerial ability, who have been found qualified for the positions as specified by the district superintendent and determined by the Personnel Commission.

LEGAL REFERENCES: Education Code

45104	Positions Not Requiring Certification Qualifications
45105	Positions under Various Acts Not Requiring Certification Qualification; Classification
45105.1	Classified Service
45108	“Restricted Positions”
45108.5	Senior Management Employees
45109	Fixing of Duties
45110	Inconsistent Duties; Compensation
45111	Prohibition against Requiring Classified Employees to Reside Within District
45112	Staff Assistants or Field Representatives
45240	Personnel Commission and Director
45256	Establishment of Classified Service; Positions Exempted
45256.5	Senior Management of the Classified Service
45258	Positions Established for the Employment of Community Representatives in Advisory or Consulting Capacities Exempt from Classified Service
45259	“Restricted” Employees Classification
45263	Powers and duties of Personnel Commission Regarding Apprenticeships
45267	Provisions Applicable to Non-Certificated Personnel Apply as Well to School District with Merit System
45272	Vacancies in Classified Service
45285	Reclassification
51760	Work Experience Education

CHAPTER 4

RECRUITMENT BULLETINS AND APPLICATIONS

401 Policy Regarding Conducting Examinations

A. Prior to recruitment, the administration shall notify the Personnel Director promptly of a vacant position and anticipated vacancies. Notification should be made on the appropriate form, giving location, hours, work year, etc. Whenever possible, eligible lists should be developed prior to the position becoming vacant.

B. Transfer opportunities and other recruitment bulletins will be posted throughout the District for the number of days designated in the CSEA contract.

402 Pre-Examination Information

A. The Personnel Director shall ensure that each examination is job-related and properly tests the relative fitness of the candidates.

B. The development of recruitment bulletins shall be based on such data as anticipated number of vacancies; review of previous examination administrations; statement of any changes which have occurred in the class; summary of the examination plan including recruitment program, examination outlines, etc.

403 Competitive Basis for Examinations

A. <u>Continuous Examinations</u>

1. When there is a shortage of eligible to fill vacancies in the service in any class, the Personnel Director may authorize recruitment by continuous examinations. The Commission shall be provided with a rationale when continuous examination authorization is proposed.

2. All qualified applicants who have applications on file at the beginning of a continuous examination process for a class shall be notified.

3. The continuous examination shall be promulgated under similar conditions and techniques as previous examinations for the same class, and resulting lists may be merged with pervious lists for the class in the relative order of merit of the eligible.

4. Terminations of continuous examination procedures for any class may be effected by action of the Commission.

B. Promotional Examinations

1. Upon approval of the Commission, the Personnel Director, as the needs of the service may require, may announce and hold promotional examinations, which shall be limited to District employees with permanent status in appropriate classes designated by the Commission.

2. Applicants for promotional examinations must meet the established minimum qualifications for the class and must have received an overall rating of at least "satisfactory" in their last performance evaluation.

3. Any probationary, limited term or provisional appointee who immediately preceding his/her current appointment held permanent status in an eligible class shall be deemed to meet the requirement of permanent status for eligibility to compete in a promotional examination.

404 Compliance with EEOC Guidelines

A. All examinations will be in compliance with Equal Employment Opportunity Commission (EEOC) Guidelines.

405 Recruitment Bulletins

A. Whenever it is necessary to fill existing or anticipated vacancies in the classified service, or whenever an eligibility list in any class is about to be abolished in accordance with the provisions of law and these rules, the Personnel Director may direct the holding of an examination to provide eligible, but this act shall require ratification by the Commission. The examination shall be held at such places as the Commission may deem advisable.

1. Recruitment bulletins shall be distributed widely throughout the District and in other potential recruitment areas. Other recruitment efforts may be by publication in daily newspapers recruitment area or by special aggressive, imaginative efforts where appropriate.

2. Notices of promotional examinations shall be widely distributed throughout the District to assure that all eligible employees will become aware of promotional opportunities.

3. The recruitment bulletin shall contain the following facts as fixed by the Personnel Director, except where these rules may provide to the contrary:

   a. Class Title
   b. Salary range and/or other compensation
   c. Such parts of the class specification as adequately describe the scope of duties and responsibilities.
   d. Minimum qualifications
   e. General summary of the skills, knowledge, abilities and traits to be examined in each test and the relative weights of each test.
   f. Last date to file an application and place to file the application
   g. Competitive basis for the examination
   h. Appointment information such as fingerprinting, TB test, physical examination, oath allegiance, length of probationary period.

i. Such other information as will assist the public in understanding fully the nature of the employment and the procedure necessary to participate in the examination.

B. Desirable qualifications shall relate to the duties of the class and should admit an adequate field of competition.

D. No candidate shall be required to become a resident of the District unless required under special programs.

E. Possession of a license or credential shall not be a qualification unless mandated by statute.

406 Notification Cards

A. The Personnel Director shall maintain a job interest card system which will allow a person to file his/her name and address to be notified of an examination when it is open for filing.

407 Filing of Applications

A. All applications must be made upon official forms provided by the Personnel Commission, filled out as therein directed and filed in the office of the Personnel Director, in accordance with instructions contained in the recruitment bulletin. A separate and complete application must be filed for each examination.

B. For affirmative action purposes, questions regarding ethnic/sex/handicap data shall be on a separable attachment to the application, and the completion of such questions shall be voluntary.

C. All applicants must inform the Personnel Office, in writing, of any changes of name, address and telephone number.

408 General Qualifications of Applicants

A. All applicants must be United States citizens or be legally authorized to work in the United States, possessing appropriate work permit cards.

B. All applicants must meet the desirable qualifications and be mentally and physically able to perform the duties of the position for which they are applying. Disabled persons shall be given equal employment opportunity and reasonable accommodation for employment shall be made.

C. Candidates selected for appointment may be required to pass the medical examination prescribed by the Commission and at District expense by a physician designated by the District. The type of work involved will determine whether or not a pre-employment physical examination is required. Any competitor who fails to meet the established medical and physical standards shall be rated as not qualifying.

D. All convictions must be declared when submitting the application form.

E. After selection for employment, candidates will be fingerprinted and are required by law to sign an Oath of Allegiance to the United States.

F. Before beginning work, candidates must submit to the Classified Personnel Office a verification of a chest x-ray or tuberculin test indicating they are free of tuberculosis. Such verification must be dated within sixty days of the first day of employment.

G. 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 candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefore. In addition, there shall be no discrimination on the basis of sex or age.

409 Disqualification of Unfit Applicants, Candidates, and Eligible

A. The Personnel Director may refuse to examine an applicant or, after examination, may withhold from certification from an eligibility list the name of an applicant for any of the following reasons:

1. Failure to meet the general qualifications as listed in Rule 408 may be grounds for disqualification.

2. Refusal to take or sign the Oath of Allegiance shall be grounds for disqualification.

3. Advocacy of overthrow of the Government of the United States (or the State of California) by force, violence or unlawful means shall be grounds for disqualification.

4. Conviction for any of the following are grounds for disqualification: crime involving moral turpitude or sex offense and some narcotics offenses as outlined in Sections 45304, 44009, 44010, 44011. Other convictions may be grounds for disqualification, such as various felonies; mistreatment of children; misdemeanor of a serious nature.

5. Intentionally making a false statement as to any material fact or practicing any deception or fraud in certification or appointment or in securing eligibility to take the examination may disqualify that person or subject that person to removal after employment.

6. A person's conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s), age of the person at the time of the offense and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting the offenses; person's attitudes and the duties of the class.

7. Evidence of the habitual use of intoxicating beverages or drugs while on duty or affecting person's ability to perform work may disqualify a person.

8. Dismissal or resignation to avoid dismissal for cause which indicates poor performance in the type of work.

9. Separation from the South San Francisco Unified School District, or other previous employment, because of incompetence or inefficiency.

10. A person may be disqualified for unsatisfactory health after the job offer is made if it could impact on successful performance of the job duties. Written proof of such conditions or disability must be submitted by a physician after a medical examination paid for by the District.

11. A person may be disqualified for failure to report for duty after accepting an employment offer or for not being available to report for interview or work.

12. A person may be disqualified for serious or numerous traffic violations when driving is part of the duties of the class.

13. A person may be disqualified for failure, after due notice, to report promptly for review of any of the above bases for rejection.

14. Refusal to furnish proper testimony relevant to a hearing before the Commission or the Governing Board.

15. A person may be disqualified for discharge other than honorable from the armed forces of the United States. There must be direct relationship between the offense committed and the job duties.

16. Other reasons deemed sufficient by the Commission.

B. The Director may limit the number of candidates who may take an open examination to a reasonable number of the most qualified applicants as those qualifications relate to the District's needs. However, there shall be no limitation placed on the number of approved employee candidates who may take an open or a promotional examination.

410 Application Forms are Property of the District

A. All applications and examination papers are confidential records of the Commission and will not be returned to the applicants except that the Commission may permit the appointing power or representative to inspect applications of persons being considered for appointment.

B. The names of the applicants in any examination shall be confidential.

411 Examination for Business Manager

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

B. All permanent employees of the district, classified and certificated, who meet the established minimum qualifications of the classification shall be eligible to compete in the examination as promotional candidates.

C. Promotional credits, including seniority credits, if any, shall be equally applicable to both classified and certificated promotional candidates.

D. Eligibility lists resulting from such an open-competitive and promotional examination shall be merged, according to the order of the examination scores, into a single

eligibility list, after the scores of each promotional candidate have been adjusted for promotional credits, including seniority credits, if any.

E. The examinations for any such position shall not be construed to be an entrance level position examination.

412 Veteran's Preference

A. To be entitled to veteran's preference as provided in Education Code Section 45296, applicants shall submit proof of honorable active military service of at least thirty days in the United States Air Force, Army, Navy, Marine Corps, or Coast Guard to the Classified Personnel Director, or his authorized representative, on or before the date of the qualifications appraisal interview.

B. Veteran's preference will be granted on the entrance examination by giving an additional five points for veterans and ten points for disabled veterans to be added to percentage scores. "Disabled Veteran" as used means any veteran as defined in Section 45294 who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

LEGAL REFERENCES: Education Code

44009	Conviction of Specified Crimes
44010	Sex Offense
44011	"Controlled Substance Offense" Defined
44940	Sex offenses; Controlled Substance
44940.5	Offenses; Compulsory Leave of Absence
45111	Prohibition against Requiring Classified Employees to Reside Within District
45122	Physical Examinations
45123	Employment after Conviction of Sex Offense or Controlled Substance; Rehabilitated Controlled Substance Offender
45124	Employment of Sexual Psychopath
45125	Use of Personal Identification Cards to Ascertain Conviction of Crime
45261	Subjects of Rules
45272	Vacancies in Classified Service; Promotional Applicants
45276	Educational and Work Experience Requirements for Classified Positions
45277	Appointments from Eligibility Lists Where Another Language or Driver's License is Required
45278	Written Notice Regarding Tests, Vacancies, and Transfer Opportunities
45280	Examination for Business Manager
45281	Competition through Promotional Examination
45282	Examination for Certain Positions
45284	Conditions for Certification for Employment from Open-Competitive Eligibility List before Exhaustion of Promotional Eligibility List
45291	Combinations of Successive Eligibility Lists
45292	Right to Provide Continuous Examinations
45294	"Veteran" Defined
45295	"Disabled Veteran" Defined
45296	Additional Credits for Veterans Entrance Examinations
45298	Reemployment and Promotional Examination Preference of Persons Laid Off; Voluntary Demotions or Reduction in Time
45300	Duration of Eligible Lists
45304	Written Charges for Suspension, Demotion or Dismissal; Provisions for Suspension Pending Determination of Sex Offense or Narcotics Offense

CHAPTER 5
EXAMINATIONS

501 Purpose and Character of Examinations

A. The purpose of an examination is to provide equal opportunity for all qualified candidates to demonstrate their relative fitness in relationship to the skills, knowledge, abilities and traits required for the class.

B. All examinations shall include a test in the English language in addition to such other tests as the Commission may direct. Examinations may be composed of an application screening, a written, oral, performance, assessment center, practical demonstration, or any combination necessary which meets such purpose.

C. It is the intent of the Commission that the most appropriate method of testing be used which is both job-related and has the least adverse impact, with due consideration for factors of time and cost of administration.

502 Test Preparation

A. The best possible tests should be developed which will provide proper coverage of subjects at an appropriate level of difficulty. Therefore, extensive use of all possible facilities, experts, and materials is recommended. Extensive use should be made of the supervisory review in the pre-examination planning.

B. The Personnel Director shall prepare or cause to be prepared the written examination questions. The assistance of any competent person or agency may be used. Any test supplied by an outside agency shall be subject to the rules of the agency.

C. Examinations, whether prepared within the District or secured from outside sources shall, after their preparation, be securely sealed. This seal shall not be broken until the beginning of the examination, and then only in the presence of the competitors and by an authorized agent of the Commission.

503 Examination Procedures

A. Any attempt by a candidate to influence or induce any employee or examining assistant who has access to confidential materials to give said candidate an advantage or to obtain a special rating shall be grounds for disqualification and filing misdemeanor charges with the District Attorney.

B. If, prior to an examination, an employee, Commission staff member, or examining assistant furnishes any candidate with questions, answers, sources of information or any other information pertaining to an examination that could give any candidate an advantage or break confidentiality, that person shall be subject to disciplinary action. This, also, may be the subject of misdemeanor charges being filed.

C. Any connection between anyone involved in the District's selection program with training classes or coaching schools operated for the purpose of preparing candidates to take merit system examinations is prohibited.

