

## PERSONNEL COMMISSION RULES &amp; REGULATIONS

10.001 PCRR

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Personnel Commission Rules and Regulations

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## OXNARD SCHOOL DISTRICT

## Personnel Commission Rules and Regulations

Adopted: October 23, 1968

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

10.100 PCRR

## CHAPTER 10

## DEFINITIONS AND PRELIMINARY STATEMENT

10.100 Definitions, General

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

ACCELERATED HIRING RATE: An initial hiring rate at a salary step above the beginning of salary range for a class that is formally approved by the Personnel Commission to serve as an incentive to recruit applicants for an examination for which there are an insufficient number of qualified applicants.

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, provisions of Chapter 1 and Articles 1 to 4, Chapter 5, Part 25. (also referred to as "the Code.")

ADMINISTRATIVE LEAVE: A period of time that may be paid or unpaid during which an employee is excused from the employee's work assignments at the direction of a District administrator followed by ratification by the governing board.

ALLOCATION: The placement of a class to a specific salary range or rate.

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.

ANNUAL FIELD OF COMPETITION AUTHORIZATION: Approval by the Personnel Commission of fields of competition for examinations to be in effect up to a one year period allowing the administration of examinations as needed without causing delays for individual authorizations.

APPEAL: A protest by an employee regarding an administrative action actually or potentially detrimental to the individual.

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

APPOINTING AUTHORITY: The Board of Trustees, governing board, Personnel Commission or a management employee designated by the governing board to recommend the selection of a specific individual for a specific position.

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

Area Eligibility List: An eligibility list established for a specific geographical area or shift after a general examination has failed to produce a sufficient number of qualified eligibles for that area or shift. This list does not impact the eligibles on the general examination or any other viable area eligibility list for the same class.

ASSIGNMENT: Placement of an eligible candidate into a position. Also, the position into which the individual is placed.

ASSIGNMENT BASIS: The portion of the year for which employment is authorized for a specific position or class.

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of a member of his or her immediate family or household.

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

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace an employee with less seniority in a class to which the employee is currently, or was regularly employed and in which the employee has completed a probationary period.

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

CERTIFICATED SERVICE: All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

CERTIFICATION: The submission by the Commission staff of names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing authority of which recommends the selection of employees prior to final approval by the governing board, who is vested with the authority to officially employ eligible candidates.

CLASS (or CLASSIFICATION): A description, officially approved by the Personnel Commission, that contains a description of the responsibilities of incumbents in the class, a listing of the primary duties performed, the level of responsibility, the reporting relationships as they relate to other classes, the core skills, knowledge, abilities and/or competencies required for successful job performance in all positions and the minimum entrance qualifications required to compete in the examination for the class and the physical attributes required for successful job performance.

CLASSIFICATION (or CLASS): The act of placing a position in a class.

CLASSIFIED SERVICE: See Rule 30.100. All positions and employees in the District's service to which the Act applies and which are not exempted by provisions of the Act.

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

CONCERTED LABOR ACTION: Any strike, picketing, sickout, slow-down, stoppage, or other refusal by employees, individually or collectively, in connection with a labor dispute, to perform the services for which they are employed.

CONCURRENT ASSIGNMENT: The assignment of two employees to the same position at the same time for a short period of time to ensure that a successor receives the orientation necessary to ensure for an effective transition.

CONDITIONAL EMPLOYEE: A provisional employee who does not meet the entrance qualifications for the class and who will probably be ineligible to compete in the merit system examination for that class.

CONTINUOUS EXAMINATION: A procedure authorized by the Personnel Commission for the frequent testing of

applicants, and to ensure that there is no interruption in service by removing employees who are provisionally assigned to the class.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate. A confidential employee who transfers into a position in the same class that is represented even if it is paid at a lower salary level.

DIFFERENTIAL: Salary allowance in addition to the basic rate or schedule based upon additional skills or responsibilities. Also, the size of the interval between salary schedules or rates of related classes or assigned shift.

DISCHARGE OR DISMISSAL: Separation from service for cause, in accordance with the Personnel Commission Rules, or for failure to meet any legal requirement. Requires action by the Board of Trustees "and any legal requirement that employee is required to meet."

