

**RULES AND REGULATIONS  
FOR THE  
CLASSIFIED SERVICE**



**CAJON VALLEY UNION SCHOOL DISTRICT**

**PERSONNEL COMMISSION**

**ESTABLISHED IN CAJON VALLEY 1967**

**REVISED 6/87**

**(CSEA recognized 04/30/76; Agency Shop 10/82; Janus v. AFSCME 6/27/18)**

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## CHAPTER 10

### DEFINITIONS AND PRELIMINARY STATEMENT

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## CHAPTER 10

### DEFINITIONS AND PRELIMINARY STATEMENT

#### 10.100 DEFINITIONS, GENERAL

Unless otherwise indicated by context or prevailing law, words, and terms listed below are understood to have the stated meanings for purposes of this publication.

The use of the masculine gender shall be construed as to include the feminine gender. The use of the singular gender shall be construed as to include the plural unless in conflict with reasonably applied logic.

#### ACT or THE ACT

The Act shall mean those sections of the Education Code of the State of California applying the merit system to classified employees in certain school districts. It shall include all of the provisions of Article 6, Chapter 5, Part 25, Division 3 and applicable provisions of Chapter 1 and Articles 1.5 and 7-11 inclusive of Chapter 5, Part 25, Division 3.

#### AFFIRMATIVE ACTION

Positive steps taken by an employer to insure equal employment opportunity to applicants from all segments of the work force population.

#### AGENDA

A list of items to be considered at a meeting.

#### ALLOCATION

The official placing of a position in a given classification and/or the assignment of a given classification to a specific range in the salary schedule.

#### ANNIVERSARY DATE

The Date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following completion of the required period of service, yearly.

#### APPEAL

A request to higher authority to review, reverse, or modify a disputed matter.

#### APPELLANT

One who appeals.

#### APPLICANT

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

#### APPOINTING AUTHORITY

The Governing Board of the Cajon Valley Union School District.

#### APPOINTMENT

The official act of the appointing authority in approving the employment of a person or such person or persons as the Board may designate to act for the Board on appointments.

#### BENCH MARK

A common, easily-identifiable job classification for which salary data is obtained. Salaries for other classes in the particular occupational group may be set according to the relationship of each class to the bench mark.

#### BOARD

The Governing Board of Board of Education of the Cajon Valley Union School District.

#### BUMPING RIGHTS

The right of an employee, under certain conditions, to displace another employee with less seniority, either in their current classification or a previous classification in which they have gained permanency. **(Added 4/92)**

#### CANDIDATE

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

#### CAUSE

Those specific activities, behaviors, or events which are listed within these rules as being subject to disciplinary action. **(Added 4/92)**

#### CERTIFICATED SERVICE

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

#### CERTIFICATION

The submission of names of eligibles from an appropriate list to an appointing authority of the Personnel Director.

#### CLASS OF POSITIONS

Positions sufficiently similar in duties and responsibilities that the same descriptive titles may be used to designate each position allocated to the classes; 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. In addition, the same salary range may be applied with equity.

## CLASSIFICATION

The assignment of a position to a class, whether new or existing, because of the position's maximum qualifications, duties, and responsibilities.

## CLASS SPECIFICATION

A formal statement of the duties and responsibilities of the positions as determined by the Governing Board in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class as determined by the Personnel Commission.

## CLASS TITLE

A definite description title or name applied to a class and to all positions of the class (even though there be but one) to be taken with meaning set forth in the description of the class as embodied in the specifications, and to be as descriptive as possible of the duties and responsibilities involved in the class.

## CLASSIFIED EMPLOYEE

A person appointed by the Board of Education to serve in a position of the Classified Service.

## CLASSIFIED SERVICE

All positions in the District's service to which the Act applies and which are not excepted by the Act. See rule 30.100.

## COMMISSION

A three (3) member committee established pursuant to the Act to establish rules and regulations to govern the classified service of the Cajon Valley Union School District, to oversee the personnel management function related to the classified service. **(Rev. 4/92)**

## COMPLAINT

A charge by an employee or group of employees of a violation of District policy or of some other form of unfair working condition.

## CONTINUOUS EXAMINATION

A method of recruiting and examining applicants in which the last day for filing applications is not specified and an examination is conducted from time to time as the needs of the service require and there are sufficient applications on file for the class.

## CONTRACT

Agreement between any employee bargaining unit and the Governing Board.

## 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 rate.

## DIFFERENTIAL or DIFFERENTIAL PAY

A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes. **(Added 4/92)**

## DISCHARGE OR DISMISSAL

Separation from service for cause.

## DISTRICT

Cajon Valley Union School District.

## DUAL CERTIFICATION

A special procedure, when authorized by the Personnel Commission to provide for simultaneous certification, in specified cases, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates. **(Rev. 4/92)**

## EDUCATION CODE

A compilation of statutes relating of education and management matters in California school districts.

## ELIGIBLE

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

## ELIGIBILITY LIST

A list of the names of persons who have qualified in a competitive examination and are eligible for certification of appointment to a position in a specific classification.

## EMERGENCY APPOINTMENT

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

## EMPLOYEE

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

## EMPLOYMENT LIST

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

### EXAMINATION

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

### EXEMPT POSITION

A management, supervisory, or specialist position which meets the requirements of the Fair Labor Standards Act and the Education Code for exclusion from overtime pay provisions.

### FISCAL YEAR

July 1 to June 30.

### FRINGE BENEFITS

Term used to encompass items such as vacations, holidays, insurance, medical benefits, pensions, and other similar benefits that are given to an employee under his employment in addition to direct wages.

### FULL-TIME POSITION

Eight hours a day, forty hours a week, five consecutive days.

### GOVERNING BOARD

The Board of Education of the Cajon Valley Union School District. (Synonymous with appointing authority or power.)

### GRIEVANCE

A charge by an employee or group of employees of a violation of the collective bargaining contract.

### GRIEVANCE PROCEDURE

The process for review of an unresolved grievance, presented in writing by the aggrieved employee to higher administrative levels in accordance with the provisions of the collective bargaining contract.

### HEARING

The actual presentation of evidence before a Personnel Commission or its designated representative, usually concerning an appeal from a disciplinary action, although hearings may be held for other matters under the jurisdiction of the Commission.

### HEARING OFFICER

A qualified person employed to hear and make recommendations on appeals from disciplinary actions.

### HIRE DATE

Date of original, or most recent (refer to ADJUSTED HIRE DATE), employment with the District. **(Added 4/92)**

### INCREMENT

A salary increase provided for in certain pay plans.

### INCUMBENT

An employee assigned to a position and currently serving in or on leave from that position

### INSUBORDINATION

Willful failure of an employee to comply with a reasonable directive from his supervisor, or an act which indicates clearly and beyond doubt his unwillingness to accept the authority of a supervisor.

### JOB ANALYSIS

An evaluation technique which analyzes the results of questionnaires, interviews, and work site observations to describe the duties, tasks, and responsibilities of a position. **(Rev 4/92)**

### JOB CLASSIFICATION

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

### LAYOFF

A separation from the classified service because of shortage of funds or materials, abolishment or reclassification of position, or for other involuntary reasons not reflecting discredit on an employee.

### LEAVE OF ABSENCE

Approved absence from duty, with or without pay, for a prescribed period of time.

### LIMITED TERM EMPLOYEE

A term used in the Education Code to designate employment for period not to exceed six months, or employment of a temporary employee during the authorized absence of a permanent employee. (Synonymous with "temporary".)

### MERGED ELIGIBILITY LIST

The combining of two or more eligibility lists for the same class, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one (1) year following the date on which it was established by the Personnel Commission; not following the

date on which they were merged. **(Added 4/92)**

#### OPEN EXAMINATION

An examination not limited to permanent employees of the District. Any person who meets the entrance requirements may take the examination.

#### PART-TIME EMPLOYEE

An employee who works less than full time.

#### PERFORMANCE EVALUATION

The supervisor's periodic, official summary of his evaluation of an employee's performance.

#### PERMANENT EMPLOYEE

A person who has completed a probationary period in a regular position in the classified service.

#### PERMANENT POSITION

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

#### PERSONNEL COMMISSION

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

#### PERSONNEL DIRECTOR

As used in these Rules and Regulations, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the AMerit System@ under the provisions of law and the Rules and Regulations established by the Personnel Commission. **(Rev. 4/92)**

#### POSITION

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

#### POSITION CLASSIFICATION

The process of categorizing jobs by occupational group, series, class, and grade; according to similarities and differences in duties, responsibilities, and qualification requirements. **(Added 4/92)**

#### PROBATIONARY EMPLOYEE

A person who has been properly appointed to a position before acquiring permanent status in that class.

#### PROBATIONARY PERIOD

A trial period of six months or 130 days of paid service, whichever is longer, as determined by the Personnel Commission, immediately following an original or promotional appointment to a permanent position from an eligibility list.

## PROMOTION

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

## PROMOTIONAL EXAMINATION

An examination limited to qualified employees of the District.

## PROMOTIONAL LIST

An eligibility list resulting from a promotional examination limited to qualified 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 and subject to prescribed time limits as specified in the Education Code.

## PROVISIONAL EMPLOYEE

An employee employed under a provisional appointment.

## PUBLIC NOTICE

Announcements placed on official bulletin boards of examinations, meetings, hearings, and other actions of the Personnel Commission.

## RANGE

A series of consecutive salary steps that comprise the rate of pay for a class.

## REALLOCATION

Movement of a class from one salary range or hourly rate to another without significant change in class title, minimum qualifications, duties, or responsibilities.

## REASSIGNMENT

A change in assignment of an employee.

## RECLASSIFICATION

Changing the written description and the salary level of an existing classification so that it will reflect the higher (or lower) level of skills and responsibilities now required by the position. Persons presently performing the requirements of the reclassification will be eligible to maintain the new classification without examination providing they have a continuous employment record of two or more years in one or more of the positions being reclassified.

## REEMPLOYMENT

Redefined under AREHIRE@ (**Redefined 4/92**)

## REEMPLOYMENT LIST

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

## REGULAR EMPLOYEE

An employee who has probationary or permanent status in the classified service.

## REHIRE

Reappointment to duty of an employee who has been laid off. **(Added 4/92)**

## REHIRE LIST (Previously REEMPLOYMENT LIST)

A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment, or reclassification of position, or other reasons specified in these rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment. **(Rev. 4/92)**

## REINSTATEMENT

The reappointment, without examination, of an employee who resigned, and was in good standing, to a regular, permanent, position in the employee=s former class or lower, related class; also refers to the return to work of an employee (when ordered by the Personnel Commission) after winning an appeal from disciplinary action. **(Rev. 4/92)**

## RESIGNATION

Voluntary termination of employment on the part of an employee.

## RESTORATION

The reinstatement (see above) to duty of an employee or former employee, with all of the rights, benefits, and burdens held prior to the break in service (if within 39 months). This term includes reinstatement following demotion or dismissal when an appeal is sustained by the Personnel Commission. **(Rev. 4/92)**

## RESTRICTED POSITIONS

Those positions for which the field of competition on the examination is limited. Positions may be limited to persons from low-income groups or from designated geographical areas or to those who meet other specified criteria.

## RESTRICTED EMPLOYEE

A person employed in a position properly classified as "restricted." A restricted employee is not entitled to employment permanency or appeal rights in the event of disciplinary action, however, the restricted employee may gain permanency by requesting, taking, and passing the qualifying examination for their particular classification.

## RULE OF THREE

The scope of choice available to the appointing authority or power for making its selection from an eligibility list. More specifically, it refers to selection from the first three (3) ranks of eligibles who are ready, willing, and able to accept appointment to a specific position. **(Added 4/92)**

## SALARY RANGE

A series of consecutive salary steps that comprise the rate of pay for a class. A salary range normally consists of five salary steps.

## SALARY RANGE PLACEMENT

The act of placing a specific classification onto a specified range of the salary schedule or salary matrix by the Personnel Commission. **(Added 4/92)**

SALARY RATE

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

SALARY SCHEDULE

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

SALARY STEP

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

SENIORITY

Status secured by length of service (in a classification) to which certain rights attach. **(Rev. 4/92)**.

SEPARATION

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

SERIES

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

STATUS

The condition of an employee's present appointment, such as temporary, provisional, limited term, part-time, probationary or permanent.

STEP ADVANCEMENT INCREASE

Movement to a higher step on the salary range for the classification as a result of having served the required number of months in that classification until the maximum step has been achieved. **(Added 4/92)**

SUBSTITUTE EMPLOYEE

An individual who replaces a regular employee during his or her absence and who is not eligible for any District benefits also referred to as a ALimited-term Employee@. **(Rev. 4/92)**

SUSPENSION

An involuntary absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

TEMPORARY

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

TRANSFER

The reassignment of an employee without examination from one position to another in the same class or to a position in a similar or related class with the same salary range.