504 Notice of Tests

A. Applicants whose applications have been accepted shall be given written notification of the date, time and place of a test and said notification shall provide adequate notice in advance of the test date. No candidate may be admitted to any examination without such authorization of other satisfactory evidence of having filed an acceptable application.

B. Applicants, candidates, eligible and employees must maintain an up-to-date home address and telephone number with the Personnel Office and must report any change in writing to the Personnel Office. Failure to do so may result in his/her disqualification or removal from the eligibility list.

C. Examinations for positions in the classified service shall be open to all applicants who meet the requirements of the Act, these rules, and the class specifications.

D. Any employee notified to appear for an examination shall be given time off to participate in the test/interview.

505 Test Administration

A. Candidates must take the test on the prescribed date, time and place and under the same or similar conditions.

B. No candidate may be admitted once the test instructions have begun.

C. All necessary explanations shall be made to all candidates and no question shall be explained to a candidate individually. Proctors are forbidden to explain the meaning of or to make remarks relating to any question that may assist in its solution.

D. The time limit, if any, prescribed for each test shall be announced at the beginning of the test and the ending time shall be posted.

E. Communication between competitors during the examination is strictly forbidden, and competitors are forbidden to receive aid from one another or to use any unauthorized help in any form. Before the commencement of an examination, competitors will be required to hand to the examiner any printed or written material or mechanical devices in their possession that might serve to aid them in the examination, unless such material is expressly permitted as part of the examination process.

F. Evidence of copying or collusion by a competitor may result in the cancellation of that candidate's examination papers and the disbarment of the competitor from future examinations. Copies of questions in the examination shall not be made or taken from the examination room.

G. Written examinations shall be so managed that none of the written examination papers shall disclose the name of any competitor until all examination shall not be made or taken from the examination room.

H. Candidates in any written testing process shall not reveal their identity. Any competitor in any examination who places any identifying mark upon his/her examination papers (other than the identifying mark prescribed at the time of the examination), or who makes any attempt to disclose to others the identity of his/her

papers prior to the completion of the examination may be deprived of all benefits under such examination.

506 Testing Disabled Applicants

A. Disabled persons will be given equal employment opportunity when competing in examinations.

B. After successful completion of all examinations and after certification, eligible identified as disabled will be scheduled for special medical examination to determine the feasibility of making reasonable accommodation. Such medical examination shall include a review of the specific duties of the individual job and an assessment of whether the eligible may utilize an adaptive aide to meet minimum job performance standards.

507 Use of Proctors

A. All tests shall be administered under proper, continuous supervision.

B. Proctors shall be required to inventory supplies/tests, check candidate identification, record candidate questions and unusual occurrences, note beginning and ending times, document the number of candidates, etc.

C. Persons may not serve as proctors for those tests which are in line of their promotion.

508 Inspection of Examination Papers

A. Examination papers shall be open to inspection only as provided by these rules. Two types of inspections will be permitted: Key inspection and answer sheet/booklet inspection.

1. Inspection of a Key: Inspection of a keyed copy of the examination question booklet which is for the purpose of requesting a review of such item(s) as the candidate may believe is incorrectly or improperly keyed will be allowed for five working days from the date of mailing notices of test results. The candidates will be allowed one-half the amount of the time originally allowed to answer the questions during the administration of the examination. During key inspection, the Personnel Director, or his/her representative, will be present.

    a. Keyed copies of copyrighted or standardized examinations or examinations and questions not scored by the Commission shall not be available for review.

    b. During the period of inspection, the competitor may file with the Personnel Director a written appeal from any part of the test, citing the item or items against which the appeal is directed and stating the reasons for such appeal. The disputed items will be reviewed and appropriate adjustment will be made by the Personnel Director, by correction in the scoring key or elimination of the disputed item(s). The results of the written examination shall not be deemed complete until the question of any disputed items has been settled.

2. Inspection of an Answer Sheet/Booklet: Inspection of a candidate's answer sheet/booklet which is for the purpose of detecting whether any clerical or other

error has been made in the scoring shall be allowed for a thirty calendar day period immediately following the notification to the candidate of examination results if the examination was authorized by the Commission staff.

a. During the review, candidates will not be allowed to review the questions. Normally, one hour will be allowed for answer sheet/booklet review, during which time the Personnel Director, or his/her representative, shall be present.

b. Any errors found may be appealed and will be corrected if found to be actual errors.

B. A competitor's examination papers shall be open to inspection only by the competitor, his/her attorney upon written authorization of the competitor, or the appointing power to whom the eligible has been certified.

C. An appointment made in good faith from an eligibility list believed to be correct at the time of appointment shall not be invalidated if error is later discovered in the scoring of the examination papers or in the processing of the applications. However, the Personnel Director shall notify the appointing power in writing if the corrected score of an appointee is found to be below the passing score for the examination.

509 Use and Selection of Raters for Qualifications Appraisal Interviews

A. In any examination, the education, experience and personal qualifications of competitors may be rated after a qualification appraisal interview and such investigations as may be necessary.

B. The interview shall be conducted and the ratings made by a board of two or more members. The Board may include on or more persons from the District or another governmental agency or private agency or business who is familiar with and competent in the work of the class for which the appraisal interview is being held.

1. District employees who are at the first or second level of supervision in the class being examined may not serve as oral examiners. Other district employees may serve.

2. Whenever possible, every effort shall be made to provide minority and female representation on the panels reflective of the make-up of the community served.

C. There may be two oral examinations: One technical oral and the other a general fitness evaluation oral. Unless the oral board is specifically required to evaluate candidates' technical knowledge and skills, it must confine its examination to the evaluation of general fitness of the candidates.

D. All oral examinations must be electronically recorded and all examination data, including tapes, must be retained by the Commission for at least 90 days.

E. Qualifications appraisal interviews board, but if one member of the board is not present during all or part of the proceeding, the board may nevertheless proceed.

F. If, in the course of an examination, a competitor appears for interview and that competitor is related by blood, by adoption, or by marriage to any interviewer, it shall be the duty of the interviewer and of the competitor to reveal such relationship. The

Commission representative shall record such information on the rating sheet of the competitor. Such interviewer shall be disqualified for the interview with that particular competitor and shall not be present during the interview nor during any discussion about or rating of the competitor.

G. Ratings of education, experience and personal qualifications shall be made on a competitive basis, and competitors shall be rated thereon in relation to the comparable qualifications of other competitors.

1. Ratings accorded competitors shall all be expressed in percentages with 70 percent being the minimum qualifying rating.

2. Ratings shall be made independently by each interviewer either before or after discussion with other interviewers.

3. The ratings of the several members of the qualifications appraisal board shall be averaged to determine each competitor's final rating on education, experience, and personal qualifications except that if the average is below 70 percent, but a majority of the panel assign at least the required rating of 70 percent, the competitor shall be qualified regardless of the fact that his/her average rating may be less than 70 percent.

4. If a rater gives a failing score, he/she must state specific reasons for failing, identifying candidate actions or statements which let to such decision. This will be handled confidentially.

H. In promotional examinations, the two most recent performance evaluations of the competitor may be made available to the qualifications appraisal board during the interview proceedings.

I. The panel shall be briefed regarding the duties of the class; skills, knowledge, abilities and traits; examination process; knowledge and abilities to be covered in the panel, and use of the interview sheet; interviewing techniques, and scoring methods. Under the supervision of the examiner in charge, a supervisor may be invited to participate in a briefing to provide the panel with job-related information and organizational structure.

J. All questions must be job-related. No questions shall be asked relative to political or religious opinions, race, color, national origin, ancestry, marital status or disabilities.

K. Because of the potential violation of confidential data and poor public relations, any candidate who attempts to contact a rater regarding the examination shall be disqualified.

510 Computing Final Scores

A. All examination papers shall be marked and scored under the direction of the Personnel Director, or the authorized person or agency outside the District employed for this purpose.

B. With proper proof of entitlement to veterans in accordance with Rule 412, veterans shall receive five points and disabled veterans shall receive ten points.

C. A permanent employee of the District who attains a passing score on an open-

competitive examination shall be given a preferential promotion credit of five points which shall be added to his/her total score, which will include veterans preference, if eligible, to constitute his/her final score.

D. The final scores of candidates shall be rounded to the nearest whole percent and all eligible with the same percentage score will be considered as having the same rank. Appointments shall be made from eligible having the first three ranks on the appropriate eligibility list is ready and willing to accept the position.

511 Notice of Final Score

A. As soon as the rating of an examination has been scored and the eligibility list established, candidates shall be notified of their score and rank or the fact that they failed the examination.

B. A copy of the eligibility list shall be posted in the Personnel Office during the life of the list.

512 Protest Period Following Interviews

A. When notification of examination results is sent to each candidate, the candidate shall also be notified that the five working days following mailing of notification of scores is the time during which protests may be filed.

B. Protests, in writing, shall only be accepted if they deal with impropriety in the administration of the test or if there was evidence of discrimination.

C. Protests must be submitted with substantiating evidence and protests shall not be accepted merely because a candidate disagrees with the rater’s judgment.

LEGAL REFERENCES: Education Code

44031	Personnel File Contents
45261	Subjects of Rules
45272	Vacancies in Classified Service; Promotional Applicants
45273	Examinations; Examination Boards: Membership, Recordings
45274	Retention and Availability of Examination Records; Review and Protests
45280	Examination for Certain Positions
45291	Right to Provide Continuous Examinations
45293	Questions to be Asked Candidates; No Discrimination in Appointment
45296	Additional Credits for Veterans' Entrance Examination
45317	Violation of Article a Misdemeanor; Other Unlawful Acts

CHAPTER 6

ELIGIBILITY AND EMPLOYMENT LIST

601 Established and Life of Eligibility Lists

A. After an examination is completed, the names of successful candidates shall be arranged on the list in the order of their qualifying scores. The eligibility list thus created shall become effective upon approval by the Commission's Secretary, but shall require ratification by the Commission.

B. The length of time during which such list shall remain in force shall be one year, subject to the provisions of sections 45291 and 45300 of the Act, unless an extension of time not to exceed one year is authorized by the Commission.

C. Any person whose name is on an eligibility list at the time of its expiration and who desires to remain on an eligibility list for that class must file a new application during the filing period of the next examination for that class.

602 Kinds of Employment Lists

A. Reemployment Lists:

1. The names of permanent and probationary employees laid off because of lack of work or lack of funds shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be ranked in accordance with their proper seniority.

2. At the request of such employee and with the approval of the Commission, the name of the employee may also be placed on a reemployment list for comparable or lower classes.

B. Promotional Lists:

1. Successful competitors in a promotional examination, as provided in these rules, shall have their names placed on a promotional eligibility list for the class.

2. An employee who leaves the classified service, except for layoff or military leave, shall be considered as having relinquished the right to promotion, and his/her name shall be removed from existing promotional lists.

C. Open-Competitive and Promotional Lists:

1. An examination may be held on an open-competitive and promotional basis to provide a list of eligible when (a) a class has fewer than three positions or (b) when the most recent promotional eligibility list failed to provide sufficient available eligible to fill all the vacancies occurring in the permanent positions during the first year of life of the eligibility list.

2. All appointments shall be made from the first three eligible with the highest score as determined above, who are willing to accept the position.

D. The reclassification or reallocation of all incumbents and positions in a given class shall automatically reclassify or reallocate the reemployment and eligibility lists for that class unless otherwise designated by action of the Commission.

603 Use of Eligibility Lists

A. Whenever a position is to be filled, the appointing power shall notify the Personnel Director in advance of the date of the anticipated need, and shall submit a written request for certification on the form prescribed by the Personnel Director, stating the classification, tenure and location of the position.

B. Employment of personnel on a probationary basis shall be from eligibility lists by action of the Board of Trustees.

604 Certification from Employment Lists

A. Certification from eligibility lists shall be from the first three ranks of available eligible. Names shall be certified for appointment from employment lists in the following sequence:

1. Reemployment List: A reemployment list shall take precedence over all other employment lists in appointment. The name of the eligible standing highest on an existing reemployment list for a class shall receive the first appointment. Eligible shall be taken in order until the list is exhausted or expires.

2. Promotional Eligibility: List: When no reemployment list exists, appointment shall be made from one of the eligible in the first three ranks of available eligible on an existing promotional list for the appropriate class.

3. Open-Competitive List:

a. When no promotional eligibility list exists, appointment shall be made from one of the first three ranks of available eligible on the open-competitive list for the class.

b. Appointments may be made from other than the first three ranks on the eligibility list when the ability to speak, read, or write a language in addition to English, or possession of a valid driver's license, is a requirement of the position to be filed.

B. If there are less than three (3) ranks on the eligibility list, the appointing power has a choice of interviewing from the eligibility list or calling for an examination.

C. If a position requires proficiency in a foreign language in addition to Basic English language skills, certification may be limited to those eligible successfully passing the examination for that foreign language skill.

605 Combination of Successive Eligibility Lists

A. During the first year, an eligibility list may be combined with a succeeding eligibility list for the same class.

B. Eligible on both lists will be placed on the combined list in the order of their final score, if lists so merged have been promulgated under conditions and techniques which are sufficiently similar to preserve their competitive character.

C. Eligible on a combined eligibility list shall retain their original expiration date.

606 Provisional Appointments

A. When no eligibility list exists for a position in the classified service, a new employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90 calendar day interval shall then elapse during which the person will be ineligible to serve in any provisional capacity.