DISTRICT: The Oxnard School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission under specific conditions, that provides for simultaneous certification from an open eligibility list and a promotional eligibility list according to examination scores including seniority credit but not veteran's credit.

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position.

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in a merit system examination, or an alphabetical list of the names of persons who have qualified in an examination for a senior management position.

ELIGIBLE: A person whose name appears on a merit system eligibility list. (also known as an eligible candidate.)

EMERGENCY APPOINTMENT: A provisional 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 or when there is insufficient time to canvass the eligibility list.

EMPLOYEE: A person who is legally an incumbent of a position or who is on authorized leave of absence from employment with the District.

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.

EMPLOYMENT STATUS: The condition of an employee's present appointment indicating degree of permanency with the district.

ENTRANCE QUALIFICATIONS (OR MINIMUM QUALIFICATIONS): Mandatory and desirable job related and/or legally required qualifications that an individual must possess in order to be placed on an eligibility list and considered for regular employment in a classification.

EXAMINATION: The competitive process of administering quantifiable job related selection instruments to determine the extent that candidates for employment possess the skills, knowledge, abilities, traits and/or competencies that are essential for successful job performance and to produce a rank ordered eligibility list from which appointing authorities can make employment selections.

EXECUTIVE/ADMINISTRATIVE CLASSES: Those classes that are exempt from overtime and have a twelve-month probationary period.

EXHAUSTED LIST: A list of eligibles from which it is impossible to fill a regular full-time or part-time vacancy. A list may be considered exhausted for part-time positions, yet remain in effect for full-time positions or vice versa. An eligibility list may be considered exhausted when there are fewer than three ranks available for consideration for employment.

EXPIRED LIST: An eligibility list that is three years old, or one that is one year or more when a new list for the class has been established. Also, an eligibility list that is less than one year old that

has been authorized by the Personnel Commission to be effective for a period that is less than one year.

FIELD OF COMPETITION: Those categories of persons (either from within or outside the District) identified by the Personnel Commission as possessing the necessary qualifications to participate in a merit system examination.

FISCAL YEAR: July 1 to June 30.

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

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

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

GROUP (or JOB FAMILY): Those classes similar in type of duties and responsibilities or related by other criteria, and set forth in the list of classes published by the Personnel Commission.

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

HEARING OFFICER: The individual(s) charged with the responsibility of hearing the evidence and making a recommendation to the Personnel Commission on an appeal. The Personnel Commission may serve as the hearing officer.

ILLNESS: Any pronounced physical or mental deviation from a normal, healthy state that typically causes a disadvantageous to the District, the employee or the health of others if the employee remains at work.

ILLNESS LEAVE: Paid or unpaid leave granted to an employee because of personal illness or injury. May also be used for specified personal emergencies of limited duration.

IMMEDIATE FAMILY MEMBER: Immediate family shall mean the mother, father, grandmother, grandfather, or a grandchild of the unit member or of the spouse of the unit member and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the unit member, brother-in-law, sister-in-law, step-relatives, or any relative living in the immediate household of the unit member.

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

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

LAYOFF: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges after illness or injury, or because the employee fails to meet or maintain legally imposed qualifications.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

LIMITED TERM: Employment for periods not to exceed six months or employment during the authorized leave of absence of a permanent employee (Synonymous with "temporary").

LIMITED TERM EMPLOYEE: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited period of six months or less.

LOYALTY OATH: A statement required for each new employee concerning his support of the United States and California Constitutions, required by State law and local Board policy.

MANDATED LEAVE: Leave by an employee for personal illness, industrial accident, industrial illness, pregnancy, military service, service as an elected officer of a District-recognized public employee

organization, or service in the Red Cross or Merchant Marine during a declared national emergency or war.

MEDICAL EXAMINER: A qualified medical professional employed by the Personnel Commission to determine the medical status of appellants in appeals of medical disqualification of employees or eligibles.

MEDICAL CONDITION: Any physical or mental impairment or history of such that substantially impacts an individual's ability to successfully perform the core duties of a specific job or position.

MERGING: The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores of eligibles. Each individual eligibility list within a merged list expires one year after its promulgation.

MERIT SYSTEM: A Human Resources system in which comparative merit and fitness govern each individual's selection and progress in the service.