### UNCLASSIFIED SERVICE

All positions and employees not in the classified or certificated service: i.e., those exempt by law. See Rule 30.100.

### WAIVER

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

### WORKING DAYS

Any day on which the Education Center is open for business.

## **10.200 PRELIMINARY STATEMENT**

### 10.200.1 Statutory Authority for These Rules

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

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

- A. The rule obviously requires Board approval, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule in question.

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

### 10.200.2 Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. Accordingly, these rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to reasonable suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability, unless legally necessary. All statutory provisions applicable to classified service shall govern.

### 10.200.3 Servability

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

## CHAPTER 20

### THE PERSONNEL COMMISSION

#### 20.100 ORGANIZATION OF COMMISSION

- 20.100.1 Terms
- 20.100.2 Officers
- 20.100.3 Quorum and Majority

#### 20.200 MEETINGS

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## CHAPTER 20

### THE PERSONNEL COMMISSION

#### 20.100 ORGANIZATION OF COMMISSION

##### 20.100.1 Appointment and Terms of Personnel Commissioners

In any school district which has a three-member personnel commission, one member of the Commission shall be appointed by the Governing Board of the district and one member, nominated by the classified employee representative of the district shall be appointed by the Governing Board of the district. Those two members shall, in turn, appoint the third member. The term of each of the three Commissioners is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Sections 45245, 45246, (b) (2), 45247, and 45248.

##### 20.100.2 Officers

At its first meeting following December 1 of each year, the Commission shall elect one of its members as Chairman and another member as Vice Chairman, to serve a term of one year or until their successors are duly elected. The term of the Chairman and Vice Chairman then will begin on January 1 and end on December 31 of the following calendar year.

##### 20.100.3 Quorum and Majority

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

#### 20.200 MEETINGS

##### 20.200.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet on the fourth Thursday in each month at 4:30 p.m. in the Board Room of the District Office, 750 East Main Street, El Cajon. (Rev 04/15)

The Commission may meet at other times and places, provided that at least 72-hours' notice is given to representatives of recognized employee organizations, the administration, administration and any persons(s) which have formally requested notification. A copy of the notice shall be posted in a location accessible to the public. (Rev 04/15)

##### Special Meetings

The Commission may meet at other times and places, provided that at least 48 hours notice is given to all work sites.

##### 20.200.2 Adjourned Meetings

The Commission may adjourn any meeting to a time and place specified in

the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a meeting fails to state the hour at when the meeting is to be held, it shall be held at the hour designated for regular meetings.

20.200.3 Public Meetings

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 20.200.4. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.
- B. Insofar as possible, at least 48 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall be provided the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commissions' official bulletin board and distributed to news media which have requested it.
- C. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in rule 20.200.4, and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

20.200.4 Executive Sessions

Executive Sessions may be held at any meeting of the Commission and are closed to the public. The Commission may held executive sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not consider any matter in executive session relating to an employee unless the employee has been notified of his right to a public hearing and has declined the public hearing or properly failed to request same. The Commission may hold executive sessions also to consider administrative matters relative to its own staff and matters relative to negotiations, and to consider examination materials as provided in these rules.

20.200.5 Amendment, Deletion, or Addition to Rules

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first reading" the Commission will set a date for Commission action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.
- C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

20.200.6 Minutes

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

**20.300 COMMISSION EMPLOYEES**

20.300.1 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. (ECS 45264)

20.300.2 General Duties of the Personnel Director

- A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed upon him by law and these rules. He shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. He shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.
- B. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he deems necessary to his responsibilities.
- 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 Personnel Director, and the Personnel Commission notified at the next regularly scheduled meeting.

**20.400 MISCELLANEOUS PROVISIONS**

20.400.1 Communications

- A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.
- B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for Placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject.

20.400.2 Budget

The Commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the Governing Board in the regular budget of the School District. The budget shall be prepared for a public hearing by the Commission to be held not later than May 30 of each year. The Commission shall forward a copy of its proposed budget to the Governing Board indicating the time, date, and place for the budget and shall invite Board and district administration representatives to attend and present their views.

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

20.400.4 AD HOC Committee of One Commissioner

The Committee Chairperson may appoint one Commissioner to serve on working committees from time-to-time, as need arises.

## CHAPTER 30

### POSITION CLASSIFICATION PLAN

#### 30.100 THE CLASSIFIED SERVICE

- 30.100.1 Positions Included and Restricted Positions
- 30.100.2 Exemption From the Classified Service
- 30.100.3 "Part-Time" Defined
- 30.100.4 Effect of Exemption
- 30.100.5 Professional Expert Assignments

#### 30.200 GENERAL CLASSIFICATION RULES

- 30.200.1 Assignment of Duties
- 30.200.2 General Nature of the Classification Plan
- 30.200.3 Class Specifications
- 30.200.4 Interpretation of Class Specifications
- 30.200.5 Allocation of Positions to Classes
- 30.200.6 Changes in Duties of Positions
- 30.200.7 Working Out of Classification
- 30.200.8 Review of Positions
- 30.200.9 Creation of New Positions (ECS 45276)

#### 30.300 RECLASSIFICATION

- 30.300.1 Requests for Study
- 30.300.2 Effective Date of Reclassification
- 30.300.3 Effects on Incumbents
- 30.300.4 Reemployment List for Displaced Incumbents

#### 30.400 MISCELLANEOUS RELATED RULES

- 30.400.1 Decreases in Assigned Time

## CHAPTER 30

### POSITION CLASSIFICATION PLAN

#### 30.100 THE CLASSIFIED SERVICE

##### 30.100.1 Positions Included

All positions established by the Governing Board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. the employees and positions shall be known as the classified service (ECS 45256)

##### Restricted Positions

Positions not requiring certification qualifications created by a governing board of a school district under any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 45256 of the Education Code.

Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens, and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions as part of the regular school program.

If specially funded positions are restricted to employment of persons in low income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall in addition to the regular class title, be classified as "restricted."

If any time, after completion of six months satisfactory service, a person serving in a "restricted" position may take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, he shall be accorded full rights, benefits, and burdens of any other classified employee serving in the regular classified service shall be counted from the original date of employment in the "restricted" position.

##### 30.100.2 Exemption From the Classified Service

The following are exempt from the classified service:

- A. Positions which require certification qualifications,
- B. Part-time playground positions,
- C. Full-time students employed part-time,
- D. 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 and which is financed by state or federal funds.
- E. Apprentice positions.
- F. 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.

30.100.3 "Part Time" Defined

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87.5 percent of the normally assigned time of the majority of employees in the classified service.

30.100.4 Effect of Exemption

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

30.100.5 Professional Expert Assignments

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

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

**30.200 GENERAL CLASSIFICATION RULES**

30.200.1 Assignment of Duties

The Governing Board shall fix and prescribe the duties and responsibilities to be performed by all persons in the classified service, except those on the Personnel Commission staff.

30.200.2 General Nature of the Classification Plan

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

### 30.200.3 Class Specifications

For each class of positions there shall be established and maintained a class specification, which shall include:

- A. The official class title;
- B. A definition of the class, indicating the type of duties and responsibilities;
- C. A statement of typical tasks to be performed by persons holding positions allocated to the class;
- D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics;
- E. A statement of distinguishing characteristics which differentiates the class from other related or similar classes; and
- F. License or other special requirements for employment of service in the class.
- G. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.

### 30.200.4 Interpretation of Class Specifications

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

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions 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 attributes to typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Each class specification is contoured in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper graduation in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition, freedom from disabling defects, citizenship (see Labor Code Section 1940 et seq

for exceptions), honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements.

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

30.200.5 Allocation of Positions to Classes

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

30.200.6 Changes in Duties of Positions

When it comes to the attention of the Personnel Director there have been substantial changes in the duties of existing positions, the Personnel Director shall determine whether the positions should be allocated to different classes.

30.200.7 Working Out of Classification

When an employee is required to work out of classification for any period of time which exceeds five working days within a 15-calendar day period (ECS 45110), the fact shall be reported to the Personnel Director, who shall immediately investigate and take action as necessary based upon the facts, the notify the Personnel Commission of the facts and action taken. The rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

30.200.8 Review of Positions

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification. For the years 2024-2029, the review of positions will be conducted on a five (5) year cycle. The financial impacts of the implementation will be discussed at the onset of the study. If the Personnel Director finds that a position or positions should be reclassified, the Director shall advise the Administration of the findings. If the Administration verifies the duties of the position, or if the duties are not revised to fit within the current classification, the Director shall report the findings and recommendations to the Association and the Commission. The Personnel Director shall also report the findings in cases where the review indicates that no change in classification is necessary. (Rev 03/14)

30.200.9 Creation of New Positions (ECS 45276)

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

- A. Classify the position and determine whether the position should be allocated to an existing class or to a new class.
- B. Prepare and approve the qualification requirements for the position class, insuring that they reasonably relate to the duties of the position and will admit an adequate field of competition.

- C. Designate the proper salary range if a new class is established.
- D. Notify the Governing Board of its action.

### **30.300 RECLASSIFICATION**

#### **30.300.1 Requests for Study**

Requests for classification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting study. Such requests may be initiated by the Administration, with approval of the Superintendent, by the Commission, and by employees or employee organizations. Requests to be submitted in writing on an appropriate district forms. (ECS 45285)

#### **30.300.2 Effective Date of Reclassification**

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

#### **30.300.3 Effects on Incumbents**

- A. When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the Personnel Commission. When a portion of the positions within a class are reclassified to a higher class an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his/her position as provided by Personnel Commission rule. If a person is in a position which is being reclassified and has not been in the position for two or more years, he/she must complete in a new examination and place in the top three ranks to be promoted.

The basis for reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities.

An employee who has been reclassified with his/her position is ineligible for subsequent reclassification with his/her position for a period of at least two years from the initial action. (ECS 45285)

- B. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:
  - 1. The right to bump the employee in the same class with the lowest seniority in the class, provided that the incumbent has greater seniority in the class;
  - 2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he had greater seniority in the class;
  - 3. The right to be demoted or to transfer, without examination, to the class to which his position is reclassified; and

The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choice shall not affect his right

under Rule 30.300.4 below.

30.300.4 Reemployment List for Displaced Incumbents

- A. Any displacement of a regular employee resulting from a reclassification of a position, positions, or class of positions shall be considered a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these rules with regard to the period of eligibility. (ECS 45298)
- B. This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.

**30.400 MISCELLANEOUS RELATED DUTIES**

30.400.1 Decreases in Assigned Time

- A. When a permanent position is to be reduced in assigned time per day, week, months, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided that he has greater seniority  
  
If no such option is available, he may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that he has great seniority. An employee so bumped shall have similarly bumping rights.
- B. When an employee is faced with a reduction in assigned time, the rules on transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.

## CHAPTER 40

### APPLICATION AND EXAMINATION

#### 40.100

#### APPLICATION FOR EMPLOYMENT

- 40.100.1 Filing of Application
- 40.100.2 General Qualifications of Applicants
- 40.100.3 Elimination of Unfit Applications, Candidates and Eligibles
- 40.100.4 Rejection and Appeal From Rejection
- 40.100.5 Action When Rejection is Not Sustained
- 40.100.6 Applications Not to be Returned
- 40.100.7 Applicants' Names Not Made Public
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#### 40.200

#### EXAMINATIONS

- 40.200.1 Examinations Barred
- 40.200.2 Notice of Examination
- 40.200.3 Who May Compete
- 40.200.4 Types of Examinations
- 40.200.5 Examination Scores and Weights
- 40.200.6 Notice of Examinees
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- 40.200.11 Continuous Examinations
- 40.200.12 Seniority Credit
- 40.200.13 Ties in Examination Scores

## CHAPTER 40

### APPLICATION AND EXAMINATION

#### 40.100 APPLICATION FOR EMPLOYMENT

##### 40.100.1 Filing of Application

All applications for employment should be made upon official forms furnished by the Commission, filled out as therein directed, and filed on or before the date specified and in the office specified in the examination announcement.

Applicants taking more than one examination must file a separate and complete application for each such examination.

##### 40.100.2 General Qualifications of Applicants

Applicants must possess all requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he applies.