B. 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 in Education Code 45287, successive 90 working day provisional appointments may be made to the part-time position for a total of more than 126 working days in any one fiscal year.

C. The Personnel Commission may, upon request by the Board of Trustees or its agent, authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:

1. An examination for the class was completed during the first 90 working days of his/her provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:

2. Evidence satisfactory to the Personnel Commission is presented indicating:

a. An adequate recruitment effort has been made and is being made.

b. Extension is necessary to carry out on vital functions of the District.

c. Other eligibility lists and employment procedures cannot satisfactorily be used to fill the position.

D. The services of provisional appointees who fail to establish a status for a position in their class after having taken examination for such position shall be terminated within fifteen calendar days after the date on which an eligibility list has been established for such positions, provided this fifteen day period does not extend beyond their 90-working day provisional assignment.

607 Waiver of Certification

A. An eligible may decline two offers of permanent appointment without injuring his/her status on the list, provided an acceptable written explanation is submitted for declining the appointments. A third refusal shall result in placing the eligible's name on the inactive list.

B. Failure to respond within five days, except in a case of circumstances beyond the control of the eligible as determined by the Personnel Director, shall result in placing the eligible name on the inactive list.

C. Failure to accept, or rejection of, an offer of limited term employment will not affect adversely the right of any person on a reemployment or an eligibility list to certification to a permanent position.

D. Under this rule, any position which may continue for more than six months is deemed to be a permanent position.

E. Whenever an eligible has been certified to the appointing power and such eligible waives appointment, the Personnel Director shall certify the next highest eligible(s).

F. If the appointing power has at the same time more than one vacancy in the same class there shall, if possible, be certified as many ranks as there are vacancies and two ranks in addition thereto. The appointing power shall fill the first vacancy by the selection of one of the highest eligible certified. Every succeeding vacancy shall be filled in like manner by selection in turn from the highest remaining names.

G. Inactive List: An eligible may at any time have his/her name temporarily withdrawn from the employment list and placed on an inactive list upon giving in writing reasons satisfactory to the Commission. Upon written application of the eligible during the period of his/her eligibility, his/her name may be restored to the eligibility list at the discretion of the Commission.

608 Selection Questions and Decisions

A. 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 candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefore.

B. Following a certification of names and the holding of selection interviews, the Board of Trustees, through its proper agent, shall immediately report the selection in writing to the Personnel Director.

C. Effective date of appointment will be based on the eligible's completion of all pre-employment forms, such as Loyalty Oath, Fingerprint Cards, Pre-placement physical if required, etc.

D. When an eligible selected for a permanent position, his/her name shall be removed from the list.

609 Removal of Name from Eligibility List

A. If an eligible is certified from the same list three separate times and is passed over by the appointing power on all three certifications in favor of the other eligible certified, his/her name may be permanently removed from the list by the Commission upon receiving written statement from the appointing power as to why the eligible was not appointed.

B. The eligible will be informed by the Commission of the reasons for his/her removal from the list.

C. Any limited term employee may be dismissed from limited term status for such

reasonable causes as are designated by the rules of the Commission as detrimental to the efficiency of the service. Dismissal for such causes shall be sufficient reason for removal of the person's name from eligibility lists for that class.

610 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, three days after the date a notice has been mailed shall be deemed a reasonable time in which to respond. If the eligible resides outside the District, a reasonable time in which to respond shall be three days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for his/her answer to be returned by mail.

B. 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 name in lieu of the name of such eligible.

C. Every person who has been placed on any eligibility list or reemployment list shall, promptly and in writing, file with the Commission his/her current mailing address and place of residence to which the Personnel Director shall direct all notices. It is required that whenever any change in mailing address occurs, the eligible shall promptly notify the office of the Commission, stating the name of the list or lists. Failure or neglect on the part of any such person to file such information with regard to any change thereof may, at the discretion of the Commission, operate as a waiver of his/her order of certification and/or appointment from any such list or lists.

611 Emergency Appointments

A. In the event 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 agents, may make emergency appointments without reference to eligibility list for a period not to exceed fifteen 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, the appointee's date of appointment, nature of duties performed and giving a statement justifying the emergency nature of such appointments.

C. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

D. No salary claim beyond the fifteen day emergency shall be paid for services performed under the emergency appointment until such claim shall has been approved by the Commission.

612 Summer Employment

A. Vacancies due to summer vacation and other short-term summer positions shall be filled, insofar as practicable, by those regularly employed on less than a twelve-month basis provided:

1. That the appointments shall be made from appropriate special lists of those eligible employees who make specific application each year before the end of

the school year for the position for which they are qualified.

2. That in the case of appointment in the class in which the employee is regularly assigned, the order of appointment shall be on the basis of seniority. In the case of appointments in other classes, the order of appointment shall be on the basis of seniority in the District and qualifications to perform the duties in that assignment.

B. No person whose last performance rating is unsatisfactory shall be placed on the list for summer employment. Permanent employees trained in a specific type of summer employment in past years may be reemployed for identical service, regardless of their places on vacation lists.

C. Applicants for positions involving manual labor may be required to submit to qualifying strength tests.

D. Appointment to one or more positions in which the combined service equals a minimum of twenty working days satisfies the claim of any eligible person whose name has been reached for appointment.

E. A permanent employee with less than a twelve-month assignment who is employed at other times than is required in his/her regularly assigned position and who is employed in the classification in which he/she holds status shall be compensated for the days actually worked at the rate he/she should have earned had the employment occurred in his/her regularly assigned position.

F. Should such employee work additional time in a lower class, he/she shall be compensated at a rate determined by crediting the employee with all his/her permanent classified service, provided that no salary in excess of the maximum for the class in which he/she is then serving shall be paid.

G. Additional employment in a higher class shall be compensated at the step in the salary range for the higher class that is next above the rate received in the employee's regular class. Thereafter, each consecutive fiscal year, the time served as additional employment in the range for the higher class until the maximum step in the salary range is reached provided the rate in the higher class is at least a full step more than the rate received in the employee's regular class.

H. No additional rights or benefits, including vacations, sick leave, or holiday pay, shall accrue to any employee because of additional employment, except that a classified employee who holds probationary or permanent status with the District shall earn vacations, sick leave and pay for holidays provided he/she is compensated for the day before and the day after the holiday. The holiday pay and sick leave pay shall be at the same rate he/she received the previous day of compensation.

LEGAL REFERENCES: Education Code

45272	Vacancies in Classified Service; Promotional Applicants
45277	Appointment from Eligibility Lists Where Another Language or Driver's License is Required
45284	Conditions for Certification for Employment from Open Competitive Eligibility List Before Exhaustion of Promotional Eligibility List
45290	Emergency Appointments
45291	Combination of Successive Eligibility Lists
45293	Questions to be Asked Candidates; No Discrimination in Appointment
45298	Reemployment and Promotional Examination Preference of Persons Laid Off: Voluntary Demotions or Reductions in Time
45300	Duration of Eligible Lists
45308	Order of Layoff and Reemployment; Length of Service

CHAPTER 7

PROBATIONARY PERIOD

701 Length of Probationary Period

A. An appointment to a permanent position from an open-competitive eligibility list or a promotional eligibility list shall be for a probationary period of six months or 130 working days of paid service, whichever is longer. The Commission may establish a probationary period not to exceed one year for appointment to positions in classes designated by the Commission as Management.

B. The probationary period shall not include time served under emergency, provisional or limited term appointments, nor any months in which the employee is at work for less than 50 percent of the working days of the month.

C. In the case of employees engaged on an "as needed" basis, the probationary period shall be deemed satisfied when the employee has worked a total of more than 126 working days in any one fiscal year and is not taking the place of classified employee on an approved leave of absence.

D. A probationary employee shall attain permanent status when he/she has been continuously employed in a position defined as a position in the classified service for a period of 6 months. No layoff or suspension of service during the time when the schools of the District are not in session shall count as an interruption of continuous service.

E. No employee shall attain permanent status in the classified service until he/she has completed a probationary period in a class.

702 Report of Performance

A. During the probationary period of each employee, his/her performance in the position shall be evaluated at the end of the first, third, and fifth months by the immediate supervisor and the reports submitted to the Personnel Director.

B. The evaluation at the end of the fifth month shall be a statement as to whether the employee is being recommended for permanent status in the classification.

703 Termination of Probationary Service

A. During the probationary period, if the probationer's performance is found to be unsatisfactory, it shall be the duty of the appointing power to reject him/her from the service. The rejection shall be reported in writing to the Commission through the Personnel Director.

B. There shall be no appeal from such rejection.

704 Reinstatement to Former Position/Displacement of Probationer

A. A permanent employee who has vacated a position to accept another position in a higher class and who is rejected for inability or failure to perform the duties of the higher class during the probationary period shall be reinstated in the former position.

B. The incumbent of such position at the time of reinstatement of the rejected probation shall be transferred to a vacant position in the same class, if such exists, or shall be restored to his prior held position in the District. If no prior position was held by the displaced employee, he/she will be terminated, and his/her name restored to the eligibility list from which appointed.

C. Any employee displaced by such restoration to a prior position shall have similar rights of displacement as though the restored employee were a rejected probationer.

705 Incomplete Service by Probationer

A. Should the probationary employee be laid off without fault or delinquency on his/her part before completion of the probationary period, his/her name shall be restored to the eligibility list.

LEGAL REFERENCES: Education Code

45301	Probationary Period for Entry into Permanent Classified Service
45270	Persons Deemed Under Probationary Classification
45271	Rights of Employees Serving in a Classified Position by Virtue of Change of Law

CHAPTER 8

PROMOTIONS AND DEMOTIONS

801 Vacancies Filled by Promotion

A. Vacancies in positions, unless filled by reemployment, transfer or reinstatement, shall be filled insofar as practicable by promotion from among employees holding positions in such appropriate classes as the Commission may designate.

B. Promotions shall be based upon merit as determined by competitive examinations and by the superior qualifications of the employee as shown by interview, performance evaluations, or by other appropriate means to ascertain the past performance and future potential of the employee.

C. Regular vacancies within the bargaining unit which are not filled by transfer, recall or demotion shall be considered as open and/or promotional vacancies, and shall be filled, on a permanent basis, as follows:

1. Said vacancies shall remain posted for five (5) work days, unless a similar vacancy has been posted within the last three (3) months.

2. Qualified promotional candidates shall be considered before said vacancy is filled by an outside candidate.

3. Outside candidates shall not be considered if a minimum of three (3) qualified promotional candidates are available for said vacancies.

4. The District shall make a good faith effort to have a minimum of three (3) qualified promotional/open candidates for each of said vacancies.

802 Eligibility for Promotional Examinations

A. Any employee in the classified service who has attained permanent status in his/her current classification is eligible to compete if his/her class has been designated by the Commission as eligible to compete, provide his/her most recent performance evaluation is at least satisfactory.

B. Employees with permanent status in classes not designated, and who present evidence satisfactory to the Commission of experience equivalent to that which would have been gained in the designated classes, shall also be deemed eligible to compete.

803 Demotions

A. Involuntary Demotion: Any classified employee may, for disciplinary purposes, be subject to temporary or permanent demotion with reduction in salary for reasonable cause in accordance with the procedure set forth in the Act and these rules where the seriousness of such offense is insufficient to warrant dismissal.

B. Voluntary Demotion: Any permanent employee may request the Commission for a voluntary demotion to a lower related classification, stating the reasons therefore in writing. Upon approval by the appointing authority, the request may be granted by the Commission. (See Rule 901, D, Transfer to a Related Class.)

C. Examination after Demotion: No classified employee who has been demoted shall be admitted to an examination for the same class from which demotion occurred until the period of one year after the action by the Board of Trustees ordering the reduction shall have elapsed.

LEGAL REFERENCES: Education Code

45260	Power of Personnel Commission to Prescribe and Amend Rules
45272	Vacancies in Classified Service; Promotional Applicants
45302	Demotion and Removal from Permanent Classified Service

CHAPTER 9

TRANSFERS

901 Permanent Transfers

A. Notice of Vacancies: A written notice regarding a vacancy that may be filled by voluntary transfer, promotion or new hire will remain posted at each work site in accordance with the CSEA contract before outside candidates are solicited. Said notice shall also include pertinent test and interview information related to be said vacancies. The classified personnel office will mail notices when employees are on vacation and/or leave of absence when the employee has requested that such notices be mailed. Vacancy, as used herein, shall be defined as a job opening for which a probationary employee may be hired. At the end of the posting period, the District shall supply the Association president with a list of all qualified transfer and promotional applications that have been received; this list shall be kept confidential and shall not include any employee name if anonymity is requested.

B. Transfers: According to the CSEA contract, a transfer shall be defined as a permanent assignment to a new job location or a new department doing the same job or a related job as defined under ©. (Example: A custodian that is assigned to a different school site or a secretary or an employee in a clerical position that is assigned from one department in the same job classification.)

C. Voluntary Transfers (Request by Employee):

1. The Director of Classified Personnel shall maintain a transfer file of all permanent classified employees who request his assistance in obtaining transfers, and he shall be of such assistance as may be possible in effecting the transfer of such applicants.

    a. Request for transfer by an employee shall be made in writing to the Director of Classified Personnel on a Request for Transfer form.

    b. When an appropriate vacancy occurs, all transferees shall be given notice to contact the Director of Classified Personnel if interested. Selection shall be made by an administrative officer on the basis of seniority and personal qualifications.

    c. The applicants for transfer shall be placed on a transfer list in the order of their seniority.

    d. The selecting authority will consider the first three applicants on a seniority basis; however, should any of these not be acceptable, additional referrals by the next most senior employee requesting lateral transfer will be made to allow for a choice of three whenever possible. If none of the applicants seeking transfer is acceptable, then the selection may be made from the promotional or an open-competitive eligibility list.

e. If one or more of the top three candidates voluntarily withdraw their names from the transfer list, the selecting authority may interview the next one, two or three candidates.

f. Any person in the classified service who requests a transfer under this rule, and is granted a transfer, may not request another transfer for one year beginning the first day after he/she has served six months in the new position. Exceptions would occur if a transfer was requested to achieve an increase or a decrease in work hours, or the work year, or for health reasons.