MOST APPROPRIATE ELIGIBILITY LIST: Designation of an eligibility list for an equal or higher class for use in making appointments in another class.

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

NEPOTISM: Assignment of close relatives to the same school or office or in a supervisory/subordinate relationship.

OPEN EXAMINATION: An examination that has been authorized by the Personnel Commission to be open to all individuals who meet the entrance qualifications.

OVERTIME: Authorized time worked by an employee in excess of an established eight, nine, or ten hour work day or 40 hours a week or on the sixth day of a workweek for employees who work an average of four hours or more a day. An employee who works an average of four hours or more a day is paid overtime for authorized time worked on the seventh day of the employee's workweek.

PART TIME POSITION: A position for which the assigned time is less than seven hours a day or 35 hours a week or less than 87 1/2 percent of the normally assigned time of the employees in the classified service.

PERFORMANCE EVALUATION: A formal written evaluation of the work performed by an employee for the purpose of recognizing superior performance, serving as a basis for correcting inadequacies or for counseling prior to possible disciplinary action.

PERMANENT EMPLOYEE: A regularly assigned employee who completed an initial Probationary period of 130 days of paid regular service in the classified service (260 days required for executive, administrative and supervisory classes). In reference to employment status in a specific class, an employee who has completed a probationary period for that class.

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.

PERMISSIVE LEAVE: Approved leave for child-care, to serve in another position in the District, because of illness in the family, or for rest, study, or other personal reason.

PERSONAL NECESSITY LEAVE: Leave which may be taken for reasons of personal necessity as specified in the Education Code, Personnel Commission rules, and the Union Contract. Such leave is charged to the employee's illness leave and is limited to six days a school year.

PERSONNEL COMMISSION: An impartial three-member panel selected according to the merit system provisions of the Education Code that is responsible for the administration of the merit system form of employment for the classified service of the district and is responsible for the selection and supervision of the Personnel Director and his or her staff.

POSITION: A group of duties and responsibilities assigned by a representative of the governing board usually requiring the full or part time employment of one person. A position may be shared by more than one person and typically requires budget authority.

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.

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

PROBATIONARY PERIOD: A trial period of 130 days (or 260 days for employees in executive, administrative or supervisory classes) of paid service following regular appointment to a permanent position.

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

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate that is at least two and a half percent more than the maximum salary of the class from which the employee is leaving.

PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified permanent employees of the District who meet the minimum entrance qualifications for the class.

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list not to exceed 90 working days except in specified circumstances.

PROVISIONAL EMPLOYEE: A person employed temporarily while the selection testing process is being conducted to fill the position.

RATING-IN: The procedure for appointing a person to a position at a salary step above the lowest in the salary range.

REALLOCATION: Movement of an entire class from one salary schedule or hourly rate to another salary schedule or hourly rate.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another.

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

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

REGULAR APPOINTMENT: An appointment to a full or part time position of more than six months in duration, made from an eligibility list or from some other list of persons who are legally qualified to fill a position on a regular basis.

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

REGULAR STATUS: Probationary or permanent status in the classified service.

REINSTATEMENT: A reappointment after resignation within 39 months after the last day of paid service without examination to a position in one of the employee's former classes, or in a related lower class with restoration of certain employee benefits.

Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission and when ordered to return to work after conclusion of a court action in which the court orders the individual returned to work.

REJECTION: The refusal to accept an application or to examine an applicant or candidate or the removal of the name of an eligible from an eligibility list for cause.

RELIEF EMPLOYEE: A person employed to work for less than six months on a special project or to temporarily augment the existing workforce. (Synonymous with extra help or limited term).

RELIEF POSITION: A limited term position of not more than six months' duration which augments the number of regular positions in a given organizational unit. (Synonymous with extra help or limited term).

RESIGNATION: Voluntary termination by an employee of his employment.

RESPONSIBILITY DIFFERENTIAL: A temporary or permanent wage or salary differential paid to incumbents of certain positions in a class based upon variations in responsibility that can be objectively measured.