##### 40.100.3 Elimination of Unfit Applicants, Candidates, and Eligibles

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

- A. Failure to meet the general qualifications of Rule 40.100.2.
- B. Conviction or pleading guilty in court to a charge of moral turpitude, or any sex offense, or mistreatment of children.
- C. Criminal, infamous, dishonest, immoral or disgraceful conduct according to standards approved by the Personnel Commission.
- D. Intentionally making a false statement or omitting a statement as to any material fact on the application form.
- E. Practicing any deception or fraud in connection with an examination or to secure employment.
- F. Drug addiction and/or use of intoxicating beverages to excess.
- G. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- H. Previous dismissal from this District unless the District waives this subsection.
- I. A record of unsatisfactory service with this District even though separation has not occurred.
- J. Unsatisfactory health conditions.
- K. Discharge under other than honorable conditions from the armed forces of the United States.
- L. Failure to report for duty after an assignment has been offered and accepted.

- M. Failure, after due notice, to report promptly for review of any of the above basis for rejection.
- N. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Education.
- O. Other reasons that applicants are not deemed fit for District employment.

40.100.4 Rejection and Appeal From Rejection

- A. Applicants, candidates and eligibles who are rejected for any of the reasons enumerated in Rule 40.100.3 shall be notified in writing by the Personnel Director. The notification shall include:
  - 1. Given a written notice outlining the reason(s) for sustaining the rejection, and
  - 2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days, to be Personnel Commission. The appeal may be based on any of the following reasons:
    - a. Discrimination because of affiliations, political or religious acts or opinions, race, color, sex, marital status, national origin or ancestry. (ECS 45293)
    - b. Abuse of discretion.
    - c. Inconsistency of the reasons given for the rejection with the facts.
  - 3. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final. (ECS 45311)

40.100.5 Action When Rejection Is Not Sustained

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

40.100.6 Applications Not To Be Returned

All applications and examination papers are confidential records of the District and shall not be returned to the applicants. (ECS 45274)

40.100.7 Applicants' Names Not Made Public

The names of the applicants or unsuccessful candidates in any examination shall not be made public. (ECS 45274)

40.100.8 Veterans' Preference

- A. In the case of all entrance examinations for positions which are the lowest level of a promotional class, veterans' preference points shall be added to passing scores in the amount prescribed by Education Code Section 45296. "Veteran" as used in this article, means any person who has served at least 30 days of active service

in the Army, Navy, Marines, Air Force, or Merchant Marine, or as a nurse on active duty with the Red Cross, in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable (ECS 45294). Includes the Korean and Vietnam conflicts.

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

## **40.200 EXAMINATIONS**

### **40.200.1 Examinations Barred**

- A. No examination announcement, on newly established classifications, may be made and no part of any examination may be held until the appointing authority has approved the prescribed position duties and the Commission has completed the position classification including establishment of minimum education and work experience requirements. (ECS 45276)
- B. Prior to examinations being made on existing classifications, a review will be made by the Personnel Director to determine if there have been substantial changes in position duties.

### **40.200.2 Notice of Examination**

The Personnel Director shall prepare, or cause to be prepared, an announcement bulletin to publicize examinations for positions within the classified service. The bulletin shall be circulated widely and posted in all schools and offices at least 10 working days prior to the last date for filing applications to take the examination. The announcement shall contain, but not be limited in content to:

1. The class title
2. The salary range
3. Minimum qualifications required
4. Description of position duties and responsibilities
5. Place and closing dates for application
6. Information as to the type of examinations
7. Such information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination

### **40.200.3 Who May Compete**

- A. Competitive examinations for positions in the classified service shall be open to the public except in those cases where examinations are restricted to promotional candidates only at the discretion of the Commission.
- B. In admitting applicants to examinations, age shall not be a factor, nor shall any questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, or marital status be asked of any applicant, or any candidate whose name has been certified for appointment, not shall any discrimination be exercised therefore. (ECS 45293)

### **40.200.4 Types of Examinations**

Examinations shall consist of one or more independent parts. They may be written or oral or in the form of a practical demonstration of skill, knowledge, and ability, or any combination of these. Any investigation of education, experience, character, or identity, and test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the Commission serves this end, may be employed. (ECS 45273)

40.200.5 Examination Scores and Weights

Under the supervision of the Commission, the scoring and weighing of examinations shall be as formulated by the Personnel Director. Competitors may be required to attain a designated minimum rating in each part or in combined parts of the examination to qualify for participation in the next succeeding part.

40.200.6 Notice to Examinees

When an examination process is completed, each eligible shall be notified as to their score and rank on the eligibility list. Similarly, unsuccessful candidates will be notified as to the reason for their nonattainment of eligibility. In both cases, moreover, such notices shall inform competitors that any protest with regard to any part of the examination must be filed with the Personnel Director within 24 hours of receipt of such notice. Eligibility lists and graded examinations shall be available for review by eligibles and examinees. Examination records shall be retained by the Commission for a period of not less than 90 days. (ECS 45274)

40.200.7 Oral Examination

- A. If an oral examination is included in the tests, competitors eligible for the interview will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).
- B. An Oral Examination Board shall consist of at least two persons, at least one of whom shall be technically qualified in the area of the class for which the examination is being administered.
- C. The Personnel Director may designate a District employee as a member of an Oral Board; however, under no circumstance shall a supervisory employee, under which a successful competitor may serve, be designated as an oral examiner.
- D. A competitor may appeal an oral examination rating to the Personnel Director and, if rejected, he may appeal to the Commission at any time after establishment of the eligibility list. The Commission may alter the oral examination rating if it finds justification for the protest and order the competitor's examination score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointee was fraudulently appointed.

40.200.8 Open Examination

All entrance examinations for positions which are the lowest level of a promotional class shall be open and veterans' preference points allowed as specified in Rule 40.100.8. The Personnel Director shall designate such examinations as open and they shall be open to all qualified applicants.

#### 40.200.9 Promotional Examination

Examinations shall, where practicable, as determined by the Commission, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to permanent employees of the District. Where space is available for testing, permanent/probationary employees may be allowed to take a promotional examination, but will be certified to the open candidate list until permanent status is achieved in their current classification. If selected for a position from the open candidate list, the promotional rule (70.300.3) will not apply. (Rev. 12/93; 12/96 - defined promotional candidate, removed substitute eligibility; 03/05, added open list cert)

#### 40.200.10 Open and Promotional Examinations

- A. Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Personnel Director may solicit applications for the examination from among employees and the general public.
- B. Applicants shall be considered as a group in determining qualifying scores on the examination.
- C. As long as three eligibles are available for work on the promotional list, all openings shall be filled from that list before utilizing the open list. Should fewer than three eligibles be available from the promotional list, the Personnel Director may certify sufficient numbers of eligibles from the open list, in rank order of scores, in order to provide three candidates from both lists for each position to be filled

#### 40.200.11 Continuous Examinations

The Commission may provide for the continuous examination of eligibles for certain classes of positions as designated by the Commission. (ECS 45292)

#### 40.200.12 Seniority Credit

Seniority credit shall be added to the final passing scores of promotional candidates in the amount of 1/4 of one point for each year of service, not to exceed a total of five points. Credits shall not be calculated for units of less than a half year. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar-year basis. Credit shall be granted for time spent in regular status in the classified service.

#### 40.200.13 Ties in Examination Scores

All scores shall be rounded to the nearest whole number and ties shall be considered one rank.

## CHAPTER 50

### EMPLOYMENT LISTS

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**CHAPTER 50**  
**EMPLOYMENT LISTS**

**50.100 ELIGIBILITY LISTS**

50.100.1 Establishment and Life of Eligibility Lists

- A. Unless specifically authorized in these rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on eligibility lists.
- B. After an examination, the names of qualifying competitors shall be arranged on a list in the order of their examination scores, plus additional points where applicable.
- C. All eligibility lists shall be certified by the Personnel Commission.

50.100.2 Types of Eligibility Lists

- A. Lists from which appointments to a class may be made shall be limited to:
  - 1. Eligibility lists, either open, promotional, or dual certification.
  - 2. Reemployment lists including (1) the roster of the names of former employees requesting reemployment; such persons shall be eligible for reemployment for a period of 39 months from the date they last held permanent status in the classified service (ECS 45309); and (2) the list of employees who within the past 39 months have been laid off from permanent positions by reason of lack of work or lack of funds, or abolishment of position; this layoff list shall take precedence over all other employment lists. (ECS 45298)
  - 3. The transfer list which shall consist of the names of all employees requesting in writing lateral transfer or voluntary demotion to a class in the same job family. Transfers shall be made as stipulated in Chapter 60 of these rules.

50.100.3 Duration and Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one year from the date of its approval unless previously extended by the Commission.
- B. No eligibility list shall remain in effect for more than a two year period.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated by the Personnel Director when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three eligibles remaining on the list.
- E. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established.

50.100.4 Consolidation of Eligibility Lists

- A. When during the first year of an eligibility list there are one or two, but not three, eligibles ready and willing to accept appointment, another examination process may be conducted and the resultant list merged with the first. Lists shall be merged in order of the examination scores of eligibles and must be promulgated under conditions and techniques which are sufficiently similar to preserve their competitive character. (ECS 45291)
- B. When lists are consolidated under this rule, the earlier list shall be terminated one year after its establishment, and those eligibles names shall be removed from the consolidated list.
- C. In the cases of all eligibility lists which are modified by supplemental or continuous examination procedures, each merging of new eligibles shall be certified by the Commission.

50.100.5 Eligibility After Appointment

An eligibility list shall be used for full-time, part-time, regular, and limited term assignments in the class. An eligible who accepts part-time employment shall continue to be eligible for full-time employment, and an eligible who accepts limited term employment shall continue to be eligible for regular appointment. (ECS 45286)

50.100.6 Removal of Names From Eligibility Lists

The name of an eligible may be removed from an eligibility list by the Personnel Director for any of the following reasons:

- A. Failure to respond within ten days of an inquiry regarding availability for employment interview;
- B. Waiver of three offers of regular appointment;
- C. Three refusals to interview for selection for regular appointment;
- D. Failure to respond for an interview after certification; or
- E. Any of the causes listed in Rule 40.100.3

**50.200 CERTIFICATION FROM EMPLOYMENT LISTS**

50.200.1 Order of Precedence

Names shall be certified for appointment from employment lists in the following sequence:

- A. Reemployment list (one name) (ECS 45298 and ECS 45308)
- B. Promotional eligibility list (ECS 45272)
- C. Open eligibility list (ECS 45272)

50.200.2 Dual Certification

When an open competitive examination and a promotional examination for a particular class are held at the same time the Commission may, prior to the examination, authorize dual certification from the resultant eligibility list. The three ranks certified shall be those of open and promotion eligibles who have the highest examination scores, without veterans' credit and including seniority credit for promotional eligibles. When all promotional

eligibles have been removed from the list through appointment or otherwise, veterans' credit shall be added to the scores of the remaining open eligibles, and their rank shall be adjusted accordingly.

50.200.3 Procedure When Fewer Than Three Names Remain

- A. When fewer than three eligibles are available on the promotional list, sufficient ranks shall be certified from the open list to allow a choice of no less than three eligibles.
- B. When fewer than three eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.

50.200.4 Other sources of Eligibility

In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement or reemployment (after resignation), restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists. (ECS 45272)

50.200.5 Procedure of Certification and Appointment

- A. When a position is to be filled, the appointing power shall notify the Personnel Director of that fact and of the date of the anticipated need in writing on the appropriate District form. The request for certification shall state the class title, hours, and location of employment, and other pertinent information as required by the Director.
- B. The Personnel Director shall ascertain the availability of eligibles and shall certify names to the appointing power in accordance with these rules.
- C. The appointing power shall make its selection and shall notify the Director, who shall see that the necessary employment procedures are carried out.

50.200.6 Waivers of Certification

- A. An eligible may waive certification to specific locations or shifts and to part-time or full-time positions by refusing certification via telephone or mail.
- B. Eligibles who have waived appointment shall be notified when a new examination for the class is to be held.

50.200.7 Refusals of Appointment

An eligible may refuse appointment to a specific position and retain eligibility, provided that refusal of three offers of appointment may be cause for removal from the eligibility list. (See 50.100.6). Such action may be appealed in accordance with Rule 40.100.4.

50.200.8 Certification From List for Another Class

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or a higher level if the duties and qualifications of the class for which the

examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

#### 50.200.9 Withholding Names From Certification

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

- A. He expresses unwillingness or inability to accept appointment.
- B. He fails to respond within three workdays next following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.
- C. He fails to present himself for duty at the time agreed upon after having accepted an appointment.
- D. He cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. He fails to present the license, registration, certificate, or any other credential required, without a valid reason beyond his control.
- F. The person to be certified is related by family or marriage to the supervisor at that job site. For these purposes, family members will be the same as those defined in bereavement leave (60.400.5).
- G. For any reason listed in Rule 40.100.3.