2. A permanent employee upon transfer shall assume permanent status in his/her new position.

3. Salary and Benefits upon Transfer: A transferred employee shall:

a. Receive the same step in the salary range for the new position.
b. Retain his/her anniversary date for receiving salary increments.
c. Retain his/her accumulated sick leave and vacation credits.

4. Seniority Rights: An employee transferred to a position in the same or a related class shall be credited with seniority credit in the new class. If the transfer does not become final and the employee is returned to his former class, he/she shall be credited with the seniority he/she had previously in the class from which he/she is returned.

D. <u>Transfers to a Related Class:</u>

1. Transfer of an employee to a position in a related class at the same salary level may be made by and administrative officer upon indicating to the Commission the circumstances and/or changes in duties that necessitate the transfer. Any transfer to a related class is subject to Commission approval. The Commission shall determine whether or not classes are related, based on similarity of:

a. duties;
b. requirement to take an open examination;
c. examination content;
d. promotional field; and
e. occupational area.

2. In general, more latitude in approving relationships is allowed:

a. as the employee's length of service increases;
b. when the request for transfer is based on layoff, reclassification, or health;
c. when there is no eligibility list for the class to which the transfer is requested; and
d. when the employee's education and experience show he/she meets the requirements of the new class.

E. Involuntary Transfer:

1. Administrative Transfers: These transfers are transfers that are needed to maintain the efficient operation of the district and will be accomplished by the administration upon giving the affected employees rationale for the transfer. The Commission shall be notified in writing of such transfer within three working days.

2. Prior to implementing an involuntary transfer, the employee shall be offered an opportunity to discuss the reason(s) with an appropriate administrator.

3. Transfers shall not be used to alter the incidence of an impending layoff.

4. When an employee becomes physically incapacitated for the performance of any of his/her duties as determined by a physician appointed by the Board of Trustees, an administrative officer may, with the approval of the Commission, transfer him/her to a position in a class of the same or lower salary range which he/she has the ability to fill or for which he/she may be expected to acquire the necessary ability after a reasonable program of in-service training. In case of transfer to a lower level, the employee shall receive the same salary rate he was receiving in his former class, but not to exceed the maximum of the salary range of the class to which he is transferred. He shall retain his anniversary date.

LEGAL REFERENCES: Education Code

45260	Power of Personnel Commission to Prescribe and Amend Rules
45272	Vacancies in Classified Service; Promotional Applicants
45279	Reassignment of Regular Employee Because of Illness or Injury
45286	Limited-Term Employees
45287	Provisional Appointments
45288	Provisional Assignment; Extension
45289	Successive Provisional Appointments
45290	Emergency Appointments

CHAPTER 10

EMPLOYMENT STATUS AND TRANSACTIONS

1001 Limited-Term Employment

A. The appointing authority may establish positions the duration of which is six moths or less; such positions shall be designated “Limited Term.” Limited-term positions are subject to classification by the personnel Commission except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

B. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee. 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.

C. The Personnel Commission shall classify all limited-term positions in the same manner as stated in Chapter 3, Classification.

D. Unless granted by the Board of Trustees, none of the privileges granted for paid absence because of court service, attendance at hearings, examinations, casual absences, maternity, absence due to quarantine or illness shall apply to employees in limited term appointments. However, a permanent employee who accepts a limited term assignment shall receive his/her usual benefits (see Rule 1002 below) and shall be allowed to return to his/her former position at the expiration of such service.

E. Whenever a limited term position is created in any class, the existing eligible list for the class shall be used, i.e., reemployment list, if any, promotional list, if any, or open competitive list.

1. Selection for a limited term assignment shall be made in the order of rank on the list.

2. Acceptance or rejection of assignment to a limited term assignment shall not affect the eligibility of any applicant for regular assignment.

3. In the absence of appropriate eligibility list, provisional appointments may be made to limited term positions and substitute assignments subject to the provisions of rule 606, Provisional Appointments and Education Code Sections 45287, 45288, and 45289.

1002 Limited-Term Appointments to Other Duties

A. <u>During Critical Emergency:</u>

1. In case of critical emergency, an employee may be temporarily assigned without change in pay to other than his/her regular duties for up to twenty consecutive working days without the consent of the Personnel Commission.

2. As used in this section, “Critical Emergency” means a civil disaster or other such major occurrence that requires the use of school employees to the detriment of the financial ability of the District to meet the requirements of this section.

B. <u>Assignments of Higher Level Duties:</u>

1. An employee working in a higher classification shall receive the same benefits from the first full day of assignment as would have accrued had the assignment been made from a valid promotion list, provided he/she has worked in the higher classification for more than five working days within a fifteen calendar day period. This adjustment shall continue as long as he/she is working in the new classification and shall cease upon his/her return to the former classification.

2. The employee and the Personnel Commission shall be informed by an administrative officer of the duration of the limited term assignment and the duties to be performed during the assignment.

3. If necessary, the Personnel Commission shall determine, after consideration of evidence, if the employee is in fact performing the duties of the higher class.

   a. The Personnel Director shall report the findings of the Personnel Commission to the concerned parties.

4. This is not intended to cover the rough maintenance work that Custodians, Gardeners, and Maintenance Men/Women may be called upon to do during the summer months where painting, carpentering, and other odd jobs may be assigned.

1003 Termination of Limited-Term Employees

A. Limited-term appointments shall be subject to termination at any time except during an assigned shift.

B. Limited-term employees may be dismissed for cause, which cause 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 investigation supports such action.

1004 Rights During and Following Provisional Assignment to a Higher Class

A. An employee with permanent status in any class who vacates his/her position to accept a position as a provisional employee in a higher class for which no eligibility list exists shall be restored to his/her former position and class, provided the employee is not appointed permanently to a position in the higher class.

B. While such provisional appointment is in force, such employee shall receive the same benefits as would have accrued had the assignment been made from a valid promotional eligibility list, except that no credit shall accrue toward permanent status in the higher class.

C. The salary received shall be computed in accordance with Rule 1603, Salary Advancement Within a Class, Paragraph A, of these rules.

D. Upon restoration to the employee's pervious class, time served in the higher class shall be counted toward qualifying for advancement to the next higher step in the salary range.

1005 emergency Service of Retired Employees

A. Whenever other eligible are not available and a retiree's skills or knowledge are needed, or during an emergency to prevent the stoppage of public business, any person receiving a retirement allowance from the Public employee's Retirement System may be employed for up to 120 working days or 960 hours in any calendar year.

B. The retired person must certify that he/she understands that he/she is restricted to 120 working days or 960 hours in any calendar year and continuance in employment is discretionary.

1006 Leaves of Absence Without Pay

A. An employee shall not be entitled to a leave of absence as a matter of right. Upon a request for a leave of absence signed by the employee and stating with particularity the reason for the leave, the Commission may in its discretion either approve or disapprove the request. The Commission shall approve the request if it finds that it complies with the law and the rules relating thereto. If the leave involves pay, it must be approved by the Board of Trustees following a recommendation by the Commission.

B. Leave of absence without pay may be granted to a permanent classified employee upon the written request of the employee, the recommendation of the appointing power, and the approval of the Personnel Commission, subject to the following restrictions:

1. Length of Leave: Leave of absence shall not be granted for more than twelve consecutive months except for military service, which shall be granted as provided in the Education Code and the Military and Veteran's Code.

2. Reason: A leave of absence may be granted any employee to attend an educational institution or to enter training to improve the quality of his/her service, to enter the military service of the United States, who is temporarily incapacitated by illness, or who presents some other reason equally satisfactory.

3. Return from Leave: An employee must give not less than 30 days notice prior to the expiration of the leave that it is the intention of the employee to return to active service. The employee granted a leave of absence without pay has the definite and absolute right to return to his/her position or a position in the same class at the expiration of his/her leave of absence, or before with the concurrence of the appointing power. Such leaves are granted only to employees who desire to return to their former position. A physical examination may be required by the Commission before the employee returns to work.

4. Extension of Leave: An employee who has been granted a year's leave of absence without pay may have the leave of absence extended by one additional consecutive year for good and sufficient cause, provided that a satisfactory replacement is available.

5. No Benefits While on Leave: Time elapsed while on leave of absence without pay shall not be counted toward seniority for promotion, compensation, sick leave or vacation privileges, except an employee absent on military leave shall be accorded all the rights and privileges granted by the Education Code and the Military and Veteran's Code.

6. No Employment While on Leave: An employee while on leave of absence may not accept other gainful employment with another employer, except ordered military service, without express prior approval of the Board of Trustees.

1007 Filling of Vacancy Caused by Leave

A. When a leave of absence without pay is granted, it shall be definitely understood that (1) the vacancy thus caused may be filled for the duration of the leave only, and (2) the position is being held open for the employee who is on leave.

1008 Cancellation of Leave

A. The Commission may, for cause, and upon the request of the appointing power, cancel any leave approved by it, giving the absent employee due notification.

1009 Failure to Return Leave

A. Failure to report for duty within three working days after a leave of absence has been cancelled by the Commission or at the expiration of a leave shall be considered an automatic resignation from the classified service.

1010 Leaves of Absence with Pay

A. Work-Related Absences

1. District Examinations: Any classified employee shall be permitted to take any examination given by the District during working hours without deduction of pay or other penalty. The Personnel Director shall notify the employee's immediate supervisor of the employee's pending absence at least two days in advance of said absence.

2. Quarantine: Classified employees under personal quarantine by order of the Health Office of the City or County, whether because of their own illness or on

account of illness of others, shall be paid for such periods of quarantine as is required in the exigencies of the case. General periods of quarantine shall not be counted as times of personal quarantine which time shall be deducted from accumulated sick leave.

3. Attendance at Worker's Compensation Hearings: When an injured employee of the District appeals from the decision of the State Compensation Insurance Fund in rejecting liability in his/her case and when, in the interest of justice and of protecting all legal rights of the injured employee, it is necessary or desirable for other District employees to attend the hearing of the appeal, they may attend without loss of salary provided the requests for their attendance shall be made by the person having charge of the District's insurance.

B. Jury Duty/Court Witness Leave

1. If an employee in the classified service is necessarily absent because of service on a jury, no deduction will be made from the employee's salary because of such absence provided that the fee or jury duty shall be collected by the employee and remitted to the District. (See E.C. Section 44037.)

2. If absence is occasioned by an official order from another governmental jurisdiction, which has not been brought about through misconduct or connivance on the part of the employee, payment of salary shall be made for any necessary absence of one day or less.

C. Religious Leave

1. Each classified employee of the District shall be entitled to two days of leave with pay during each school year for the purpose of observing religious holy days. This leave will be granted under "Personal Necessity Leave" and will be deducted from the employee's accrued sick leave.

2. Each employee desiring to take religious leave shall submit written request for leave to the Personnel Director. This request must be deposited in the Director's office at least seven days prior to the day on which such leave of absence is to be taken.

D. Paternity Leave

Paternity leave for a married father before, after, or at the time of the birth of his child may be granted up to a maximum of one day's leave without loss of pay. This policy shall allow a maximum of one day's leave for each pregnancy.

E. Personal Necessity Leave

1. An employee may be granted leave up to seven days with full pay within a school year for personal necessity. This leave shall be deducted from accumulated sick leave.

2. Personal necessity is defined to cover situations that require absences over which the employee has no choice or suitable alternatives, and is limited to the

following:

a. Death of a member of his/her immediate family when additional leave is required beyond that provided in Section 45194 and in 1009, F, Bereavement Leave.

b. Accident, involving his/her person or property, or the person or property of a member of his/her immediate family. Such accident must (1) be serious in nature, (2) involve circumstances the employee cannot reasonably be expected to disregard, and (3) require the attention of the employee during his/her assigned hours of service.

c. Imminent danger to the home of an employee, occasioned by a factor such as flood or fire, serious in nature, which under the circumstances the employee cannot reasonably be expected to disregard, and which requires the attention of the employee during his/her assigned hours of service.

d. Appearance in any court or before any administrative tribunal as a litigant party, or witness under subpoena or any order made with jurisdiction other than as a litigant against the District or in a position adverse to the District.

e. Adoption of a child.

3. The employee shall not be required to provide advance notification for leave taken under a. through d. but, within five working after return to duty, shall complete the leave request form. The employee shall be required to give advance notification for leave taken under d. and e. whenever possible. The employee shall notify his/her immediate supervisor five working days prior to taking of such leave by submitting the leave request form. Final approval will be made by the Personnel Director.

4. Reasons for personal necessity leave shall remain confidential. Under all circumstances, the employee shall verify in writing that the personal necessity leave was used only for purposes as set forth above. The employee will be subject to appropriate discipline if the leave was used for purposes other than stipulated.

5. Three of seven days may be used for other pressing personal business, subject to the following conditions:

   a. Advance notice to the supervisor and approval by the Personnel Director.
   b. Verification that the absence is not for engaging in work for pay or profit or participating in any actions adverse to the District.
   c. This provision is not to be used to extend holidays and vacations.