RESTRICTED POSITIONS: Positions that are federally funded and must be filled by individuals who possess qualifications imposed by the federal government. These usually includes residency in specific areas and income levels. Also refers to filling positions with individuals who are physically or mentally disabled and are unable to pass the examination for the classification because of their disability. Also refers to filling instructional assistant positions under certain conditions.

RETURN TO FORMER CLASS: Reappointment of an employee who has completed probation in the class to a former class within 39 months after termination of the employees' regular assignment to that class.

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

RULE OF THREE RANKS: The scope of choice available to an appointing power in making a selection from an eligibility list; refers to selection from among those eligibles having any of the three highest scores that have been rounded to the nearest whole number.

SALARY INCREMENT: An additional amount of monetary compensation added to the base salary.

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

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

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

SALARY STEP: A specific rate in a salary range. One of the consecutive rates that comprise a monthly or hourly salary range.

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

SELECTIVE CERTIFICATION: The submission to the appointing authority of names of eligibles who may be legally appointed from the top three ranks of an eligibility list who possess one or more of the following requirements determined to be necessary for successful performance of the duties of a position; the ability to speak, read or write a non-English language (including American Sign Language); a specific gender that is a bona fide occupational requirement; a valid driver's license; or other specialized licenses or certifications that cannot be reasonably acquired during the probationary period.

SENIOR MANAGEMENT: Those classified executive level positions that have district wide program responsibility and whose incumbents are selected from an alphabetical eligibility list and do not attain permanency in their positions. The District may request additional positions in excess of the initial allocation by requesting a waiver from the California State Board of Education.

SENIORITY: Status secured by length of service to which certain rights attach. Used in calculating extra points for employees taking promotional examinations and for determining order of layoff as well as for certain informal purposes.

SEPARATION: The ending of all status as an employee.

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

SHIFT DIFFERENTIAL: Additional compensation for evening or night work.

SHORTENED SALARY RANGE: A salary range that is less than the customary range that is typical for that particular type of occupation.

STARRED RATE: A salary rate above the established rate or range of salary for a class, paid when an incumbent takes a voluntary demotion to remain in a position that has been reclassified to a lower-paid class or under other specified circumstances approved by the Personnel Commission.

STATUS: Type of employment in the classified service or class. These include: Regular Status under which fall Probationary or Permanent Status, and Limited Term Status.

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

SUBSTITUTE EMPLOYEE: An employee temporarily occupying a regular position during the absence of the incumbent (also referred to as a limited term employee).

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

TECHNICAL INTERVIEW: A quantifiable verbal test part of knowledge or abilities that is conducted by a panel of subject matter experts. This differs from an interview that is designed to evaluate the general fitness of a candidate for a class or positions within a class.

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

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

TEST: The individual assessment parts of a merit system examination that are either scored on a quantifiable basis or on a pass or fail basis e.g., written test, interview or evaluation of training and experience.

TERMINATION: The ending of an incumbent's assignment.

TRANSFER: The reassignment of an employee without examination from one position to another position 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 exempted by law. See Rule 30.100.

UNPAID LEAVE: A specified period of time during which an employee is in unpaid status and excused from the employee's work assignment for purposes agreed upon in the union contract that is granted and approved by the governing board to an employee for a period of time not to exceed the time agreed upon in the union contract.

UNSATISFACTORY SERVICE: The performance of assigned duties and responsibilities in a manner that is detrimental to the good of the service, or the failure to perform them adequately; or the performance of actions detrimental to the good of the service while on duty.

VETERANS' CREDIT: Five or ten additional points, added to a passing score in open examinations, for military or related service rendered during time of war or national emergency.

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

WORKDAY: That part of a 24-hour period during which an employee is scheduled to work in accordance with his specific assignment.

WORKING DAY: Any day for which an individual employee receives compensation, regardless of the number of hours in a day for which compensation is received. For application of Education Code and Personnel Commission Rule provisions that require a certain number of working days and /or a number of days in paid service, employees who are assigned a nonstandard work week will satisfy the requirement of a standard five day work

week if paid their assigned hours each pay period.  
There are two exceptions:

1. A work shift that begins in one day and ends in the succeeding day is considered one working day.
2. A calendar day for which only overtime compensation is received is not considered a working day.

## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 10.200 PCRR

**10.200**      **Preliminary Statement****10.200.1**      **Statutory Authority for These Rules**

The rules contained herein are established pursuant to the Personnel Commission under *Education Code* 45260, 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.

**10.200.2**      **Interpretation and Application of Rules**

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting a particular case. 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 responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability.

**10.200.3**      **Printing and Distribution of Rules**

The rules of the Commission and copies of Part 25, Chapter 5, Article 6 of the Education Code (commencing with Section 45240) shall be printed and made available in the offices of the Superintendent, each Assistant Superintendent, each department head, each supervisor, each principal and at the Educational Media Center for loan to employees and to recognized employee organizations. (*Education Code* 45262)

**10.200.4**      **Judicial Review**

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

Oxnard School District  
Personnel Commission Rules and Regulations  
Adopted: October 23, 1968  
10.200.1 Revised: September 5, 1991  
10.200.3 Revised: May 5, 1980  
10.200.4 Revised: December 17, 1998

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**PERSONNEL COMMISSION RULES & REGULATIONS**

**10.300 PCRR**

**10.300      Scrapbook**

- 10.300.1**            The Director of Classified Personnel shall establish, maintain and make available in the Personnel Office a scrapbook containing letters and items of interest concerning the history of the Personnel Commission.

OXNARD SCHOOL DISTRICT  
Personnel Commission Rules and Regulations  
Adopted: October 23, 1968; Revised: September 5, 1991

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

20.100 PCRR

## CHAPTER 20

## THE PERSONNEL COMMISSION

**20.100**      **Organization of Commission****20.100.1**      **Appointment of Members to Personnel Commission**

- A.      One member of the Commission shall be appointed by the governing board of the district; one member, nominated by the classified employees of the district. Those two members shall in turn appoint the third member.
1.      Commission appointee--Not later than September 30, the appointee of the governing board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint, if the vacancy is their appointment. The appointee of the governing Board and the appointee of the classified employees shall consider the recommendations of the governing board, the classified employees, or other concerned citizens.  
  
At a Personnel Commission meeting to be held not later than 45 days of the dates specified in paragraph A.1., the Personnel Commission in open hearing shall provide the governing Board, the public and the employees and employee organizations the opportunity to express their views on the qualifications of the person whose name has been announced as the intended appointee. The Commission may, at this meeting, withdraw the name of its proposed nominee and substitute the name of a new candidate, and act upon the appointment of the new nominee, or it may appoint its original nominee without the necessity of holding another public hearing.  
  
If the two members do not agree upon and announce a name of an intended appointee by September 30, the Executive Officer of the State Personnel Board shall make the appointment. (*Education Code 45245/45246*).
  2.      Board appointee--The governing Board shall, not later than September 30, publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee. At a Board meeting to be held within 30 days of the date specified above, the governing Board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of the person recommended for appointment. The Board at that time may make its appointments or may make a substitute appointment or recommendation without further notification or public hearing. (*Education Code 45245*)
  3.      Classified employees appointee--At a public hearing to be held not later than 30 days of the dates specified, the governing Board shall announce the name of the classified employees' recommendation and shall, following discussion of the candidate's qualifications, appoint the nominee, unless such nomination is voluntarily withdrawn by the classified employees representative. If the classified employees fail to submit a nominee, the Board may make an emergency appointment.

**20.100.2 Terms**

By law, the term of each commissioner is for three years and expires at noon, December 1. The term of one commissioner expires each year.

**20.100.3 Compensation of Members of Personnel Commission**

Under the provisions of *Education Code* Section 45250, the Board of Trustees of the Oxnard School District has authorized payment to members of the Commission in the amount of fifty (\$50.00) dollars per meeting attended, not to exceed two hundred-fifty (\$250.00) dollars per month.

The above-noted action was taken by the Board of Trustees on July 9, 1986, and reaffirmed on January 23, 1991.

**20.100.4 Officers**

It will be the policy of this commission to elect as chair the member serving the last year of his/her term. The outgoing chair shall then be elected to serve as vice-chair.