#### 50.200.10 Restoration to Certification

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

- A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he is now willing and able to accept appointment.
- B. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the defect has since been corrected.

Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

#### 50.200.11 Duties of Eligible

- A. Eligibles will be contacted by telephone or mail and it shall be the duty of every eligible to respond within three workdays. If necessary, collect calls to the District will be accepted. Failure of an eligible to respond within the above-stated time will be deemed on automatic waiver of certification and the Personnel Director may certify an additional name in lieu of the name of such eligible.

- B. Notification that the eligible has been selected for employment shall be made by telephone, letter, or by certified mail, and acceptance shall be received by the Personnel Director within three workdays.
- C. An eligible who has been certified shall be allowed two weeks to report for duty after an offer of appointment to a permanent position has been made. If he is unable or unwilling to report by the end of two weeks, he may be considered to have refused appointment; and the appointing power may request certification of another name from the eligibility or reemployment list.
  - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of his selection.
  - 2. The appointing power may allow a period longer than two weeks at its discretion.
  - 3. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- D. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Commission his correct telephone number, mailing address, and place of residence. This address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, he shall promptly notify the office of the Commission, stating the list or lists upon which his name appears, together with his new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his order of certification and/or appointment from any such list of lists.

#### 50.200.12 Confidentiality of Lists

- A. Eligibility lists shall be considered as confidential information and release of information on an eligibility list shall be limited to:
  - 1. The public: the names and positions on the list of the eligibles in the top three ranks. The event of appointments having been made or if appointments are pending, the names and positions on the list of the eligibles in the top three ranks who were or are available for appointment shall be available to the public. Examination scores shall not be available to the public.
  - 2. The appointing authority: only information relating to eligibles who have been certified shall be released by the Personnel Director to the appointing authority.
  - 3. Eligibles: only information pertaining to an eligible's own scores and current position on the list shall be released to the eligible or his representative.
  - 4. Such other additional persons as specifically ordered by the

## 50.300 PROVISIONAL APPOINTMENTS

### 50.300.1 Restrictions

- A. When the Commission certifies that 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 full-time 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 ECS 45256, successive 90 working day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.

### 50.300.2 Terminating Provisional Appointments

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

### 50.300.3 Emergency Appointment

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

### 50.300.4 Limited Term Appointments

- A. Persons appointed to positions not expected to exceed six months in duration shall be considered limited term employees (ECS 45286)
- B. A person appointed to a position in lieu of an absent employee for the duration of the authorized absence may be designated a long term employee.
- C. Eligibles who accept substitute or limited term assignments shall remain on the appropriate list and shall not have been considered as having waived their right to consideration for appointment to intervening positions. (ECS 45286)

## CHAPTER 60

### IN-SERVICE STATUS AND TRANSACTIONS

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**CHAPTER 60**  
**IN-SERVICE STATUS AND TRANSACTIONS**

**60.100 PROBATIONARY PERIOD**

60.100.1 Duration of Probation

- A. All appointments from open and/or promotional eligibility lists shall be for a probationary period of six months or 130 days of paid service, whichever is longer. This probationary period shall not include all leaves of absence, paid or unpaid, time served under emergency appointment, provisional appointment, substitute status, or limited term status, but shall date from the beginning of service in a permanent position.

A leave of absence for the purposes of determining the probationary period shall include any leave from an employee's regularly assigned duties caused by the temporary school facility closures which prevents the employee from performing his/her regular duties. Employees who work remotely (telecommute) and perform their regular duties and employees who work out-of-class during the temporary school facility closures shall not be deemed to be on a leave of absence. This paragraph shall be effective March 13, 2020.

- B. A probationary employee assigned on a part-time, regular basis shall complete his probationary period upon serving six months of such part-time service and acquire permanent part-time status thereby.

60.100.2 Rights of Probationary Employees

- A. It shall be the duty of the appointing authority during the probationary period of each employee to investigate his conduct, capacity, moral responsibility and integrity to determine whether the employee is fully qualified for permanent status. Probationary employees shall be evaluated at least twice during their probationary period.
- B. A new employee who resigns in good standing during his initial probationary period shall, upon his written request, have his name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- C. A new employee who is suspended or dismissed during this initial probationary period shall be notified in writing of the action and the reasons therefor. He shall not have the right to appeal. Final action must be taken by the Governing Board. (ECS 45305)
- D. A permanent employee who has been promoted to a higher class may be demoted involuntarily during the probationary period to his former class. He shall be notified in writing of the action and the reasons therefor and shall not have the right of appeal.
- E. In the event a position to which a probationary employee has been appointed proves to be temporary instead of permanent as certified and the employee laid off thereby without fault or delinquency, his name shall be restored in proper order to the eligibility list and the time served credited to him on his probationary period. He may also take a voluntary demotion.

**60.200 CHANGES IN POSITION AND CLASS**

60.200.1 Transfer

For those employees represented by the exclusive bargaining unit, transfers will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. An employee may be transferred at his request or for the good of the service from one position to another in the same class at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons. If an administrative reassignment is initiated by the department head(s)/supervisor, a fifteen day written notice specifying the change and why it was necessary shall be given to the employee. Upon request, an opportunity will be provided for the unit member to meet with their supervisor to discuss the reassignment. (Rev 01/06)
- B. Any permanent employee, with a satisfactory evaluation on file, may request a transfer on the form approved by the Commission for such requests. Furthermore, no obligation shall exist to fill a position by transfer rather than by other methods of appointment. All such requests for transfer shall only be considered for the position posted at the time the request for transfer was received. (Rev 01/06)
- C. An employee, new to the District, will not be considered eligible for transfer to another position in their classification or a lower classification until they have obtained permanent status in their present classification. A permanent employee who is probationary in a new classification may request transfer to a related classification for which such employee is eligible if the employee has achieved a Competent/Meets Standards rating on the employee's three month evaluation in the new position. The District may transfer an employee to another position in his classification at any time. (Rev 11/08 as a result of negotiations)
- D. A permanent employee may be transferred to a position in a related class on the same salary schedule. Such transfers shall be made only with the approval of the Director.
- E. Lateral transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner reflect adversely upon his rights as provided in law and these Rules.
- F. The Classified Personnel Director shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualification, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers is permitted:
  - 1. As the employee's seniority in the classified service increases.
  - 2. When the transfer request is based on reclassification, impending layoff, or for reasons of health.
  - 3. When the employee meets the minimum requirements for the class.
- G. A permanent employee who laterally transfers to a position in a comparable class in which he has not previously completed a probationary period shall be considered probationary in that class for a period of six months. At any time during the probationary period, he may be returned (transferred) to his former class without right of appeal unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.

- H. Transfers shall have the following effects on seniority:
  - 1. Within the same class - none.
  - 2. From one class to another - the employee shall not receive seniority credit in the new class for service in other classes; however, he shall retain such credit as seniority in the classified service.
- I. Transfers shall not be used as a device to alter the effects of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this rule contemplates.
- J. An employee transferred involuntarily may request a conference with his immediate supervisor or a written statement regarding reasons for the transfer.

60.200.2 Demotions

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Personnel so reassigned must meet the minimum qualifications of the new assignment.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when he would otherwise be laid off for lack of work or lack of funds.
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

60.200.3 Restorations

- A. A former permanent employee who resigned in good standing may be reinstated in their former class and status within 39 months of the last day of paid service. Also, they may be reemployed in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority. (ECS 45309)
- B. Employees who take a voluntary demotion may be restored to a vacant position in their former class or to a vacant position in a related lower class, as determined and approved by the Personnel Commission, within 39 months after demotion. Except for demotion taken in lieu of layoff, which are covered by the layoff provisions of these rules, restoration is discretionary with the appointing authority. (ECS 45260, 45261 and 45309) (Rev 11/13)
- C. Reinstatement or reemployment of a former employee shall have the following effects:
  - 1. Restoration to the former step in the salary range for the class, or if reemployed in a lower class, to the rate closest to that of the step to which he would be assigned if he were reinstated in his former class.
  - 2. If restored to permanent status, restoration of earned sick leave and seniority as of the date of separation. No further seniority shall be accrued for the time not worked.

3. Restoration of former anniversary date, adjusted for time not worked, and without step-advancement credit for the off-duty period.
4. Restoration of all rights, benefits, and burdens of a permanent employee in the class to which restored.

#### 60.200.4 Assignments of Handicapped Employees

- A. When a permanent employee becomes unable to perform the duties of his classification because of illness or injury as determined by medical authority, effort shall be made to place him in a position with duties that are within his capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission in cases noted below. (ECS 45279)
  1. A handicapped employee's duties in his regular position may be altered in accordance with his handicap. Such changes in duties shall be reported by the immediate supervisor through the Superintendent or the Personnel Director, who shall determine whether the position requires classification study.
  2. A handicapped employee may accept demotion or transfer to a less demanding class, with the approval of the Commission.
  3. A handicapped employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary increase from such assignment until he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

### **60.300 PERFORMANCE EVALUATIONS**

#### 60.300.1 Schedule

For those employees represented by the exclusive bargaining unit, Performance Evaluations will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. All regular classified employees shall be evaluated by their immediate supervisors under whom the employee has served for 60 working days or more during any rating period, even though the employee may have left his control, as follows:
  1. Probationary employees - at the completion of twelve weeks on duty and the completion of sixteen weeks on duty.
  2. Permanent employees with an evaluation rated competent/meets standards, or above, on file, shall be evaluated at least once every other year by their immediate

supervisor, within ten (10) work days of their anniversary date. School Bus Drivers will be evaluated in June.

3. Evaluations at times other than indicated above may be made at the discretion of the department head or employee.
- B. Temporary, provisional, limited term, or substitute employees - Supervisors at their discretion - may submit evaluation on a form provided by the District for substitute, provisional or limited-term employees at any time, or at the end of their assignments to cover the entire period of their employment.

#### 60.300.2 Procedures

- A. Performance evaluation reports shall be made on forms prescribed by the Commission and in accordance with the Performance Evaluation Guide for Classified Employees.
- B. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him. The evaluation report shall be signed by the employee to indicate receipt, and he shall be given a signed copy. The employee shall have the right to attach a written response to the performance evaluation. Such written response by the employee shall be reviewed by the administrator to whom the immediate supervisor is responsible prior to placement in the employee's personnel file.
- C. Performance evaluation reports shall be filed in the employee's personnel records and shall be available for review in connection with promotional examinations and disciplinary actions.
1. A summary evaluation of unsatisfactory bars the employee from promotional and transfer opportunities for one year.
- D. A revised report may be submitted by a supervisor at any time during the year upon evidence of changed work habits or performance on the part of an employee. Similarly, in the case of an employee terminating employment, no additional rating is required unless his performance has changed to unsatisfactory.

#### 60.300.3 Personnel Files

- A. Materials in the personnel file of an employee which may serve as a basis for affecting the status of his employment are to be made available for the inspection of the employee concerned.
- B. Such material is not to include ratings, reports or records which:
1. Were obtained prior to employment
  2. Were obtained in connection with a promotional examination
  3. Were prepared by identifiable examination committee/panel members

- C. Information of a derogatory nature, except material in B above, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. The review may take place during working hours without any reduction in the employee's pay. Employees shall have the right to attach their own comments to any derogatory statement in their personnel file. (Rev 01/13)

60.300.4 Supervision of Family Members

No person may be supervised by a member of his immediate family. For these purposes family members will be the same as those defined in District Policy 4112.8.

**60.400 LEAVE OF ABSENCE**

60.400.1 Vacation

For those employees represented by the exclusive bargaining unit, vacation will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. All classified employees, permanent or probationary, shall earn vacation at the prescribed rates. Vacation shall not be a vested right of employees not completing the six month probationary period. Vacation benefits shall be earned annually from July 1 through June 30.
- B. Classified management and confidential employees shall earn vacation as approved by the Governing Board. Classified management and confidential employees as designated by the Personnel Commission shall earn vacation on a fiscal year basis at the rate of twenty-four (24) days per year. (Rev 01/15)
- C. Earned vacation time may be carried over not more than one school year. Any classified employee working nine (9) months or more shall earn not less than (10) days vacation.
- D. Vacation pay shall be at the employee's current rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation salary by reason of subsequent changes in conditions of employment. An employee shall not be paid in cash in lieu of earned vacation unless the needs of the school, the administrative unit, or District are such that the employee is not permitted to take his full annual vacation. Such vacation time not taken may be paid for in cash.
- E. Vacation schedules shall be coordinated with the employee and prepared by the administration. Vacation periods may be taken at times convenient to the employee, consistent with the needs of the service and work load of the administrative unit. Vacation may be taken in units of not less than one-half day.
- F. Upon termination, if eligible, an employee shall be paid for his accumulated vacation credit at the rate of pay applicable to his last

regular assignment.