F. Bereavement Leave

1. An employee shall be granted up to five days bereavement leave in the event of death of a member of his/her immediate family (mother, mother-in-law, father, father-in-law, grandmother, grandfather, grandchild of the employee or of the spouse of the employee, spouse, son, son-in-law, brother, sister, or any relative living in the immediate household of the employee). This time shall not be deducted from accumulated sick leave.

2. Bereavement leave under special circumstances may be granted in the event of death of others upon receipt of a request and rationale for the request. Bereavement leave granted under special circumstances is subject to the approval of the director of Classified Personnel and his/her decision will be final.

G. Family Illness

1. Pursuant to Article XII, Section K of Classified Contract, employees may use up to five (5) days of accumulated sick leave per year for absence necessitated by illness of an immediate family member. For family leave absences of more than three (3) days, the employee shall submit to the District a medical verification of the family member illness. (The Provision sunsets 6/30/93 unless the parties mutually agree to the contrary)

1011 Industrial Injury and Illness Leave

A. The provisions of this section shall apply to employees who have either probationary or permanent status in the classified service.

B. An employee in the classified service absent form duty because of industrial injury or illness resulting from his/her regular assignments, including authorized overtime and qualifying under the provisions of the Worker's Compensation Insurance Law, shall be allowed for each injury or illness, full salary from the first day of absence to and including the last day of absence not to exceed 60 working days. Allowable leave under this section shall not be accumulative from year to year.

C. Payment for industrial injury or illness leave on any day shall not, when added to an award granted an employee under the Worker's Compensation laws of this State, exceed the normal wages for the day. The normal wages for the day shall be based on the regularly assigned time of the employee.

D. Industrial injury or illness leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under Worker's Compensation.

E. The 60 working days at full salary are inclusive of the 100-day extended sick leave period.

F. If an employee is still receiving Worker's Compensation Insurance benefits after entitlement to industrial injury or illness leave is exhausted, he/she shall then be placed on regular sick leave, vacation leave, accumulative compensating time off, or extended leave. If, when an employee goes on regular sick leave or other type of leave or compensating time off, he/she is receiving Worker's Compensation Insurance benefits, he/she shall be entitled to use only so much of such other leave benefits which, when added to Worker's Compensation Insurance benefits, provide for a normal full day's wage or salary.

G. If the employee is no longer receiving Worker's Compensation Insurance benefits, but is still unable to return to work as determined by a doctor's examination, he/she shall then be placed on regular sick leave or other available leave as provided in this section.

H. Before salary payments will be made to an employee absent because of industrial injury or illness, the required report of such accident or illness must be on file in the Business Office of the District.

I. After the expiration of paid leave as provided in this section, an employee who is unable to work as determined by a physician appointed by the District may be granted additional leave without pay for one year. Such leave may be extended for one additional year for good and sufficient cause.

J. Periods of leave under this section, either paid or unpaid, shall not be considered to be a break in service of the employee, and an employee while on such leave shall continue to receive seniority credit.

K. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months.

1. When available, during the 39 month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority requirements.

2. If an employee's former class has ceased to exist during his/her absence the employee shall be assigned to a vacant position in a comparable class for which qualified.

3. An employee who has been placed on such a reemployment list and who has been released for return to duty and who fails to accept a position in his/her class shall be terminated from the classified service.

L. An employee receiving benefits under the provision of this section may not leave the State of California without the express approval of the Personnel Commission.

M. During all paid leaves of absence as provided in this section, the employee shall endorsed, payable to the District, benefit checks received under State Worker's Compensation laws. The District shall issue to the employee appropriate warrants and payments of wages or salary and shall deduct normal retirement and all authorized contributions. If combined payments under the section total less than the normal full salary, the employee shall not be required to endorse to the District benefit checks received under Worker's Compensation laws.

1012 Sick Leave

A. Definition: Sick leave is defined as the necessary absence from duty of an employee because of:

1. His/her illness or injury.

2. His/her exposure to contagious disease provided he/she is advised in writing by a State licensed practitioner to absent himself from assigned employment.

3. His/her dental, eye and other physical medical examinations or treatment by a State licensed practitioner.

4. Pregnancy, miscarriage, childbirth and recovery. (Note: Does not cover child care.)

B. Allocation of Sick Leave: Classified employees shall be entitled to sick leave without loss of salary at the rate accumulative as follows:

1. Permanent annual employees shall have twelve days sick leave (converted to hours based on hours scheduled to work per day) credited annually to their record to the beginning of the fiscal year as of July 1. Any unused portion shall be accumulated year after year and kept on deposit for future use.

2. Permanent employees employed less than twelve months annually or less than five days weekly shall have sick leave (converted to hours based on hours scheduled to work per day) credited annually to their record at the beginning of the fiscal year that proportion of twelve days leave of absence as the number of months employed per year bears to twelve and/or the number of days per week bears five. Any unused portion shall accumulate year after year and be kept on deposit for future use.

3. Probationary employees will be credited with 12 days per year for sick leave for a full five days at full pay for fiscal year of service (8 hours, 7 ½ hours, or proportion thereof for part-time workers, or as bears to work year).

4. Sick leave may be used by a permanent employee at any time during the fiscal year and it need not already be earned; exception, a new employee of the district shall not be eligible to take more than six days, or the proportionate amount to which he/she may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district, then he/she may use the balance.

5. Provisional employees may earn sick leave at the rate of one day per calendar month (converted to hours based on hours scheduled to work per day) for the duration of their provisional employment. Sick leave earned as a provisional employee shall be credited if he/she is subsequently appointed a probationary employee without a break in service.

6. Emergency and limited term employees will not earn sick leave credit unless they are subsequently appointed into permanent positions without a break in service or they hold permanent or probationary status as a District employee.

7. Unlimited accumulations shall be allowed in all sick leave benefits. However, the cumulative aspect of sick leave from year-to-year is based on accrual at the rate of one day's sick leave per whole month of employment. At least 50% of the number of working days in a calendar month must be compensated for in order to earn sick leave for that month. For purposes of this rule, partial months, as assigned by the Board of Trustees, may be combined to make one whole month.

8. Transfer of Sick Leave from/to Another District: A classified employee of any school district who has been an employee of that district for a period of one calendar year or more and who terminates such employment for the sole purpose of accepting a position in this district, and who subsequently accepts within one year of termination of his/her former employment such position, shall have transferred with him/her to this district the total amount of earned leave of absence for illness or injury to which he is entitled under Education Code Section 45202.

C. Notification / Reporting of Absence

1. An employee absent because of illness or injury shall notify the District Office of his/her intent to be absent prior to the time he/she is to report for duty. The Personnel Director shall be responsible for assigning any substitute required and shall notify the Personnel Commission of the action taken.

2. Each employee absent for any reason for which he/she is entitled to pay shall file with his immediate supervisor a certificate of absence. The certificate shall be forwarded directly to the Personnel Commission Office no later than the first day of the pay period.

D. Verification of Illness: Upon request by the District, an employee shall be required to present a written statement from a State licensed practitioner verifying the personal illness or injury. This statement must be submitted to the Personnel Director before the employee is credited with pay for absence. A release from a State licensed practitioner may be required before the employee returns to work.

1013 Extended Sick Leave

A. An employee shall receive full salary for the time lost due to illness until such time as his absence equals his accumulated sick leave. After an employee exhausts all accrued sick leave, a permanent employee shall be granted leave for not less than 100 working days extended sick leave once each year (pro-rated based on working hours). An employee will receive 50 percent of his/her regular salary during the period he/she is on such supplemental leave.

B. Theses 100 days of leave include Education Code Section 45191 provision (12 days of sick leave prorated based on number of months and hours scheduled to work). Compensation within the 100 days will be at full pay for the annual 12 days leave (plus the days accrued and unused from previous years), and the balance of the 100 days shall be compensated at not less than 50 percent of the employee's regular pay. The 100 day count does not include holidays, vacation, compensatory time, or other paid leaves.

C. When an employee is on extended sick leave, no vacation or sick leave benefits will be accrued.

1014 Vacation Eligibility

A. Employees with either probationary or permanent status are eligible to earn paid vacations in limited term provisional or emergency assignments as well as in their regular assignment.

B. Employees who work under limited term or provisional status may, at the time the employee receives a probationary appointment, accumulate vacation credit as provided in this Section, not to exceed three days credit, provided there was no break in service of more than one week. Limited term employees shall not be penalized for absence during periods their position assignment does not require the employee to be on duty.

C. Earned vacation shall not become a vested right until completion of the initial six months of employment. The employee may be granted vacation during the school year even though not earned at the time the vacation is taken. Upon separation from service, adjustment will be made to reimburse the district for any vacation taken but not earned. No payment for accumulated vacation shall be made to an employee who terminated prior to attaining eligibility to take vacation.

1015 Vacation and Sick Leave Accrual Method

A. Following six months of continuous service, each classified employee shall be allowed a vacation and sick leave with pay on the basis as indicated below.

NUMBER OF DAYS ENTITLEMENT: VACATION AND SICK LEAVE

(Days calculated include holidays)

Work Days	Months Of Service	Up to 5 yrs. Service Inclusive	After 5 yrs. & up to 10 yrs Service	After 10 yrs. & up to 15 yrs. Service	Over 15 yrs. Service	Sick Leave
1 - 20	1	1	1	2	2	1
21 - 40	2	2	3	2	4	2
41 – 60	3	3	4	5	6	3
61 – 80	4	3	5	7	8	4
81 - 100	5	4	6	8	10	5
101 - 120	6	5	8	10	12	6
121 - 140	7	6	9	12	14	7
141 - 160	8	7	10	13	15	8
161 - 180	9	8	11	15	17	9
181 - 190	9.5	8	12	16	18	9.5
191 - 200	10	8	13	17	19	10
201 - 220	11	9	14	18	21	11
221&Over	12	10	15	20	23	12

B. A year is completed on the first of the month following the twelfth month of employment and each twelve months of employment thereafter. An employee who completes 5 years, 10 years, or 15 years of service will earn his/her vacation for that year on a prorated basis as the higher rate for those months remaining in the fiscal year.

C. Management, Supervisory & Confidential Employees: Management, Supervisory and Confidential employees shall be entitled to 23 days of vacation per year, prorated to the work year.

D. An employee absent on leave without pay, or an employee laid off for lack of work or lack of funds, shall not accumulate vacation credit during the period of his/her absence from active service.

E. Every employee who is a member of the National Guard or Naval Militia, or a member of the Reserve Corps or force in the federal military, naval or marine service, and who is granted a military leave of absence, shall be granted all vacation privileges provided by the Military and Veteran's Code.

F. No deductions shall be made from the vacation credit of any employee for holidays occurring during the assigned vacation period of the employee.

G. Upon termination, an employee shall be compensated for accumulated vacation at his/her current rate of pay.

H. Any permanent classified employee may be permitted to interrupt or terminate vacation leave in order begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relative supporting information to the Personnel Director regarding the basis for such interruption or termination.

1016 Vacation Scheduling

A. Earned vacation may, with the approval of the Board of Trustees, be taken at any time during the school year. Vacation shall be taken only at times approved by an agent of the Board of Trustees.

B. If the employee is not permitted to take his/her full vacation, the amount not taken shall accumulate for use in the next year or shall be paid in cash at the option of the Assistant Superintendent, Business. Decisions regarding vacation time off or cash payment may be appealed to the Superintendent within ten working days of the decision.

C. Vacation shall be taken only at times approved by an agent of the Board of Trustees. The vacation schedules shall be forwarded to the Personnel Director who shall maintain all records pertaining to vacations for classified employees.

D. No vacation or part thereof shall be taken at a lesser rate than one-half day at a time.

E. The rate at which vacation is paid shall be the employee's current rate in his/her regular assignment. Employees whose vacations are earned and begun under a given status shall suffer no loss of earned vacation salary by reason of subsequent changes in conditions of employment.

1017 Absences Governed by Education Code

A. The provisions of the Education Code shall govern the absence from duty of classified employees occupying permanent positions.

LEGAL REFERENCES: Education Code

44037	Unlawful to Encourage Exemption from Jury Duty
45110	Inconsistent Duties; Compensation
45190	Leaves of Absence and Vacations
45191	Leave of Absence for illness or Injury
45192	Industrial Accident and Illness Leaves
45193	Leave of Absence for Pregnancy
45194	Bereavement Leave
45195	Additional Leave for Non-Industrial Accident or Illness; Reemployment Preference
45196	Salary; Deductions during Sick Leave
45197	Annual Vacations
45198	Effect of Provisions Authorizing Leaves of Absence
45199	Power of Governing Board to Grant Leaves of Absence and Compensation for Accident or Illness
45200	Interruption or Termination of Vacation Leave
45202	Transfer or Accumulated Sick Leave and Other Benefits
45207	Personal Necessity
45286	Limited-Term Employees
45287	Provisional Appointments
45288	Provisional Assignment; Extension
45289	Successive Provisional Appointments
45290	Emergency Appointments

Government Code

21153	Emergency Service of Retired Employees

Military and Veterans Code

389; 395	Temporary Military Leave of Absence

CHAPTER 11

RESIGNATION AND REINSTATEMENT

1101 Resignation Procedure

A. When a classified employee desires to resign his position, he/she shall present the resignation and reason therefore in writing on the appropriate form to the appointing power at least ten days prior to the proposed date of termination.

B. The original of such resignation shall be filed by the appointing power with the Personnel Director, together with a statement of the action taken on the resignation.