**20.100.5 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.

**OXNARD SCHOOL DISTRICT****Personnel Commission Rules and Regulations**

Adopted: October 23, 1968

20.100.1 Revised: March, 1976; November 6, 1980; September 5, 1991; December 17, 1998

20.100.3 Revised: May 19, 1980; March 25, 1981; July 9, 1986

20.100.4 Revised: January 13, 2005

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 20.200 PCRR

**20.200** Meetings**20.200.1** **Regular Meetings**

Subject to cancellation or proper change, the Commission shall meet the second Thursday of each month in the Educational Service Center. When the regular meeting date falls on a holiday, the Commission will reschedule the meeting to another specified date, providing at least forty-eight hours notice to representatives of the employee organization(s) and district administration as well as posting such notice at regular posting locations. (*Education Code* Section 45245)

**20.200.2** **Adjourned Regular Meeting**

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

**20.200.3** **Special Meetings**

Special Commission meetings may be called at any time by the Commission Chairperson or by the written request of any two members of the Personnel Commission. Written notice for any such meeting shall be delivered personally or by mail to each member of the Commission. A written notice of such meeting shall also be provided to any of the following persons or organizations provided that they have filed written requests to be notified of the dates and times of the Commission meetings: each local newspaper of general distribution, radio or television station as well as representatives of any recognized employee or other organization. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. A copy of the notice shall also be posted at regular posting locations. The meeting notice shall specify the time and place of the special meeting as well as the business to be transacted, and no other business shall be considered at that meeting.

**20.200.4** **Public Meetings**

All regular and special meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any of the Commission's meetings except as provided in Personnel Commission Rule 20.200.5. This rule shall not be construed as authorizing employees to be absent from duty for attendance at Personnel Commission meetings.

**20.200.5** **Executive Sessions**

A closed session may be conducted only during a regular or special meeting of the Commission that has been called with proper notification.

Prior to or after holding a closed session, the Commission shall state the general reason or reasons for the closed session and may cite the statutory or other legal authority under which the session is being held. In the closed session, the Commission may consider only those matters covered in its statement of reasons. In the case of a special, an adjourned or a continued meeting, the statement of reasons shall be made as part of the written meeting notice for such special, adjourned or continued meeting. In giving the general reason or

reasons for holding a closed session, the Commission is not required or authorized to give names or other information which might constitute an invasion of privacy or otherwise unnecessarily divulge protected facts and information for which the closed session is being held.

The Commission shall publicly report, in the public portion of the meeting in which the closed session is held or at its next public meeting, any action taken by the Commission in the closed session and any roll call vote taken on such items as appointment, employment or dismissal of any classified employee arising during the closed session.

The following are legally authorized exceptions to the open meeting requirement:

- A. Appointment, employment, dismissal or evaluation of employee(s).
- B. Consideration of complaints brought against employee(s).

NOTE: The Commission may hold closed sessions during any regular or special meeting to consider the appointment, employment, performance evaluation, dismissal or the hearing of complaints or charges brought against employee(s) by another person or employee unless such employee requests a public hearing. As a condition of holding a closed session on a complaint, formal charges, or a disciplinary matter, the affected employee shall be given a written notice regarding the matter and his/her right to have a public hearing rather than the closed session; which notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the scheduled time of the regular or special Commission meeting. If notice is not given as prescribed, any punitive action taken relative to the employee shall be null and void. During the examination of a witness, the Commission may exclude other witnesses even though the hearing is held as part of a public meeting. If a hearing is held in closed session, the Commission may exclude other witnesses as well as the general public while the matter is being investigated. Following the public hearing or closed session, the Commission may deliberate on the matter and reach its decision in a closed session.

- C. Consideration of matters affecting national security.
- D. Consideration of legal matters coming within the purview of the attorney/client relationship.

The Commission has a right to meet in closed session to consider any legal matter(s) within the attorney/client privileges. This exception, though not expressed in the Brown Act, was found by the California Appellate Court to be implied by the Act (The Sacramento Newspaper Case). According to the Court, "There is a public entitlement to the effective aid of legal counsel in civil litigation. Effective aid is impossible if opportunity for confidential legal advice is banned."

- E. Discussions relative to negotiations, conciliation, mediation or other matters affecting classified labor relations as provided for in Government Code, Sections 3500 et seq.