- G. When a Board designated local or legal holiday falls during the schedule vacation of any classified employee, the holiday will not be charged against the employee's earned vacation.
- H. Classified employees may be permitted to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service. The employee must supply notice and supporting information as a basis for such interruption or termination.

60.400.2 Paid Sick Leave

For those employees represented by the exclusive bargaining unit, paid sick leave will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. Sick leave is the authorized absence of an employee because of illness or injury to the employee.
- B. Regular full time classified employees of the District are entitled to yearly sick leave with full pay at the rate of one (1) day per month accumulated without limit. Regular classified employees working less than 12 months, or less than eight hours per day, shall be credited for sick leave prorated in accordance to hours worked. (ECS 45191)
- C. All classified employees may use sick leave from the first day of their work year, even though they are unable to report for duty. For accounting purposes, the supervisor or the Personnel Office must be notified. Both annual and accumulated sick leave may be used, but the annual sick leave will be refunded by the employee if not earned during the school year it is taken.
- D. A classified employee shall once a year be credited with a total of not less than 100 working days of sick leave, not accumulative. In the even illness occurs, current and accumulative sick leave at full pay will be deducted from the 100 working days and compensation for the remainder of the 100 days shall be at 66 2/3%, any differential pay used must be supported by a written statement from a medical advisor.
- E. According to the rules established by the Administration, an employee shall report his absence in the following manner:
  - 1. If a substitute is not required, the employee shall call the immediate supervisor as soon as they are aware they will be absent, but no later than the beginning of the work shift.
  - 2. If a substitute is required, call 579-4883 24-hours a day, seven days a week, indicating the following information:
    - a. Employee=s name

- b. Employee=s school or office
- c. Employee=s job title
- d. Length of time the substitute is needed
- e. Any special instructions that you may wish to leave for the substitute accepting the assignment (i.e., hours of assignment, if a school, where to report, teacher=s name they will work (if applicable), etc.).

It is the employee=s responsibility to call 579-4883 to release their substitute (if the original request did not specify an ending date), no later than 6:00 a.m. The employee will be charged against their accrued leave balance if the substitute is not released.

- F. When an employee's absence rate appears to be excessive, a written statement from a medical advisor, verifying the nature and degree of illness may be required. Frequent absences may require the employee to submit to a physical examination by a qualified medical advisor selected by the District. The cost of such examination will be paid for by the District.
- G. An employee reporting for duty who cannot continue because of illness through the first 25 percent of the workday will be considered absent for one whole day. An employee reporting for duty who cannot continue because of illness from more than 25% to 75% will be considered absent for one-half day. An employee who completes more the 75 percent of the workday shall not be charged sick leave. This provision may only be utilized for a maximum of two workdays per school year. Employees will be charged hour-for-hour for absences that exceed the two-day maximum. (Rev 03/14)

#### 60.400.3 Termination of Sick Leave

- A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided that he is able to resume the assigned duties and, if the leave has been for more than 20 working days, provided that he has notified the District of his return at least three working days in advance.
- B. If, at the conclusion of all sick leave and additional leave, paid, or unpaid, granted under this rule, the employee is still unable to assume the duties or his position, upon request, the employee will be placed on a reemployment list for a period of 39 months in the same manner as if he were laid off for lack of work or lack of funds.

#### 60.400.4 Industrial Accident and Industrial Illness Leave

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of ECS 44043 and 45192 and this rule shall not exceed 60 working days in any one fiscal year for the same accident and is not accumulative from year to year.

- B. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workmen's Compensation Insurance law, shall be granted paid industrial accident leave for such accident or illness while receiving temporary disability benefits from workmen's compensation within the limitations of paragraph "A" above provided that:
1. He has probationary or permanent status.
  2. The Superintendent or his designated representative has determined that the illness or injury was directly related to the performance of his duties.
- C. Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under workmen's compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.
- D. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if he is eligible. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from the State Compensation Insurance Fund.
- E. After all paid illness leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the State Compensation Insurance Fund.
- After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident leave without pay. The total time of all leave benefits provided under this rule, including unpaid industrial accident leave, shall not exceed 36 months for any one industrial accident or industrial illness.
- F. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his former class, he may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a comparable reemployment list.
- G. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on

such a paid or unpaid leave of absence.

- H. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee shall have his name placed on the reemployment list for the class from which he was on leave for a period not to exceed 39 months.
- I. An employee who fails to accept an appropriate assignment after being medically approved shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, or his former status and time basis, and in assignment areas in which the employee has made himself available. Employees removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.
- J. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Workmen's Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's regular salary is computed on the basis of the number of hours and days in his basic daily assignment. An employee who is not permanent shall have his regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year. An employee who received a shift or other salary differential shall lose the advantage of the differential after 10 consecutive days of paid industrial accident leave for any one accident or illness.

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

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

- K. Benefits for classified employees are not provided during school recess periods (Spring vacation, Winter vacation, and during the summer months). Passage of the unemployment legislation would have been impossible if the cost was raised to include recess periods.

Also, classified school employees are considered permanently employed from year to year unless they are laid off, fired or quit.

#### 60.400.5 Bereavement Leave

For those employees represented by the exclusive bargaining unit, bereavement leave will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. All classified employees shall be entitled to five (5) days

bereavement leave. Bereavement leave may be taken upon the death of a member of the immediate family, defined as follows:

1. Husband
2. Wife
3. Mother \*
4. Father \*
5. Sister
6. Brother
7. Son
8. Daughter
9. Mother-in-Law
10. Father-in-Law
11. Grandmother
12. Grandfather
13. Son-in-Law
14. Daughter-in-Law
15. Grandchild
16. Any relative of either spouse living in the immediate household of the employee
17. In cases involving a long established relationship between a bargaining unit member and an individual residing within the same household, bereavement leave may be granted at the discretion of the Superintendent or designee. (Added 12/92 through negotiations of 10/91)
18. Registered Domestic Partner (01/05)

\*Mother and father are defined to include stepmother and stepfather and court-appointed legal guardians. (Added 05/13 through negotiations of 11/12)

#### 60.400.6 Jury Duty/Court Subpoena Leave

For those employees represented by the exclusive bargaining unit, jury duty/court subpoena leave will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail. (Rev 05/13 through negotiations of 11/12)

- A. Employees shall be paid full salary for absence caused by jury duty. Payment for jury duty will be turned into the District Accounting Department as an employee cannot receive jury pay in addition to his regular salary.
- B. Leave of absence to serve as a witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant, in the case.

The length of the leave shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the School District.

- C. Request for leave of absence to serve as a witness should be made by presenting the official subpoena to the supervisor and turning in the appropriate leave of absence form.
- D. Additional allowances made by the court for travel, meals, parking, etc. shall be retained by the employee.

- E. Classified employees whose work year follows the instructional calendar, and who normally have a substitute when absent shall receive additional compensation for deferring jury duty to non-duty days. Employees will be compensated at Step 1 of their current salary range upon confirmation of deferred jury duty. (Rev 05/13)

60.400.7 Absence for Examination/Interview

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

60.400.8 Personal Leave Without Pay

For those employees represented by the exclusive bargaining unit, personal leave without pay will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail:

- A. Personal leave without pay may only be taken by permanent employees.
- B. Personal leave without pay may be granted by the immediate supervisor up to five (5) days without Board Approval.
- C. Personal leave without pay may be granted by the Superintendent or designee up to thirty (30) days without Board approval.
- D. Personal leaves without pay for more than thirty (30) days must have Board approval. The District will consider unusual circumstances upon request. Except in an emergency a thirty (30) day notice shall be given prior to leave start. Personal leaves beyond one (1) year will not be granted. While on any leave without pay, an employee shall have the option of remaining an active participant in the District's fringe benefit program by contributing the total cost of the program.
- E. Permanent employees granted personal leave for more than ninety (90) days by the District must notify the Classified Personnel Administrator whether or not they intend to return to work sixty (60) days before their leave ends. If they elect to return to work, the employee shall be assigned to the same job classification as that held prior to the leave.

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

- A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in his regular position, and such assignment shall not be considered separation from service.
- B. The employee may, with the approval of the appointing authority, voluntarily return to his position or a position in the class of his permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

#### 60.400.10 Personal Necessity

For those employees represented by the exclusive bargaining unit, personal necessity leave will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail. (Rev 03/14)

- A. During any year an employee may elect to use or not to use accumulated sick leave benefits for personal necessity. The days allowed for this purpose shall be limited to a maximum of seven (7) days. These days shall be deducted from and may not exceed the number of full pay days of sick leave to which the employee is entitled.
- B. Personal necessity is intended for use in situations beyond the employee's immediate control which would compel an individual to be absent from his or her duties. It is not intended to provide employees time off for vacation, recreational or social activities, or for activities related to work slowdown or stoppage, or job training for a position not connected with the School District.
- C. Examples include:
  - 1. Serious illness in the immediate family
  - 2. Medical or dental appointment requiring at least a half-day.
  - 3. Accident involving employee or his property, or one of his immediate family
  - 4. Appearance in court
  - 5. Religious holiday
  - 6. Adopting a child
  - 7. Paternity leave
  - 8. Graduation of self of immediate family
  - 9. A leave for five (5) days within the seven (7) day maximum may be granted as personal necessity leave for confidential reasons. Disclosure of the general nature of the absence may be requested, but not required, by the supervisor.
  - 10. Other personal necessities not listed above, and in such cases there will be a determination of necessity based upon the facts peculiar to the situation.
- D. The employee shall complete a request stating the reason for the personal necessity with his or her signature attesting to the validity. The leave must be approved by the Superintendent or his designee.
- E. Personal necessity may be taken in units of one (1) hour.

#### 60.400.11 Pregnancy and Childbirth

Leaves of absences for Pregnancy and Childbirth must be treated as any other disability for all job related purposes.

#### 60.400.12 Military Leave

- A. Any classified employee who is on a temporary military leave of absence and who has been in the employ of the District for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his salary for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of school district service, all service of said employee in the recognized military service shall be counted as school district service.

- B. Every classified employee of the school district who is on military leave other than temporary military leave of absence, and who has been in the employ of the District for a period of not less than one year immediately prior to the date on which the absence begins, shall be entitled to receive his salary for the first 30 calendar days while engaged in the performance of ordered military duty. The classified employee as defined in this section refers to an employee who:
1. Is ordered into active military duty as a member of a reserve component of the armed forces of the United States.
  2. Is ordered into active military duty as a member of the National Guard or Naval Militia.
  3. Is inducted into active federal military duty as a member of the armed forces of the United States.
- C. No more than the pay for a period of 30 calendar days shall be allowed under the provisions of either category, or both, for any one military leave of absence or during any one fiscal year. (Military and Veterans' Code)

#### 60.400.13 Transfer of Sick Leave

Any classified employee of any school district or county superintendent of schools who has been an employee of that district for one calendar year or more and whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with another school district or county superintendent of schools within one year of such termination of his former employment, shall have transferred with him to the second district or county superintendent of schools the total amount of earned leave of absence for illness or injury to which he is entitled under Section 45191 of the Education Code. This transfer shall be in the same manner as is provided for certificated employees. (ECS 45202)

#### 60.400.14 Calamitous/Catastrophic Leave Bank (Added 05/13 as a result of negotiations 11/12)

For those employees represented by the exclusive bargaining unit, calamitous/catastrophic leave will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

##### A. Definitions

1. In cases affecting a CVAA member, a catastrophic illness or injury is defined as one that is expected to incapacitate the member for an extended period of time and which causes the member to exhaust all fully paid leave. An extended period of time is defined as in excess of thirty (30) work days/six (6) work weeks. Leave bank donations will run concurrent with the one hundred (100) days of extended illness leave (commonly referred to as differential pay).
2. In cases affecting a member's family, a catastrophic illness or injury is defined as an instance that requires the employee to take time off from work to care for that family member for an extended period of time as defined by the

Family Medical Leave Act. In such instances, the member will exhaust available personal necessity and vacation leave prior to accessing the bank. An extended period of time is defined as in excess of (30) work days/six (6) work weeks.

3. Maternity and/or childcare leaves shall be considered catastrophic only if qualified as defined.
4. A calamitous event is an event of significant nature such as flood, fire, earthquake, etc. In such instances, the member will exhaust available personal necessity and vacation leave prior to accessing the bank.
5. Employees absent from work due to a work related injury are not eligible to apply for sick leave from the bank as leave provisions and wage payments are separately provided for under Workers' Compensation.