1102 Rights on Eligibility Lists Following Resignation

A. A resignation relates only to the specific position from which the employee resigns and, provided he/she complies with Rule 1101, does not impair his/her rights on open-competitive eligibility lists. His/her name will be removed from any promotional eligibility list.

1103 Absent Without Leave an Automatic Resignation

A. An employee who fails to report for duty for three consecutive working days without permission from his/her supervisor or the appointing power shall be deemed to be absent without leave.

B. An employee who fails to return from a leave of absence within three working days after the expiration of an authorized leave shall be deemed to be absent without leave.

C. Absence without leave shall be deemed cause for immediate dismissal and such absence shall be considered automatic resignation from the classified service.

1104 Reinstatement Procedure

A. Any permanent classified employee who resigned in good standing may be reinstated without further competitive examination within 39 months after his/her last day of paid service. The break in service shall be disregarded and he/she shall assume his/her previous status and have restored to him/her all rights, benefits and burdens of a permanent employee.

B. Reinstatement is not a right, but is a privilege to be granted only on recommendation of the appointing power and approval of the Commission.

C. The Commission may maintain a file containing the names of former employees who have requested reinstatement and whose previous records are such that reinstatement could be recommended when vacancies occur. The determination as to which name shall be recommended for any vacancy is solely the prerogative of the appointing power and no obligation exists on the appointing power's part to fill such vacancy by reinstatement if it is preferred to fill it by some other legal method of appointment.

1105 Effects of Reinstatement

A. Reinstatement of a former employee 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 that of the step to which he/she would be assigned if restoration were in his/her former class.

2. If restored to permanent status, restoration of accumulated leave and seniority as of the date of the separation. To determine the anniversary date for salary adjustments, actual months worked prior to resignation shall be counted and added to months needed to complete the year (12 months).

3. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored in accordance with Education Code 45309.

1106 Resigned Probationer

A. A person who resigns while in good standing his/her probationary period may be returned to his/her original place on the eligibility list at the discretion of the Commission. A person who resigns because of inability to cope successfully with the reasonable requirements of the position will have no standing under this rule.

1107 Appointment After Resignation

A. A former employee who resigned while in good standing and within 39 months of the last day of paid employment is appointment from a valid eligibility list pursuant to these rules, shall be accorded only the benefits and rights of a new employee on a probationary basis.

LEGAL REFERENCES: Education Code

45201	Power of Governing Board to Accept Resignation and Fix its Effective Date
45309	Reinstatement of Permanent Classified Employees After Resignation
21101	Reinstatement Procedure of Retired Persons

CHAPTER 12

TRAINING

1201 In-Service Training

A. The Personnel Commission, through the Personnel Director, shall cooperate with appointing powers, supervisors and employees of the District in devising and fostering programs of training for classified employees to provide continual enhancement of the quality of service rendered the District. Such programs may include orientation, development, safety, refreshment/renewal or retraining, supervisory and management development, etc.

1202 Expenditure of Funds for Staff Training

A. The Commission may, with respect to the staff of staff of the Commission, expend funds for their orientation, training, retraining, and development and for any purposes prescribed by Article 9 (commencing with Section 45380) of the Merit System.

LEGAL REFERENCES: Education Code

45255	Expenditure of Funds for Staff Training
45380-45387	Study and Retraining Leave

CHAPTER 13

PERFORMANCE EVALUATION

1301 Frequency of Evaluations

A. A "Notice of Outstanding Work Performance" or a "Notice of Unsatisfactory Service" may be issued to any employee as needed, on forms and according to procedures prescribed by the Personnel Commission. Such notices shall be filed with the Personnel Commission to become a permanent part of the employee's primary personnel file.

B. Probationary Employees: Probationary employees shall be evaluated at the end of the first, third and fifth months by their immediate supervisors.

1. The evaluation at the end of the fifth month is a statement as to whether the employee is being recommended for permanent status in the District.

2. This rule shall not act in any way to limit the right to dismiss a probationary employee at any time during the probationary period if performance is unsatisfactory.

C. Permanent Employees: Permanent employees shall be evaluated at least every other year.

D. Provisional and Limited Term Employees: The Commission may provide for performance evaluations for provisional and limited term employees.

1302 Raters

A. Each employee is to be rated by his/her immediate supervisor who is defined as the person of higher classification who assigns, checks, and supervises more of the work of the employee than any other person in the section, crew, or office.

B. Whenever possible, each employee shall also be rated by the officer or person who is higher in rank to the immediate supervisor and who has personal knowledge of the work of the employee.

C. The ratings shall be a joint conference between the employee and his/her supervisor in accordance with procedures prescribed by the Commission.

1303 Procedure for Rating Employees

A. After preparing the performance evaluation, the supervisor shall schedule and conduct a conference with the employee to discuss the following:

1. Ways and means of improving the conditions under which the employee is working to provide for greater efficiency and productivity.

2. The minimum requirements of the position.

3. Together, analyze the employee's strong points and the areas in which improvement may be made in performance.

B. At the conclusion of the conference, the supervisor will present the evaluation form to the employee for signature which will acknowledge receipt of the evaluation and the discussion. A signed copy of the evaluation shall be given to the employee and forwarded to the Personnel Commission.

1. The employee's signature does not indicate agreement or disagreement with the evaluation. If, knowing this, the employee does not wish to sign, the supervisor should so state at the bottom of the page and submit the evaluation to the Personnel Commission for placement in the employee's personnel file.

2. If the employee wishes to respond to the evaluation, written comments may be submitted within ten working days to the Personnel Commission. Both evaluation and comments will be filed in the employee's personnel file.

1304 Review and Appeal of Evaluations

A. If an employee is dissatisfied with the performance evaluation, the employee may file a statement regarding the points or issues involved no later than 15 days after the performance rating conference with the supervisor.

LEGAL REFERENCES:: Education Code

45261 Subjects of Rules

Government Code

3543.2 Scope of Representation

CHAPTER 14

LAYOFF AND REEMPLOYMENT

1401 Layoff Procedure

A. Classified employees shall be subject to layoff for lack of work or lack of funds in accordance with Education Code Section 45308.

1. No permanent or probationary classified employee shall be laid off from any position while employees serving under emergency, provisional or limited term employment are retained in positions of the same class.

2. A limited term employee be separated at the completion of his/her assignment without regard to the procedures set forth in this rule.

B. Order to Layoff: The order to layoff within the class shall be determined by length of service. An employee, who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

C. Length of Service: For service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status up to December 31, 1988, and from January 1, 1989, means date of hire in class. "Hours in Paid Status" includes hours whether during the school year, a holiday, recess or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided in E.C. Section 45128.

1. Time spent on military leave of absence shall be included in "length of service."

2. Nothing contained in this section shall preclude the granting of "length of service" credit for unpaid illness leave or unpaid industrial accident leave.

D. Notice of Layoff: Employees affected by layoff shall be given written notice not less than sixty days prior to the effective date of the layoff together with the reason for layoff and displacement rights, if any, and reemployment rights.

1. Written notice of layoff shall be delivered personally to the employee or mailed by certified or registered mail to the employee's last known address.

1402 Computation of Seniority

A. All service in the classification plus higher classifications shall count as seniority within the classification, including time spent on military leave of absence.

B. Continuous status as a probationary or permanent employee within the classification rather than the number of days actually worked shall determine seniority.

1403 Rights of Permanent Employees Laid Off

A. In addition to the procedures and rights prescribed in 1401, permanent employees in the classified service shall have the following rights:

1. Bumping/Displacement: 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 of lower class plus service in the class from which layoff occurs and in higher classes. In the event of school closure, the Association and the District shall consult, in advance, regarding the displacement and reassignment and reassignment of unit members.

2. Demotion in Lieu of Layoff: In the lieu of being laid off, an employee may elect demotion to any class with the same or lower maximum salary in which the employee had previously served under permanent or probationary status.

   a. To be considered for demotion in lieu of layoff, an employee must notify the Personnel Director in writing of such election not later than ten calendar days after receiving notice of layoff.

   b. Any employee replaced by such demotion has the same option of demotion afforded by this rule as if his/her position had been abolished.

   c. Any employee demoted by this rule shall receive the maximum of the salary range in the class to which demoted, provided that such salary is not greater than the salary received in the higher classification at the time of demotion.

   d. In all cases where employees accept demotion in lieu of layoff, their names shall be placed on reemployment lists for the classes from which they were demoted.

   e. An employee who is laid off may, with Commission approval, elect demotion to an equal or lower classification in which the employee had not served in a permanent or probationary status, provided the employee possesses the minimum classifications for the classification. The demotion shall not result in the layoff or demotion of an employee whose length of service is greater than that of the employee electing demotion.

3. Eligibility to Compete in Promotional Examinations: Laid off employees shall be eligible to compete in promotional examinations for which they qualify during the time their names remain on the reemployment list.

1404 Reemployment Lists

A. The names of all permanent classified employees who have been laid off or demoted from any position because of lack of work or lack of funds shall be placed on a reemployment list for the appropriate class in order of seniority in class plus higher classes. Reemployment lists shall take precedence over all other employment lists in appointment.

B. An employee on a reemployment list may decline three offers of reemployment in his/her former class and status. After the third refusal, no additional offers need be made and the employee shall be considered unavailable.

C. Refusal of an offer of limited term employment shall not affect the standing of any reemployment on a reemployment list.

1405 Rights of Probationary Laid Off

A. A probationary employee who is laid off for lack of work or lack of funds and who is reemployment in the same class shall be required to complete only the balance of the probationary period.

LEGAL REFERENCES: Education Code

45117	Notice of Layoff Due to Expiration of Specialty Funded Program or Bona Fide Reduction or Elimination of Service
45298	Reemployment and Promotional Examination Preference of Persons Laid Off; Voluntary Demotions or Reductions in Time
45308	Order of Layoff and Reemployment; Length of Service

CHAPTER 15

DISCIPLINARY ACTION AND APPEAL

1501 Causes for Disciplinary Actions

A. Actions Subject to Discipline: The tenure of every employee holding a position in the classified service under the provisions of the Act and of these rules shall be during good behavior. Any employee may be dismissed, demoted suspended, or otherwise disciplined for one or more of the causes prescribed in Education Code Sections 45123, 45124, and 45303, or other governmental statutes, as well as the following, which are causes for disciplinary action:

1. Incompetence.

2. Inefficiency.

3. Insubordination or willful disobedience.

4. Malingering, inattention to or dereliction of duty.

5. Discourteous, abusive, or threatening treatment of the public, employees, or student, including sexual harassment, or any violation of Government Code Section 12940 Paragraph (i), Unlawful Employment Practices.

6. Any willful or persistent violation of the provisions of the Education Code or of written rules, regulations, or procedures adopted or established by the Board of Trustees, the Personnel Commission, or the administration.

7. Work-related dishonesty, including examination deception or fraud.

8. Appearing for work under the effects of alcohol or drugs, or using alcohol or drugs illegally while on duty.

9. Immoral conduct.

10. Engaging in political activities during assigned duty hours.

11. Convictions by a court of competent jurisdiction of a felony or of a crime involving moral turpitude (for example, sex offense or narcotics convictions). A plea, verdict, or finding of guilty, or a conviction following a plea of nolo contender, is deemed to be a conviction within the meaning of these rules. The record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Commission may inquire into the circumstances surrounding the commission of the crime in order to determine if the conviction is of an offense involving moral turpitude.

12. One or more criminal convictions where the nature of the crime is such that it would indicate that the employee is a poor employment risk for the particular job which he/she holds with the District.

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 absence or tardiness.

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

16. Failure to report upon reasonable notice for review of criminal records.

17. Failure to report upon reasonable notice for health examination.

18. Absence without leave, or abandonment of position. Any employee who fails to report for duty for three consecutive working days without permission from the supervisor shall be deemed absent without leave; or fails to return from a leave of absence within three working days after the expiration of an authorized leave shall be deemed to have abandoned the position. Such absences without leave shall be deemed an automatic resignation.

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

20. Active participation by a management or confidential employee in the affairs of an employee organization which is an exclusive representative. "Active participation" shall include holding office on the organization, working for the organization in the capacity of an employee or volunteer, participating in activities designed to increase membership in the organization, and serving on committees established for the purpose of developing, reviewing, or approving proposals presented by the Board of Trustees.

21. Willful or persistent violation of, or failure to enforce, regulations or procedures pertaining to health and safety.

22. Unauthorized use of District or student body property.

23. Any other failure of good conduct tending to injure the public service.

B. Substitute, Provisional, and Limited-Term Employees

Any substitute, provisional, or limited-term employee may be dismissed from such status in accordance with Rule 409, Disqualification of Unit Applicants, Candidates, Eligible.

1. Refusal to accept three consecutive offers of limited term assignments is adequate cause for removal from limited term status.

C. The Board of Trustees may dismiss an employee at any time during the period of probation, but the Commission must be notified in writing within five days from the date of dismissal.

1502 Procedures for Disciplinary Actions

A. Statement of Intent: The purpose of this Commission rule is to provide orderly procedures in processing disciplinary actions. The procedures listed provide protections and guidelines for both the District and employee within established law and personnel practice. In most cases, discipline should be viewed as a positive experience, used to modify behavior, rather than penalize an employee; therefore, discipline should be progressive. The employee should be informed of the work standards required and warned of offenses prior to the imposition of discipline.

B. Definitions:

1. DAYS – calendar days unless otherwise designated.

2. DISCIPLINARY ACTION – Suspension, demotion (involuntary), or dismissal of an employee for cause.

3. SUSPENSION – Temporary removal without pay of an employee from a position for cause, or indefinite removal preliminary to investigation of charges pending dismissal pursuant to the provisions of the Education Code Section 45304.