B. Management

1. The governance shall be a joint responsibility of CVSA, CVAA and the District. A Leave Bank Committee consisting of three (3) members, one (1) selected by the CVSA, one (1) selected by CVAA and one (1) selected by the District shall be formed to review Leave Bank Requests.
2. All requests will be answered in writing within ten (10) work days of the decision. Strict confidentiality shall be maintained.
3. Once the Leave Bank reaches a balance of two hundred (200) days, donation requests shall be suspended except for newly hired unit members who will be offered the opportunity to donate two (2) days.
4. If the balance of days in the bank is projected to drop below one hundred (100), additional voluntary contributions will be solicited from all members of CVSA and CVAA. In the event that an adequate number of donations are not received, the bank will be disbanded and the remaining contributions will be proportionately returned to active members of the bank.

C. Denial

1. Members who are injured or become ill while on an unpaid leave of absence are not entitled to the use of the Bank until such time as they are scheduled to return from the leave and have exhausted their accumulated sick leave and differential leave.
2. If the committee denies a request for a withdrawal from the bank, the member making the request shall be notified in writing of the reason for denial. Members subject to denial may resubmit their request with new or additional information.
3. If the committee has insufficient days to fund a withdrawal request, neither CVSA, CVAA, the Committee or the District shall be under any obligation to pay the member.

D. Eligibility

1. Use of the bank shall be available to all CVAA members who have made an initial donation of at least (2) days to the bank (Note: donations for part-time employees shall be prorated). Once enrolled, members will be assessed a donation of one (1) day each year until the bank reaches a balance of two hundred (200) days to maintain eligibility unless they submit written notification to the Personnel Department prior to the close of open enrollment period that they are withdrawing membership from the bank. Should a member have insufficient leave balances to meet the annual donation requirement, eligibility for leave bank withdrawals shall be suspended.
2. Donations will be assessed during established open enrollment period or upon request by the Committee.
3. Eligibility Opportunity: Current employees may donate during the benefits open enrollment period each year. New employees may donate at the point of hire. If an employee does not elect to donate, they must wait until the next open enrollment period, and eligibility will become effective thirty (30) days after the first contribution.
4. Proof of need must be included in every request to use the bank.

E. Responsibilities

1. The District shall provide the Committee with the names of all members who have joined and are currently enrolled in the bank.
2. The District shall verify an applicant's sick/vacation leave to the Committee and provide the applicant's remaining paid leave balance.
3. CVAA shall help solicit donations during the period of District open enrollment.
4. When the leave bank falls below one hundred (100) days, the District shall notify the leadership of CVSA and CVAA and voluntary donations will be solicited from all members of CVSA and CVAA.

F. Donations

1. All donations are voluntary and irrevocable.
2. Following an initial donation of two (2) days, annual donations shall be a minimum of one (1) days and maximum of five (5) days per year until the bank reaches a minimum of two hundred (200) days.
3. Donations to the bank are general and are not to a specific member.

G. Withdrawals

1. Withdrawals shall be granted in units of one (1) work day with a maximum withdrawal of sixty (60) work days per

event (Note: Withdrawals for part-time employees shall be prorated).

2. Participants may request additional days as bank withdrawal expires.
3. Days approved but not used shall be returned to the bank.
4. Decisions of the Committee are final.

## **60.500 LAYOFF**

### **60.500.1 Procedure Regarding Layoff**

- A. The layoff procedure herein described shall apply only to classified employees who have achieved permanent status in one or more district classifications. Employees serving in a probationary status in any classification in which positions are to be eliminated shall be laid off prior to any permanent employee.
- B. When the Board of Education determines that classified positions are to be eliminated due to lack of funds or lack of work, classified employees shall be subject to layoff. Layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus any classes higher in the salary schedule, shall be considered to have the least seniority and, therefore, shall be laid off first. (Ed Code 45308)
- C. Seniority for layoff purposes shall be calculated on the basis of "length of service." "Length of service" shall be defined to include the hire date of that employee as a regular probationary or permanent employee in the classification.  
  
Employee hire date shall not be interpreted to include any service, except service in "restricted" positions, performed prior to entering into a probationary or permanent status in the classified service of the District (See 30.100.1). Seniority in substitute positions will only be considered in instances of seniority ties as outlined in paragraph 7 of Article XIX of the Classified Employees negotiated agreement.
- D. A permanent employee whose position has been designated by the Board of Education to be eliminated and who has greater seniority than other employees in the same classification shall be entitled to "bump" the employee who has the least seniority in the classification.
  1. No permanent employee shall be laid off from any position while employees serving in emergency, provisional, limited term, probationary, or substitute status are retained in positions in the same classification.
- E. A permanent employee whose position has been designated by the Board of Education to be eliminated and who has insufficient seniority within his/her classification to permit "bumping", and/or a permanent employee who has been "bumped" by an employee with greater seniority shall have the right to "bump" less senior employees in lower rated classification, provided that the employee has satisfactorily completed a probationary period in the lower classification.
- F. A permanent employee whose position has been designated by the

Board of Education to be eliminated and who has greater seniority than other employees in the same classification shall be entitled to "bump" the employee who has the least seniority in the following order:

1. Senior employees will bump positions with an equal number of hours to the position being lost.
  2. If no equal position is available, senior employees will bump positions with the greater number of hours closest to the position being lost.
  3. If no greater hourly position is available, senior employees will bump positions with the least number of hours closest to the position being lost.
  4. In instances where the application of the above criteria results in the least senior employee Abumping@ into a position with greater hours, then positions of greater hours will be offered to senior employees in order of seniority. (Added 05/13)
- G. In any layoff situation the classifications within which a permanent employee may exercise "bumping" rights shall be based entirely on the classification titles formally approved within the classification plan adopted by the Commission at the time of the layoff.

60.500.2 Notice of Layoff (Education Code 45117)

- A. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and the classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29, informing them of their layoff effective at the end of such school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, the notice shall be given not less than 60 days prior to the effective date of their layoff. (Rev. 05/13)
- B. When as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of a layoff not less than 60 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights. (Rev 05/13)
- C. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, not layoff for lack of work resulting from causes not foreseeable or preventable by the Governing Board, without the notice required by subsection (A) or (B) hereof.

60.500.3 Reemployment Rights (Education Code 45298)

- A. Employees laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the District during the period of 39 months. If the person is reemployed in a new position and fails to complete

the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Rev 11/13)

- B. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or choose to remain in their present positions rather than be reclassified or reassigned shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which they qualified for appointment to the class shall still apply. The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis. (Rev 11/13)
- C. Employees who take a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in his or her former class or to a position with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list the employee shall be ranked on that list in accordance with his or her proper seniority. (Added 11/13)

## **60.600 RESIGNATION**

### **60.600.1 Procedure**

- A. When an employee desires to resign from his position, he shall present his resignation in writing to the appointing power, and a copy of such resignation shall immediately be filed by the appointing power with the Personnel Director.
- B. A minimum of two weeks notice of resignation should be given by the employee. A resignation relates only to the specific position from which the employee resigns and does not impair his rights to other positions which he may hold on eligibility lists.

### **60.600.2 Absence Without Authorization as Automatic Resignation**

- A. Absence without authorization, whether voluntary or involuntary, for five consecutive working days constitutes an automatic resignation from District service, as of the last date on which the employee worked.
- B. An employee may, within 10 days of mailing of a notice of separation, file a written request with the Personnel Director for reinstatement. Reinstatement may be granted if the employee makes a satisfactory explanation as to the cause of absence and failure to obtain authorized leave. If the Personnel Director finds that the employee's explanation is satisfactory and that the employee is ready, willing, and able to perform the job responsibilities, reinstatement may be recommended. If reinstated, no salary will be paid for the period not worked and a leave of absence without pay must be processed, for the time not worked, through the employee's work site.

## **60.700 DISCIPLINARY ACTION AND APPEAL**

60.700.1 Causes for Suspension, Demotion, Dismissal

Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:

- A. Incompetency, inability to fulfill the job description, inefficiency, insubordination, inattention or dereliction of duty, discourteous, offensive, or abusive language or treatment of the public, fellow employees, or pupils. Any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code or of rules, regulations, or procedures adopted by the Governing Board or the Personnel Commission pursuant to it; provided that specific instances must be set forth as to any of the causes enumerated under this heading.
- B. Dishonesty or immoral conduct.
- C. Political activities engaged in by an employee during his assigned hours of employment.
- D. Conviction of a serious crime or infraction by a court of law; a record of one or more convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records, and other false or misleading information on applications, forms, or examination and employment records concerning material matters.
- E. Conviction of a sex offense as defined in Education Code Section 44010 or a narcotics offense as defined in Education Code Section 44011 or California Health and Safety Code Sections 11350-11355 inclusive, 11366, 11368, 11377 to 11382 inclusive, and 11550.
- F. Abuse of leave privileges, including but not limited to, unexcused or excessive absences or tardiness which cause disruption to work responsibilities.
- G. Illness leaves, or absences, when habitually taken for trivial indispositions.
- H. Failure to report for review of criminal records or for health examination after due notice.
- I. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- J. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which would have precluded acceptance as an eligible for assignment.
- K. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges.
- L. Possession of opened alcoholic beverage containers on District property or while on District business; drinking alcoholic beverages on District property or while on District business; and/or reporting for duty or being on duty under the influence of any intoxicant. (Added 4/94)
- M. Possession illegal or restricted dangerous drugs on District property or while on District business; use of illegal or restricted

dangerous drugs on District property or while on District business; and/or reporting for duty or being on duty under the influence of any intoxicant. (Added 4/94)

- N. Verbal or physical attack upon a student, a member of the public, another District employee, or a District official. (Added 4/94)
- O. Inappropriate touching, (i.e., indicating physical abuse) of a student, a member of the public, another District employee, or District official. (Added 4/94)
- P. Violating Title VII of the Civil Rights Act of 1964 (sexual harassment/discrimination) by subjecting other employees, or students, to unwelcome sexual advances, harassing, ridiculing or otherwise demeaning other employees or students, and/or violating District policies 5141.5 (students) and 4118.11 (a) (personnel). (Added 6/94)

**60.700.2 Guidelines for Suspension, Demotion, or Dismissal Penalties**

This list is not intended to cover every possible type of offense. Penalties for offenses not specifically listed shall be consistent with the gravity of the offense. Where appropriate, consideration may be given to demotions to lower position class in lieu of removal.

| NATURE OF OFFENSE  | RANGE OF PENALTIES FOR STATED OFFENSES    | REPRIMANDS/SUSPENSIONS/REMOVALS |                   |                    |
|--|---|---------------------------------|-------------------|--------------------|
|  |   | 1st                             | 2nd               | 3rd                |
| Abuse of leave privileges, including, but not limited to, unexcused or excessive absences or tardies   | Minimum:<br>Maximum:<br>Reckoning Period: | Counsel<br>1 Day<br>6 Months    | 1 Day<br>5 Days   | 5 Days<br>15 Days  |
| Failure to report personal injury or accident within 24 hours  | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>1 Day<br>1 Year    | 1 Day<br>5 Days   | 5 Days<br>15 Days  |
| Leaving job to which assigned during working hours without permission  | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>None     | 3 Days<br>10 Days | 10 Days<br>Removal |
| Failure to observe precautions for personal safety, posted rules, signs, written or oral safety instructions, or to use protective clothing or equipment | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>1 Year   | 3 Days<br>10 Days | 10 Days<br>Removal |
| Loafing, wasting time, sleeping on the job, or inattention to duty   | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>1 Year   | 3 Days<br>10 Days | 10 Days<br>Removal |
| Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature   | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>1 Year   | 3 Days<br>10 Days | 10 Days<br>Removal |
| Unexcused or unauthorized absence one or more scheduled days of work   | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>None     | 3 Days<br>10 Days | 10 Days<br>Removal |

| NATURE OF OFFENSE  | RANGE OF PENALTIES FOR STATED OFFENSES         | REPRIMANDS/SUSPENSIONS/REMOVALS                  |   |                    |
|--|--|--|---|--------------------|
|  |  | 1st  | 2nd                                       | 3rd                |
| Falsifying school district records   | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>Removal<br>1 Year                   | 15 Days<br>Removal                        | Removal<br>Removal |
| Failure or delay in carrying out orders, work assignments, or instructions of superiors  | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>5 Days<br>1 year                    | 3 Days<br>10 Days                         | 10 Days<br>Removal |
| Unauthorized possession of, loss of, or damage to, District property or of others, or endangering same through carelessness  | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>5 Days<br>1 Year                    | 3 Days<br>10 Days                         | 10 Days<br>Removal |
| Gambling or unlawful betting on school district premises   | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>10 Days<br>1 year                   | 10 Days<br>Removal                        | 15 Days<br>Removal |
| Covering up or attempting to conceal defective work; removing or destroying same without permission  | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>10 Days<br>1 Year                   | 10 Days<br>Removal                        | 15 Days<br>Removal |
| Disorderly conduct; fighting; threatening or attempting to inflict bodily injury to another; engaging in dangerous horseplay, or resisting authority   | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>Removal<br>1 Year                   | 10 Days<br>Removal                        | 15 Days<br>Removal |
| Possession of open alcoholic beverage containers or illegal or restricted dangerous drugs on District property and/or reporting for duty or being on duty under the influence of any intoxicants | Minimum<br>to<br>Maximum:<br>Reckoning Period: | 30 day<br>suspension<br>to termination<br>1 Year | Termination                               |                    |
| Refusal to provide a urine sample when required for drug screen  | Minimum:<br>to<br>Maximum:                     | Reprimand<br>To<br>Termination                   | Termination                               |                    |
| Substituting, adulterating or otherwise tampering with a urine sample, testing equipment or related paraphernalia  | Minimum<br>to<br>Maximum:                      | 30 day<br>suspension to<br>Termination           | Termination                               |                    |
| Unauthorized possession and/or disclosure of any urinalysis test result  | Minimum<br>to<br>Maximum:                      | Reprimand<br>To<br>Termination                   | 30 day<br>suspension<br>to<br>Termination |                    |
| Endangering the safety of, or causing injury to any person through carelessness or neglect   | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>Removal<br>1 Year                   | 10 Days<br>Removal                        | Removal<br>Removal |
| Malicious Damage to school property or the property of others  | Minimum:<br>Maximum:<br>Reckoning Period:      | Reprimand<br>Removal<br>1 Year                   | 15 Days<br>Removal                        | Removal<br>Removal |

| NATURE OF OFFENSE  | RANGE OF PENALTIES FOR STATED OFFENSES    | REPRIMANDS/SUSPENSIONS/REMOVALS |                    |                    |
|--|---|---------------------------------|--------------------|--------------------|
|  |   | 1st                             | 2nd                | 3rd                |
| Discrimination against a student, employee, or applicant because of race, color, religion, sex, or national origin, or any reprisal action against an employee | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>Removal<br>1 Year  | 15 Days<br>Removal | Removal<br>Removal |

60.700.3 Procedure for Disciplinary Action

- A. Discipline, for the purposes of this sub paragraph is the suspension, demotion, or dismissal of a permanent employee.
- B. No employee in the classified service shall be reprimanded, suspended, demoted, dismissed, or in any way discriminate against because of his affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of Paragraph C, Rule 60.700.1.
- C. When a permanent employee is recommended for suspension, demotion, or dismissal, specific written charges shall be prepared and served upon the employee 10 calendar days prior to Governing Board's action. (Rev 08/11)
  - 1. Service to the employee may be in person or by mail. Mail service will be deemed to have been met when the notice is placed in an envelope, addressed, sealed, with postage affixed and placed for collection and mailing following ordinary business practices. For purposes of this rule, if a notice is mailed, the official date of receipt shall be considered to be the third day following the date it was mailed. (ECS 45260 and 45261) (Rev 08/11)
  - 2. Contents of the charges must be in clear and concise language, and include:
    - a. The nature of the proposed action (suspension, demotion, dismissal, etc.).
    - b. The specific causes and sections of these rules that the employee is accused of violating.
    - c. The specific facts, including times, dates, location, and a description of the chargeable actions or omissions in ordinary and concise language.
    - d. The employee's right to obtain, examine, and copy all written materials supporting the charges.
    - e. The employee's right to representation.
    - f. Before the governing Board meeting where action will be taken, the employee has a right to request a Preliminary Appeal Hearing before the Superintendent (or designee) to dispute the charges and/or proposed action within 7 days of service of the notice, and the right to have such a hearing within the time lines specified in these rules. **NOTE:** If disciplinary action is suspension for five days or less, this step does not apply.(ECS 45260, 45261, and 45305).
- D. In all cases wherein the Superintendent recommends to the

Governing Board that it dismiss an employee, the Superintendent (or designee) must serve (defined in C. 1 of this rule) the employee, with a copy to the Personnel Commission Office, a written notice of his intent to so recommend, seven (7) days prior to the date the Board is scheduled to take action on the Superintendent's recommendation. The notice shall inform the employee of his right to obtain, examine, and copy all written materials upon which the Superintendent's recommendation is based. The employee's right to request a meeting with the Superintendent (or designee) prior to the date of the Board's action to present his/her own views with regard to the recommendation of the Superintendent; and the right to have counsel present during this meeting.

- E. When formal disciplinary action has been approved by the Governing Board, the actions and the charges shall be reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting. (ECS 45304).
- F. Notice to the employee shall include a copy of the charges and a statement of his right to appeal, if any, together with a copy of rule 60.700.4.
- G. Notwithstanding the procedure prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board at the next scheduled Board meeting.
- H. A regular employee charged with the commission of any sex offense as defined in Section 44010 if the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 45304 of the Education Code or with the commission of any offense involving aiding or abetting the unlawful sale, use or exchange to minors of controlled substances listed in Schedule II, or III, as contained in Section 11054, 11055, and 10056 of the Health and Safety Code, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinol, shall be placed upon a compulsory leave of absence as provided for in Section 45304 (b) and 44940 (d) of the Education Code. The employee may receive compensation as provided for in the Code section. Such suspension shall be reviewed by the Personnel Commission every 90 calendar days. A regular employee charged, by complaint, information, or indictment filed in a court of competent jurisdiction, with the commission of any controlled substance offense as defined in Section 44011 or 87011 of the Education Code, or a violation or attempted violation of Section 187 of the penal Code, or Sections 11357 to 11361, inclusive, 11363, or 11364 of the Health and Safety Code, insofar as these sections relate to any controlled substances except marijuana, mescaline, peyote, or tetrahydrocannabinol, may be placed upon a compulsory leave of absence as provided for in Sections 45304 and 44940(e) of the Education Code. Such leaves of absence will be governed by Section 44940.5 of the Education Code. The employee may receive compensation as provided for in the code section. (Rev. 12/92)
- I. Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive and, in cases of dismissal, may cause removal of the employee's name from all employment lists.

60.700.4 Appeal

- A. A permanent employee who has been suspended, demoted or dismissed may appeal to the Personnel Commission within 14 calendar days after having been furnished with a copy of the written charges by filing a written answer to such charges (ECS 45305). Appeal can be made only on the following grounds:
1. That the procedures set forth in these rules have not been followed.
  2. That the action taken was because of affiliations, political or religious acts or opinions, race, color, sex or marital status.
  3. That there has been abuse of authority
  4. That the action taken was not in accord with the facts.
  5. Penalty invoked is excessive.
- B. A Permanent employee who has not served the full probationary period for the class and who is demoted to the class from which promoted may request an investigation by the Commission within 14 calendar days after the receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the five grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Governing Board and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding on the Governing Board.

60.700.5 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.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
1. Standard hearing Procedures (Added 12/94)  
  
All hearings conducted by the Personnel Commission, or subcommittee, shall comply with these procedures unless they are expressly waived in whole or in part by the Commission.
  2. Notice of Prehearing Conference  
  
If necessary, prior to the commencement of each hearing, the hearing body shall set a prehearing conference and serve all parties with a written notice setting forth the date,

time, and location of the prehearing conference.

Prehearing stipulation: At the prehearing conference, the parties shall make every effort to accomplish the following purposes:

- a. Stipulate to undisputed facts.
- b. Raise and attempt to resolve any objections with respect to witnesses, narrative statements, documentary evidence, and any other evidentiary issues anticipated to arise.
- c. Raise and attempt to resolve any other anticipated motions with respect to the hearing.
- d. Stipulate that all documents exchanged pursuant to these procedures may be provided to the hearing body in advance of the hearing, together with all notices relating to the charges sent or given to the employee by his/her supervisors and the employee=s request for appeal. The parties together shall prepare a written stipulation that: (1) sets forth their compliance with these prehearing procedures; (2) makes appropriate stipulations; and (3) sets forth each remaining issue on which the parties failed to reach an agreement and each party=s position with respect to the issue.

3. Exchange of Exhibits, Witness Lists and Narrative Statement

At least seven (7) days in advance of the date set for a prehearing conference, or fifteen (15) days in advance of the hearing date, each party shall exchange with every other party its exhibits, witness list and narrative statements, as described below:

- a. All exhibits to be used by the party in presenting its case-in-chief.
- b. A full list of the names and addresses of all witnesses (including expert witnesses) to be called by the party in presenting its case-in-chief.
- c. Narrative Statements of Friendly Witnesses. Written narrative statements of the direct testimony of friendly witnesses (except expert witnesses) the party intends to call in its case-in-chief. Each narrative statement shall be presented in the form of a declaration and shall be signed by the witness under penalty of perjury. Each statement shall offer only admissible evidence. The statement shall be the only direct examination of that witness. Notwithstanding the foregoing, each party shall be entitled to undertake live direct examination of one friendly witness during presentation of that party=s case-in-chief. No narrative statement shall be required to be submitted for that witness.
- d. Uncooperative or Hostile Witnesses. A party shall be entitled to undertake direct examination of uncooperative or hostile witnesses called by the

party as part of its case-in-chief and to cross-examine the other party=s witnesses. The party shall not be required to submit narrative statements for these witnesses. Redirect examination shall be limited to matters raised for the first time on cross-examination.

- e. Expert Witnesses. Each party shall, concurrently with the exchange of its witness lists and narrative statements, exchange a short statement of the qualifications of each expert witness the party intends to call in its case-in-chief, together with the report of each testimony of that expert. Any party wishing to call an expert for cross-examination shall bear the costs of having that expert appear.
  - f. Limitations of disclosure. Exhibits and witnesses to be used solely for impeachment or rebuttal need not be identified or exchanged. No party shall be required to exchange narrative statements for impeachment or rebuttal witnesses, or impeachment or rebuttal reports by its experts.
  - g. Copies to Personnel Director. Each party shall provide the Personnel Director with copies of its witness lists and of all exhibits and narrative statements exchanged by that party. The Personnel Director shall notify the parties how many sets of copies of the above items are needed for hearing.
4. Limitations on the Introduction of Evidence. Unless good cause is shown, no testimony or exhibit in support of a case-in-chief shall be presented to the hearing body unless it has first been exchanged pursuant to these procedures. Good cause consists of the discovery of new evidence that could not have been discovered earlier by the exercise of due diligence.
  5. Election of Open or Closed Hearing. The employee shall notify the Commission whether the disciplinary hearing will be open or closed to the public.
  6. Subpoenas. At least fifteen (15) business days prior to the hearing, each party shall provide the Personnel Director with the names and addresses of all witnesses for which subpoenas are required and/or names and addresses of persons holding documents the party wishes to have produced. Ten (1) business days prior to the hearing, the subpoenas will be available for the parties to pick up. Parties are responsible for serving subpoenas and paying all witness fees.
  7. The Personnel Commission or its hearing officer shall determine the advisability, relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
  8. Each side will be permitted an opening statement (District first) and closing arguments (employee first). The District shall first present its witnesses and evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.
  9. Each side will be allowed to examine and cross-examine witnesses.

10. Each side will be allowed to be represented by legal counsel or other designated representatives.
11. The Commission may, and shall, if requested, by the District or the employee, subpoena witnesses and/or require the production of records or other material evidence.
12. The Commission may, at its discretion, grant a continuance.
13. After conclusion of the hearing, the Commission, (or subcommittee), shall hold its deliberations in executive session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to be present during the deliberations. If the Personnel Director or any staff is not serving full time for the Commission and/or was a witness in the proceedings, they shall also be barred from the Commission's final deliberations. The Commission may not alter the findings of the hearing body without reviewing the hearing transcripts.
14. The Commission shall render its decision as soon after the conclusion of the hearing as possible and in no event later than 14 business days. Its decision shall set forth which charges, if any, are sustained and reasons therefore.
15. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the District.
16. The Commission's findings and decision will be filed with the Governing Board and the employee will receive a copy. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated, which may be any time on or after the date of disciplinary action.
17. The employee, or their representative, may obtain a copy of the transcript of the hearing upon written request and agreement to pay for necessary costs.