4. DEMOTION (involuntary) – A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary.

5. DISMISSAL – Separation from service for cause.

6. NOTICE OF UNSATISFACTORY SERVICE: A form of letter used as a written reprimand. It has the following uses:

   a. To notify the employee of unsatisfactory service when a written reprimand is needed. Such use is mandatory within 24 hours by the supervisor/administrator.

   b. To notify the employee of the causes and charges for impending disciplinary actions when they are based on unsatisfactory service.

7. RECEIPT – When service is by mail, “receipt” shall be interpreted to mean the acceptance of the registered or certified document by or on behalf of the addressee, as evidenced by a signature on the return receipt. Notification by the United States Postal Service to the effect that delivery cannot be made at the home of record shall be deemed to meet the requirement of “receipt” as used in these rules.

8. PHYSICAL DISABILITY - Includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or less of function or coordination, or any other health impairment which requires special education or related services.

9. UNSATISFACTORY SERVICE – The performance of assigned duties in a manner which is detrimental to the good of service, or the failure to perform them, or the performance of actions while on duty which are detrimental to the good of the service.

C. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of political, religious acts, opinions or affiliations, race, color, national origin or ancestry, sex, age, physical disability, military veteran or non-veteran status, marital status or medical condition, except as subject to the provisions of these Rules.

D. Procedural Steps:

1. Prior to the presentation of a disciplinary action to the Board of Trustees, the permanent employee shall receive a written notice of the proposed action including:

   a. The proposed action;
   b. Reasons (details of the alleged conduct) for the action;
   c. A specific statement of the charges and materials upon which the action is based;
   d. How the act(s), action(s), omission(s) do harm to the public service;
   e. The date action will be presented to the Board of Trustees for consideration;
   f. The right to respond to the charges specified, either orally or in writing, to the authority initially imposing discipline, and the final date of response.

2. The notice shall be delivered to the employee personally if practicable, and the employee shall be requested to sign it as acknowledgement of receipt. When personal delivery of the notice is impracticable, the notice shall be sent to the employee's last known address by registered or certified mail with return receipt requested. If an employee refuses to sign a notice which is personally delivered, the notice may be presented in the presence of a witness and signed by the witness.

   a. In exceptional circumstances (e.g., to protect the safety of co-workers or students) an immediate suspension may be made without advance notice.

3. The employee shall have the right to respond either orally or in writing, to examine and obtain copies of all written materials on which the proposed action is based, and to request, in writing, to meet with the Superintendent or designee within five working days or receipt of the notice. The employee has the right to representation at such meeting. Failure of the employee to make a response action is based, and to request, in writing, to meet with the Superintendent or designee within five working days of receipt of the notice. The employee has the right to representation at such meeting. Failure of the employee to make a response or request a meeting within five working days shall constitute a waiver of this provision.

4. The Board will consider the charges, hearing both sides, and will take action disciplining the employee or dismissing the charges.

5. After action by the Board, the Superintendent or designee shall notify the employee of the intended discipline and shall file formal written charges with the Commission within five days following the decision.

1503 Suspension for Specific Offenses Processed as Involuntary Leave

A. A regular employee charged with the commission of a sex offense defined in Section 44010 or narcotics offense defined in Section 44011 of the Education Code or applicable sections of the Health and Safety Code by complaint, information or indictment filed in a court of competent jurisdiction may be suspended as provided for in the second paragraph of E.C. Section 45304.

B. An employee who is suspended has no right to appeal the suspension to the Commission, and therefore, has no right to a hearing.

C. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions.

D. The employee may receive compensation as provided for in E.C. Section 45304.

E. Such suspensions shall be reviewed by the Personnel Commission every 90 days.

1504 Appeal Rights

A. Within ten working days of the Board's decision, the Personnel Director shall furnish the permanent employee with a copy of the charges filed against him/her together with a copy of the employee's rights to appeal and to representation as specified in these Rules and the Education Code Sections 45305 and 45306. The intent of this provision shall be deemed to have been carried our if a registered letter containing the charges has been mailed to the last known address of the employee on file in the office of the Commission, or a copy of the charges has been served on the employee in person. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the Commission.

B. An employee in the permanent classified service who has not served the time designated by the Commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the Commission, except as otherwise provided by rules of the Commission; and provided that such demotion does not result in the separation of the employee from the permanent classified service.

C. After being furnished with a written copy of the charges and appeal rights, a permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days by filing a written answer to such charges and the grounds to appeal. Appeal may be made only on the following grounds:

1. That the procedure set forth in these rules has not been followed.

2. That the disciplinary action was taken because of the employee's affiliations, political or religious acts or opinions, race, color, national origin or ancestry, age, sex, physical disability, marital status, or medical condition (defined by Government Code Section 12926 as "any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence").

3. That there has been abuse of discretion.

4. That the action taken was not accord with the facts.

D. Failure to Appeal or Answer: If the employee fails to appeal within the time provided herein, or if the employee files written notice of appeal, but does not file his/her written answer as herein provided, the action of the Board of Trustees shall be final and conclusive.

1505 Hearing Procedure

A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. In the event of an appeal by an employee of the Personnel Commission, a hearing officer shall be appointed.

B. Hearings shall be conducted on 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 Commission shall begin the hearing within a reasonable length of time from the day the appeal is received. The Commission shall investigate the matter on appeal and may require further evidence from either party. The employee shall have the right to appear in person or further evidence from either party. The employee shall have the right to appear in person or with counsel, or representative, and to be heard in his/her own defense.

D. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence, and shall base its findings on the preponderance of evidence.

E. Each side will be permitted an opening statement. The Board shall present its witnesses and evidence to sustain its charges and the employee will then present witnesses and evidence in defense. Each side will be allowed to examine and cross-examine witnesses. Each side may then present a closing statement.

F. The Commission may, and shall if requested by the Board of the employee, subpoena witnesses and/or require the production of records or other material evidence. Requests for subpoenas must be filed with the Commission at least 72 hours prior to the date of the hearing. A list of witnesses shall be submitted to the Commission at least 24 hours prior to the date of the hearing for distribution to both parties.

G. The Commission 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.

H. Whether the hearing is held in an open or closed session, the Commission, after it concludes the hearing, 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 its counsel also served as counsel for the Board, he/she shall be barred from the Commission's final deliberations. The employee may waive rights to a closed hearing and request an open hearing.

1505 Findings and Judgment of the Commission

A. The Commission shall render its judgment in written form within 10 working days after the hearing. The decision shall be filed by the Commission as a public record and given or mailed simultaneously to each party. The decision shall set forth which charges, if any, are sustained and the reasons therefore.

B. If the Commission sustains the employee, it may order paid all or part of his/her full comprehension from the time of suspension, demotion, or dismissal, and it shall order his/her reinstatement upon such terms and conditions as it may determine appropriate, setting forth the effective date.

C. The Commission may modify the disciplinary action, but may not make the action more stringent than that approved by the Board In addition, the Commission may direct such other action as it may find necessary 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 erasure from the employee's personnel record of disciplinary actions, cause, and charges which were not sustained by the Commission.

D. The Commission may uphold the action of the Board and the disciplinary action shall be carried out.

1507 Effects of Decision

A. 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.

1508 Charges by Citizens

A. For proper cause, a citizen may prefer charges against an employee in the classified service by filing written charges with the appointing power or its proper agent.

B. The appointing power may make such investigation and shall take such action as it deems proper.

C. If the decision results in suspension, demotion, or dismissal, the procedure set forth in this chapter shall be followed.

1509 Dismissed or Convicted Employees Ineligible for Employment

A. Any classified employee dismissed from employment shall be removed forthwith from all eligible lists and may not take examinations thereafter without specific consent of the Board of Trustees.

B. Any eligible or employee disqualified under the Rule 409, Paragraph 4, shall be dismissed from the service of the District and shall have his/her name removed from all eligible lists.

LEGAL REFERENCES: Education Code

44009	Conviction of Specified Crimes
44010	Sex Offense; Controlled Substances
44011	Compulsory Leave of Absence
44031	Personnel File Contents and Inspection
44940	"Controlled Substance Offense" Defined
45116	Notice of Disciplinary Actions
45123	Employment After Conviction of Sex Offense or Controlled Substance Offense; Rehabilitated Controlled Substance Offender
45124	Employment of Sexual Psychopath
45125	Use of Personal Identification Cards, etc.
45302	Demotion and Removal from Permanent Classified Service
45303	Additional Causes for Suspension or Dismissal of Employees in Classified Service
45304	Written Charges for Suspension, Demotion, or Dismissal; Provisions for Suspension Pending Determination of Sex Offense or Narcotics Offense
45305	Appeal by Employee from Suspension, Demotion or Dismissal
45306	Investigation and Hearing on Appeal
45307	Reinstatement and Employee Compensation; Determination of Terms and Conditions; Notification
45311	Powers of Commission in Conducting Hearings, and Inspecting Records of Governing Board
45312	Hearings or Investigation by Hearing Officer
45313	Counsel for the Commission

Government Code:

12926	Definitions Regarding Unlawful Practices

Health & Safety Code: Controlled Substance Convictions

11054
11357 – 11361
11363
11364
11377 - 11382

CHAPTER 16

WAGE AND SALARY PROVISIONS

1601 Salary on Employment

A. The basic pay plan consists of the salary ranges and the assignment of classes to such ranges as provided in the salary schedules. Each employee shall be paid within the range for his/her class, according to the following provisions, unless otherwise provided in the salary schedules.

1. Method of Salary Computation: Any classified employee hired at a monthly rate of pay shall start his/her monthly rate on the first day of the subsequent pay period. Any days worked prior to that day and after the first day of the previous pay period shall be paid at the hourly equivalent of the monthly rate.

B. The first step in each range is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel or a person of unusual qualifications is engaged, the Commission may, following recommendation from the appointing power, approve appointment at a step above the minimum.

C. The Superintendent may appoint management personnel at the most appropriate salary based upon superior qualifications of the individual. The application of this section to salary placement on employment shall be reviewed by the Personnel Commission at the time of each Annual Report to the Board of Trustees.

1602 Anniversary Date for Salary Step Advancement

A. Employees shall have an annual anniversary date which shall be determined as follows:

1. New employee hired in a probationary status prior to January 1 of any given year shall be eligible for a salary step increment on the following July 1st, and every July 1st thereafter and;

2. New Employee hired in a probationary status between January 1st and June 30th of any given year shall not be eligible for a salary schedule step increment on July 1st of that year, but shall be eligible on July 1st of the following year, and every July 1st thereafter.

3. Only those months in which the employee has been in a working status for at least 50% of the working days in the month will be accrued toward salary step advancement. When an employee is in a working status for less than 50% of the working days in the month, the salary step advancement will be delayed one month.

B. Employees who are promoted will be probationary in the new position for six months and a new anniversary date is established on date of completion of the probationary period in the same manner as when initially hired.

C. Longevity Pay: The anniversary date for determining the amount of longevity pay due an employee who has reached a longevity step shall be the first of the month if this period of service is completed before the fifteenth of the month, and if completed in the period of the 16th through the end of the month, the date shall be the first of the following month. The years of continuous service shall be calculated from the date of probationary employment. Periods of temporary employment shall not be counted toward longevity pay entitlement.

D. An employee who is reinstated to a position in the same class within thirty-nine months from the last day of paid employment shall receive the same step in the range as of termination in accordance with Rule 1105, Effects of Reinstatement.

1603 Salary on Movement Class with a Higher Salary Range

A. A promotion shall result in a salary step that is next above the rate the employee is currently receiving in the class from which promoted, provided that he/she receives at least a full step increase in salary and at least the minimum step for the new class.

B. A promoted employee shall be considered probationary in the new position for a period of six full calendar months. The employee shall be advanced to the next salary step following satisfactory completion of the six-month probationary period. Additional salary advances shall be effective annually thereafter.

C. Any employee who on his/her anniversary date moves to a class with a higher salary range shall first receive any merit salary adjustment to which entitled and then his/her step adjustment under this rule.

1604 Salary on Movement to Class with a Lower Salary Range

A. An employee who moves to a class with a lower salary range shall normally be placed on the corresponding step in the lower salary range. If recommended by the appointing power and approved by the Commission, such employee may receive a higher step in the lower range; but the higher step shall not result in the employee receiving a higher amount in the lower class than formerly received in the higher class.

1605 Salary After Reclassification

A. If the salary range of the new class to which an employee's position is allocated is the same or one or more steps higher at the maximum than the employee's class, the employee shall receive the salary of the new class equal to the salary received in his/her previous class, or if there is salary step equal to the salary formerly received, the new rate shall be at the next higher rate.

1. When obvious injustice would result in following the above provisions, the Commission may recommend, for Board approval, a higher salary rate in the new class.

B. If the salary range of the new class to which the position is allocated is one or more steps lower at the maximum, the employee shall continue to receive the same amount the employee received in the former class but not to exceed the maximum step of the range in the new class. By special resolution of the Commission, a rate above the maximum may authorized and approved by the Board of Trustees.

1. Whenever authorization is made for a salary rate above the maximum step in a salary range change, this over-the-maximum rate will be discontinued when:

    a. The employee receiving the rate moves to a class with a salary maximum which includes his/her rate, or

    b. The employee separates from the service, or

    c. The employee refuses appointment to a higher class without good reason, or

    d. The salary range for the class is increased so that it encompasses the employee's present rate, in which event the rate will be adjusted to the nearest higher amount in the new range.

C. A reclassified employee shall retain his/her anniversary date.

1606 Holiday Pay

A. Probationary, permanent and provisional employees shall be granted pay for legal and declared holidays in proportion to their regularly assigned time per day pro-rated to full-time employment, providing the employee was compensated for the working day immediately before or after the holiday.

B. Probationary, permanent and provisional employees whose regular assignments do not require their attendance at work during Christmas or Easter recess period, but who have been compensated for the working days next proceeding the recess period or immediately following the recess period, shall be entitled to pay for the holidays during these periods.

C. Legal Holidays:

July 4	January 1
Labor Day	Lincoln Day
Veterans Day	President's Day
Thanksgiving Day	Memorial Day
December 25	

D. Declared Holidays:

1. Friday following Thanksgiving.

2. Any two of the days designated by the Board of Trustees during the Christmas recess period, and any other days designated by the Board, governor or President of the United States.

E. If a holiday falls on Sunday, the following day shall be observed. If a holiday falls on Saturday, the preceding Friday shall be observed.

1. When an employee is required to work on any said holiday, he/she shall be paid or given compensatory time off at the rate of time and one half, in addition to the regular pay received for the holiday.

1607 Holiday Pay for Limited Term Employees

A. Limited term employees who do not hold probationary or permanent status are ineligible for holiday pay.

B. Probationary or permanent employees serving in limited term positions shall receive holiday pay at the rate earned in the limited term position.

C. Other certain limited term employees may be granted holiday pay at the discretion of the Governing Board.

1608 Work Out of Class Pay

A. Any employee required to perform work out of class for five days or more in a fifteen calendar day period shall have his/her salary adjusted upward to reflect the duties required to be performed, or adjusted per unit agreement. Food Service employees are compensated for working out of class after two hours or more of performing out of class duties.

1609 Work Periods and Overtime

1. The maximum number of hours of regular employment of employees in clerical classes is 7-1/2 hours a day, exclusive of the lunch period, and 37-1/2 a week. All other employees shall work 8 hours a day, exclusive of the lunch period, and 40 hours per week.

    1. The appointing power may employ employees for shorter periods of time and may order and authorize employees to work in excess of 7-1/2 or 8 hours in one day or 37-1/2 or 40 hours in one week.

    2. No one shall require an employee to work overtime unless it is authorized by the Personnel Director. Such overtime shall be approved and reported according to procedures established by the Personnel Director.

    3. N employee shall work more than four overtime hours in any one regular work day or more than twenty hours overtime during a calendar week except with the approval of the Personnel Director. Time limitations on this rule do not apply to overtime caused by extraordinary emergency such as fire, flood, earthquake or danger to life and property, or to work in public, military or naval works or defense in time of war, as set forth in Section 17, Article XX if the State Constitution.

    4. Overtime assignments in excess of 12 hours shall be compensated at double time pay, subject to the following:

        a. The double time pay only applies to those hours of overtime after 12 continuous hours.
        b. The District will attempt to avoid such overtime assignments through the use of substitute employees from the outside, etc.
        c. The premium overtime will be exempt from Section VI M.

B. Overtime Defined: Overtime is defined as follows:

1. Clerical Classes: Overtime is ordered and authorized working time in excess of 7-1/2 hours in one day, 37-1/2 hours in one week.

2. Other Classes: Overtime is ordered and authorized work time in excess of 8 hours in one day, 40 hours in one week.

   a. For all employees who work four or more hours per day, overtime rate commencing on the sixth consecutive day of work.

   b. For employees who work less than four hours per day, overtime shall commence on the seventh consecutive day of work.

C. Computation of Overtime:

1. 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, compensating time off, or any other paid leave of absence.

2. Overtime shall be paid at the rate of time and one-half of the employee's regular rates of pay when the overtime was worked. Overtime may be paid by either cash payment or compensating time off.

   a. Cash payment must be made within 90 days of the time the overtime was worked.

   b. Payment by compensating time off requires approval of the supervisor, and must be taken within one year of the time the overtime was worked.

D. Classes Exempt from Overtime:

1. The following management positions exhausted from the overtime provisions:

   Director of Fiscal Services
   Director of Facilities
   Director, Classified Personnel
   Director, Food Services
   Purchasing Supervisor

2. Notwithstanding the above, if a person serving in an excluded position is required to work beyond the normal workweek by the Board of Trustees or its agent, or the Personnel Commission (in case of its staff), the person shall be paid or given compensating time off for the hours in excess of their normal workweek, at a rate not less than their normal rate of pay.

1610 Meal Periods

A. Employees shall take a meal period of at least half-hour duration during any day they work more than four and up to eight hours.

B. The meal period shall be taken during the sixth hour of work.

C. Employees authorized to be on duty beyond an eight-hour days shall take an addition half-hour meal period during the fifth hour after the first meal period.

D. Meal periods shall be without compensation, except as follows:

1. When a work period of not more than six hours will complete the day's work, the meal period may be waived by mutual consent of the employer and the employee.

2. Unless the employee is relieved of all duty during a thirty minute meal period, the meal period shall be considered an "on-duty" meal period and counted as time worked. An "on-duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty as determined by the immediate supervisor.

1611 Part-time, Shift and Split Assignment Employees

A. Part-time: Regular part-time employees shall accumulate eight hours time in a day or forty hours time in a week, except s modified by E.C. Section 45128, before they will be paid overtime at the rate of time and one-half.

B. Split Shifts and Split Assignment: Any employee who works a split assignment which requires travel between different work locations will be reimbursed at the prevailing rate per mile. Time allowed will be the normal driving time by the most expedient route. Regularly assigned meal periods of one hour or less shall not constitute a split in shift assignment.

C. Reporting Time Pay:

1. Each day an employee is required to report for work and does report, but is not put to work, said employee shall be paid for at least two hours at the employee's regular rate of pay.

2. If an employee is required to report for work and is put to work, the employee shall receive a minimum of four hours' work or four hours' pay at the employee's regular rate of pay, except that when the usual or scheduled day's work is four hours or less, the employee shall be paid for not less than two hours at the employee's regular rate of pay.

3. If an employee is required to work as a split shift in any one day and is furnished less than two hours of work on the second reporting, said employee shall be paid for two hours at the employee's regular rate of pay.

1612 Shift Differential

A. Swing Shift (3pm to 11pm): The regularly assigned time of all positions which require the incumbent to work one-half time or more between the hours of 3pm and 11pm, Monday through Friday, shall be paid at monthly rates 2-1/2% higher than the rate paid for like work assigned to daytime hours. If such shifts normally occur less frequently than five days per week, such higher rate shall be paid only for those days on which such shifts occur.

B. Graveyard Shift (11pm to 7pm): The regularly assigned time of all positions which require the incumbent to work one-half time or more between the hours of 11pm and 7am,Monday through Friday, shall be paid at monthly rates 5% higher than the rate paid for like work assigned to daytime hours. In such shifts normally occur less frequently than five days per week; such rate shall be paid only for those days on which such shifts occur.

1613 Error in Salary

A. Whenever it is determined that an error has been made in the calculation or reporting of any classified employee payroll or in the payment of any classified employee's salary, the appointing salary shall, within five workdays following such determination, provide the employee with a statement of the correction and a supplemental payment drawn against any available funds.

LEGAL REFERENCES: Education Code

45127	Workweek
45128	Overtime
45129	Compensatory Time Off
45130	Exclusion from Overtime Provisions
45131	Power of Governing Board to Fix Compensation
45160	Salary of Employees Not Requiring Certification Qualifications
45163	Revision of Salaries, Alternative Methods
45165	Payment of Compensation of Employees Employed for Less than 12 Months a Year
45166	Time of Payment of Compensation
45167	Error in Salary
45168	Deductions for Dues of Employee Organization
45169	Employee Salary Data
45180	Definitions – Differential Compensation
45181	Determination of Practices in Private Industry
45182	Differential Compensation for Certain Duties
45183	Basis for Assignment of Duties
45184	Demotion Prohibited
45185	Temporary Assignment
45203	Paid Holidays
45204	Exclusive Weekend or Holiday Employment
45205	Holiday in Lieu of Specified Holiday
45206	Substitute Holiday
45206.5	Substitute Holiday for Admission Day
45260	Power of Personnel Commission to Prescribe and Amend Rules
45267	Provisions Applicable to Noncertificated Personnel as well as to School Districts with Merit System
45268	Salary Schedule for the Classified Service
45309	Reinstatement of Permanent Noncertificated Employees After Resignation

CHAPTER 17

EMPLOYER-EMPLOYEE RELATIONSHIP

1701 General Provisions

A. The Superintendent of agents, Board of Education, and the Personnel Commission, Personnel Director and agents, are governed, as are employees and employee organizations, by the provisions of Article 6, Chapter 5, Division 3 (commencing with Section 45240), The Merit System, of the Education Code.

1. Nothing contained in government Code Sections 3540 – 3549.3, Educational Employee Relations Act, shall be deemed to supersede the rules and regulations which regulate the Merit System.

B. Public school employees shall not be interfered with, intimidated, restrained, coerced, or discriminated against either by the employer or by employee organizations because of their membership or non-membership in employee organizations. They shall have the right to participate individually or through representatives of their own choosing in the presentation of their views to the Board, when the Board may have under consideration employment conditions and employer-employee relations.

C. Employee organizations representing public school employees of the District shall have the right to represent their members in matters relating to employer-employee relations with the Board.

D. The Governing Board, or its representative, shall meet and confer with representatives of classified employee organizations in accordance with Government Code Sections 3540 through 3549.3.

LEGAL REFERENCES: Education Code

45240-45320 The Merit System

Government Code

3540-3549.3 Educational Employment Relations Act

CHAPTER 18

MISCELLANEOUS

1801 Certification of Payrolls

A. Official Roster: The Personnel Director shall maintain official records containing the names and complete employment records of all employees holding positions under the provisions of the Act, and such other records as are necessary for carrying out the provisions of the Act and these rules.

B. Certification for Payment: No warrant shall be drawn by or on behalf of the governing board for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the Personnel Director that the person named in the assignment has been employed and assigned pursuant to the requirements of the Act and the rules of the Commission.

C. Inspection of Payrolls: Payroll records of the District shall be made available for inspection by the Commission or the Personnel Director upon demand. If, upon examination of a payroll at any time, it is found that any person named thereon has been appointed, elected, or employed in violation of any of the provisions of the Act, or of the rules of the Commission, notice of such violation shall be served upon the Board and the disbursing officer that said person has been paid salary or received compensation in an unlawful manner.

D. Withholding of Warrant: Whenever the Personnel Commission, after a public hearing, finds that any appointment has been made in violation of the Act of the rules of the Commission as they apply to examination procedures, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered, after the date of said order.

1. Any violation of the Act or the rules of the Commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees guilty of such violation.

1802 Unlawful Acts

A. Education Code 45317 provides that any person who willfully or through culpable negligence violates any of the provisions of Merit System Law is guilty of a misdemeanor. It is also unlawful for any person.

1. Willfully by himself or in cooperation with another person to defeat, deceive, or destruct any person with respect to his right of examination, application, or employment under the Act or Commission rule.

2. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified this Act or Commission rule, or to aid in so doing, or make any false representation concerning the same of the person examined.

3. 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 Act or Commission rule.

1803 Public Records and the Public's "Right to Know"

A. The Legislature, mindful of the right of individuals to privacy, has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

B. Public records are available for inspection Monday through Friday, excluding holidays. Records are available beginning at 8am and concluding at 4:30pm. To ensure that the custodian of the records is available, it is advisable to schedule an appointment in advance.

C. Public records will be made available to individuals by the following methods:

1. Visual or Aural Inspection: Individuals may visually review public records, listen to take recordings, and copy by hand any information from the documents. Documents may not be removed from the custodian's location.

2. Check Out: Certain reports and lengthy documents may be checked out, if copies are available.

3. Free Materials (Single Copies): Selected materials that are pre-printed for this purpose will be made available free of charge until the supply is exhausted.

4. Reproduction and Payment (Single Copies): Single copies of public documents may be reproduced and purchased for the amount set by the Board of Trustees.

D. Confidential Information (except from disclosure requirements)

1. Test questions, scoring keys and other examination data used to administer examinations for employment as provided in Government Code 6254.7, Section G, including applications and/or similar files, the disclosure of which would create an invasion of personal privacy.

2. Criminal offender record information of the kind that is provided to school districts through the Personal Identification cards and the fingerprinting processes required in Education Code Section 45125. Only those District employees with a need and right to know for official purposes shall have access to this information.

3. If a candidate in an examination challenges whether another candidate met the minimum or entrance qualifications to take the examination, no information on education, experience and qualifications of the person being challenged shall be provided to the challenger without the express approval of the person who is the subject of the report. Similarly, information regarding the health, physical condition and any arrest/conviction record of an employee or applicant is privileged information, and will be maintained as such.

1804 Retention and Destruction of Public Records

A. Records in the Personnel Office shall be retained in accordance with provisions of Government Code Sections 6250-6259 for Classes 1, 2, and 3, and as required by Education Code Section 41020, Requirement for Annual Audit.

LEGAL REFERENCES: Education Code

41020	Requirement for Annual Audit
44031	Personnel File Contents and Inspection
45125	Use of Personal Identification Cards to Ascertain Conviction of Crime
45274	Retention and Availability of Examination Records; Review and Protests
45310	Certification for Payment; Appointments in Violation of Article or Rules
45317	Violation of Article a Misdemeanor; Other Unlawful Acts

Government Code

6250-6259	Inspection of Public Records