## CHAPTER 70

### WAGE AND SALARY PROVISIONS

#### **70.100** WORK PERIODS AND OVERTIME

- 70.100.1 Workday and Workweek
- 70.100.2 Overtime Defined
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#### **70.400** PAYROLLS

- 70.400.1 Official Roster
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## CHAPTER 70

### WAGE AND SALARY PROVISIONS

#### 70.100 WORK PERIODS AND OVERTIME

##### 70.100.1 Workday and Workweek

For those employees represented by the exclusive bargaining unit, the workday and workweek will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. The District workweek shall begin at 12:01 a.m. on Sunday and end at 11:59 p.m. the following Saturday. The individual workweek shall consist of (40) hours of five (5) consecutive days within the District workweek. Normally, individual workweeks shall be Monday through Friday. However, individual workweeks may be assigned other than Monday through Friday when the needs of the District so require.
- B. Eight (8) consecutive hours, except for the meal period, shall constitute a normal workday.
- C. The maximum number of hours of regular employment of an employee is eight hours a day and 40 hours a week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight hours in one day or 40 hours in one week.

##### 70.100.2 Overtime Defined

For those employees represented by the exclusive bargaining unit, overtime will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. Overtime is ordered and authorized working time in excess of eight hours in one day or 40 hours in one week. No one shall order or authorize overtime unless it is compensable as provided below.
- B. All overtime work shall be rotated and equally distributed among the employees in a department in which overtime work is to be performed. An exception to rotation may be made when an employee declines overtime or when it is determined the job to be performed requires special skills.

##### 70.100.3 Compensation for Overtime

For those employees represented by the exclusive bargaining unit, compensation for overtime will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. Overtime will be compensated at a rate of pay equal to time and one-half of the regular rate of pay of the employee involved. Overtime is defined as time worked in excess of a normal eight hour day, or in excess of forty hours in any workweek. An employee shall be compensated for any work required to be performed on the 6th and 7th day following the commencement of the workweek, at a rate of

one and one-half times the regular rate of pay for the assigned employee. Hours worked on holidays or when assigned to work during a vacation period will be compensated for at the over-time rate in addition to holiday/vacation pay.

- B. Compensatory time is time earned for work in addition to the scheduled workday or workweek by an employee. Compensatory time may be authorized in lieu of cash compensation not to exceed an accumulated three workdays at any point in time. Each eight hour employee, when authorized and with the approval of their principal or department head, may elect to earn compensatory time in lieu of payment for overtime on a one and one-half time basis. Each employee with a scheduled workday less than eight hours, and with the approval of the principal or department head may earn compensatory time on a straight time basis. Compensatory time may be taken with the approval of the principal or department head at a mutually agreeable time and shall normally be used within ninety days of the dates earned.

#### 70.100.4 Classifications Exempt From Overtime Payment

Employees in the classes designated as executive or administrative shall be excluded from overtime payment provisions of this rule.

### **70.200 DETERMINATION OF SALARY SCHEDULES**

#### 70.200.1 Factors in Salary Determination

The Personnel Director shall prepare recommendations for the allocation of classes to salary schedules for approval by the Commission. Such recommendations shall take into account the following factors:

- A. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.
- B. Wages paid by other school districts, which may be in competition with District in the labor market.
- C. The principle of "Like pay for like work" within the classified service.

#### 70.200.2 Salary Studies

- A. A salary study shall be made:
  - 1. Whenever a new class is created.
  - 2. Whenever directed by the Commission.
- B. Employees, representatives of recognized employee organizations, or the Administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.
- C. Data obtained in a salary study shall be made available to interested parties, including representatives of recognized employee organizations.
- D. Nothing in this paragraph shall prevent adjustments in salary based on classification studies resulting from changes in duties and responsibilities, regardless of when such changes occur.

#### 70.200.3 Salary Schedule

The Commission shall recommend to the Governing Board salary schedules for the classified service. The Governing Board may approve, amend, or reject these recommendations. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of like pay for like service. No changes shall operate to disturb the relationship which compensation schedules bear to one another, as the relationship has been established in the classification made by the Commission. (ECS 45268)

## **70.300 APPLICATION OF SALARY SCHEDULE**

### **70.300.1 Initial Placement**

- A. New employees shall ordinarily be placed on Step 1 of the salary range on the salary schedule designated for the job classification.
  - 1. Upon the recommendation of the appointing authority and the approval of the Classified Personnel Administrator, salary placement may be made up to Step 5 of the appropriate range for the classification. Such initial placement will normally be approved for classifications where prior experience is required, the appointee has exceptional qualifications and/or qualified candidates are found to be in short supply. (Rev. 10/09)
- B. Upon employment, all emergency, provisional, limited term, and restricted employees shall be placed at Step 1 of the salary range in the classification to which they are assigned, except in cases where regular permanent employees or former employees on the reemployment list are assigned in such status. Regular permanent employees will be placed at the step on the new range that is closest in dollar amount to their present step, while former employees will be placed at the step closest in dollar amount to their former pay.

### **70.300.2 Step Advancement**

- A. Employees placed on Step 1 of a range will advance to Step 2 on the first of the month following completion of one year from the preceding step. New employees placed above Step 1 of any range will advance on one-year intervals until the maximum step has been achieved.
- B. For the purpose of this rule, an appointment made between the first and 15th day of the pay period (month) shall be considered as effective on the first day. Appointments made after the 15th day of the pay period shall be considered as effective at the beginning of the new pay period, (first of the following month).

### **70.300.3 Promotions**

- A. An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the step which provides for the minimum of 8 percent above the rate the employee received in the previous class. However, if placement in the new class is on Step 5 and would not result in an 8 percent increase, the employee would be placed on Step 5 as this is the maximum attainable salary for the position.

- B. Additional advancement will be at the beginning of the second year, and at one-year intervals thereafter until the maximum is achieved. For the purpose of this rule, appointment of an employee to a class with a salary range equal to or below his current range shall not be considered a promotion and shall not warrant a salary increase; in such cases, placement will be made on the same rate formerly earned by the employee, not to exceed the maximum of the range of the class to which he is appointed.

70.300.4 Placement After Leave of Absence

Unless the leave taken under these rules or law provides that the break in service will be disregarded, the employee upon return from a leave of absence will resume his step placement and advancement on the range as if the leave had not been taken, but leave time will not be counted for step-advancement purposes or service credit.

70.300.5 Placement When Reclassified Upward (added 5/98)

- A. If a reclassification causes an employee, or group of employees, to be placed at a higher range on the same salary schedule, they will be placed on their existing step at the new range.
- B. If a reclassification causes an employee, or group of employees, to move from the Classified salary schedule to the Supervisory salary schedule, they will be placed on the step of the new classification which allows them to receive an 8% increase.
- C. If a reclassification causes an employee, or group of employees, to move from the Classified salary schedule, or the Supervisory salary schedule to the Administrator=s salary schedule, they will be placed on the step of the new classification which allows them to receive a 5% increase.
- D. Additional advancement on the salary schedule will be at the beginning of the second year, and at one year intervals thereafter until the maximum is achieved.

70.300.6 Placement When The Classification Is Reallocated Upward (Added 5/98)

When all positions in a classification are reallocated to a higher range on the same salary schedule, the incumbents will be placed on their existing step at the new range and there shall be no change in their anniversary date.

70.300.7 Placement When Demoted

- A. An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate he earned in the higher class, provided that he shall not receive a salary increase thereby. He shall retain the anniversary date established in the higher class.
- B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall in accordance with Rule 70.300.2 A.

70.300.8 Working Out of Classification

- A. When an employee is required to work in a higher classification for more than five days within a 15-calendar day period, the employee shall be compensated for each day so worked at the salary step of the higher classification, in which they are working, that represents an increase of at least 7 percent. (Rev. 08/10 as a result of negotiations)
- B. An employee may be required to work on a temporary basis in a position with the same salary range. In such cases, there will be no salary adjustments. An employee required to work in a lower classification on a temporary basis will receive no reduction in his salary.
- C. Requests must be made in writing by the administrator or department head to the Personnel Director so that appropriate action can be taken to compensate the employee for working out of classification.
- D. The Personnel Director=s approval must be obtained before an employee may work out of class for more than ninety (90) days or work more than one out of class assignment in one fiscal year. The Personnel Director shall report the granting of such approval to the Personnel Commission. (Added 11/94)

#### 70.300.9 Holiday Pay

For those employees represented by the exclusive bargaining unit, holiday pay will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail.

- A. All classified employees will be entitled to payment for authorized holidays, provided that they were in a paid status during any portion of the day immediately preceding the holiday.
- B. Regular employees who are not normally assigned to duty during the school holidays which include December 25 and January 1 shall be paid for those two holidays, providing they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

### **70.400 PAYROLLS**

#### 70.400.1 Official Roster

The Personnel Director shall maintain, in his office, an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Act. (ECS 45310)

#### 70.400.2 Payroll Audit

- A. All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Act shall be submitted to the Personnel Director, who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon are employed in accordance with the law. (ECS 45310)
- B. The Personnel Director shall audit all initial assignments and changes of assignment for all classified personnel and, if found to

be in accordance with existing law and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll following the initial assignment certification by the Personnel Director shall be the certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification by the Personnel Director.

- C. If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act of the rules and regulations, the Personnel Director shall withdraw his certification and order payment stopped in accordance with the rules and regulations. Notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification of the Governing Board and the County offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful. (ECS 45310).

## CHAPTER 80

### MISCELLANEOUS PROVISIONS

#### **80.100** EMPLOYEE COMPLAINTS

80.100.1 Procedure

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## CHAPTER 80

### MISCELLANEOUS PROVISIONS

#### **80.100 EMPLOYEE COMPLAINTS**

##### 80.100.1 Procedure

Any employee who has a complaint concerning his/her working conditions shall follow this procedure:

- A. A complaint should be discussed with the immediate supervisor to seek a solution. If the employee is not satisfied with the results of this conference and the proposed solution, and wishes to continue the matter, then he should inform the supervisor that the complaint will be taken to the next level.
- B. The supervisor at the next level will hold a conference and discuss the complaint and seek a solution. If the employee is not satisfied with the results of this conference, he may ask for a conference with the classified or certificated Personnel Administrator.
- C. The request for a conference with the Personnel Administrator shall be made in writing, stating the complaint, indicating any possible solutions and those involved in the problem. The Personnel Officer, upon reading and discussing the complaint with all parties involved, shall report his findings in writing.
- D. If the employee is not satisfied with the results of the written decision from the Personnel Administrator, he or she will inform the Personnel Administrator and ask the Superintendent to review the problem from the written report and/or further discussion. The Superintendent will report his recommended solution to the complainant, supervisor and Personnel Administrator.
- E. If the employee is not satisfied with the results of the Superintendent's recommendation for solution, he may request a hearing before the Board of Education is set, all reports of previous meetings shall be given to the Board to review. The Board will discuss the problem and make a final resolution to the complaint.
- F. Every effort will be made to expedite this at all levels.

#### **80.200 NEW EMPLOYEE CLEARANCES**

##### 80.200.1 Physical Examinations

- A. Initial Employment
  - 1. Every person initially employed by the District shall be required to comply with the provisions of Education Code Section 45122. The District shall arrange for and defray the costs of the examination for the employees.
  - 2. Prior to employment, each person is required to submit adequate proof that he has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within a three month period preceding the date of employment. (ECS 49406)

B. After Employment

1. Every employee is required to undergo an examination to determine that he is free from active tuberculosis at least once every four years after employment.
2. The District shall maintain adequate records on each employee which indicate compliance with these rules and law.

C. School Bus Driver

1. In addition to any other examinations that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which required a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles in Chapter 29b of the Driver's License Examiner's Manual of Procedure.
2. The District shall arrange for and defray the costs of the school bus drivers' examination for its employees for subsequent examinations as required by law.

D. Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Commission.
2. The Commission may employ outside medical experts to give a medical advisory opinion.
3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

80.200.2 Criminal Records Check

A. Fingerprinting: Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place prior to beginning work. Unless otherwise specified by district policy, the cost will be borne by the individual. In accordance with ECS 45125 3 (A), both a State and FBI criminal records check is required and the cost of both will be borne by the individual.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together

with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the persons should be employed or retained in employment.

If the record discloses no information beyond that supplied by the person on his application form, and he was accepted for examination and/or appointment, he shall be considered employable.

3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore.

If it approves the recommendation, the Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefor. The Commission shall provide the person with an opportunity to appeal the decision in writing within ten days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final.

## **80.300 PENALTIES**

### **80.300.1 Violations**

Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Education Code Section 45240) is guilty of a misdemeanor. It is also unlawful for any person:

- A. Willfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article...or Commission rule.
- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article...or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article...or Commission rule.