NOTE: *Government Code*, Section 3549.1 specifically exempts certain activities (a part of the collective bargaining process) from the application of the Brown Act as follows:

Any meeting and negotiating discussion between a public school employer and a recognized or certified employee organization.

Any hearing, meeting, or investigation conducted by a fact-finder or arbitrator.

Any meeting in which the agency and its representative are discussing matters within the scope of representation.

NOTE: A meeting on this item may only be held if the Commission has a representative to the negotiating process. If the Commission has no representative and is not conducting negotiations itself, it cannot hold a closed session relative to discussing matters within the scope of negotiations.

A violation of the confidentiality of a closed session by Commission member shall be a misdemeanor under *Government Code*, Section 1222 and 1770(h). Repeated violation of the confidentiality of a closed session by a Commission member shall be grounds for removal from office according to *Government Code*, Section 1770(h).

#### **20.200.6 Agenda and Supporting Data**

Insofar as possible, at least forty-eight (48) hours prior to every regular or special Commission meeting, the agenda shall be provided to the representative of the employee organizations representing district classified employees, Commission members and Superintendent of Schools.

Board regulations mandate that a bulletin board be provided at each school, the warehouse facilities and Educational Services Center for posting the Commission's agendas, minutes of meetings, and communications.

When practical, supporting data will be furnished in advance. The agenda will also be posted at regular posting locations and distributed to any of the news media requesting it.

#### **20.200.7 Amendment, Deletion, or Addition to Rules**

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered for 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 when presented for a "first reading."
- B. On a "first reading," the Commission will set a date for Commission action on the proposal; this date shall normally be the next regularly scheduled Commission meeting. The Personnel Commission shall also instruct the Director of Classified Personnel to refer the proposal to interested persons and organizations for comment or recommendation.
- C. Insofar as possible, interested parties shall submit their reactions to proposed rule changes in writing on or before the stipulated agenda deadline date, and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

#### **20.200.8 Minutes**

The Director of Classified Personnel shall record the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission and the Commissioner's dissent or approval and any reasons presented.

The Minutes of each meeting shall be reduced to written form and presented to the Commission for correction and/or approval at the next regularly scheduled meeting of the Commission.

The Minutes of each Commission meeting or a true copy thereof shall be open and available

for public inspection.

Copies of the official Minutes shall be distributed for posting to all school district offices at least five (5) working days preceding the next regular Personnel Commission meeting as well as to recognized employee organizations requesting them.

Legal Reference:

Government Code

3543	Rights of public school employees
3543.2	Scope of Representation
3549.1	Proceedings Exempt from Public Meeting Provisions
35146	Closed session
49073	Release of directory information
54957	Closed session: threat to buildings; public safety
54957.1	Closed session: action taken
54957.2	Closed session: minute book
54957.6	Meeting and negotiations; conciliator
54957.7	Closed session: statement of reasons

OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

20.200.1	Revised: April, 1973; March, 1974; October 6, 1980; February 3, 1983; September 5, 1991; December 17, 1998
20.200.2	Revised: February 3, 1983
20.200.3	Revised: February 3, 1983
20.200.4	Revised: February 3, 1983
20.200.5	Revised: May, 1980; February 3, 1983
20.200.6	Revised: October, 1972
20.200.7	Revised: February 3, 1983
20.200.8	Revised: October, 1972; October 6, 1980; February 3, 1983

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 20.300 PCRR

**20.300 Commission Employees****20.300.1 Status of Commission Employees**

The Director of Classified Personnel and other persons required to carry out the responsibilities of the Commission shall be employees of the Personnel Commission. 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. (*Education Code 45264*)

In regard to the application of these rules and regulations to members of the Commission staff, the term "Governing Board" shall be construed to mean the Personnel Commission; therefore, rights vested or reserved to the Board of Trustees relative to its employees shall be vested in the Commission relative to Personnel Commission and directing Commission staff, the rights and responsibilities of the Director of Classified Personnel shall be the same as those accorded the Superintendent.

The Director of Classified Personnel, a classified management position, is subject to the rules, procedures, benefits, and burdens of other management classifications and to disciplinary action as directed by the Personnel Commission.

**20.300.2 General Duties of the Director of Classified Personnel**

- A. The Director of Classified Personnel shall perform all of the duties and carry out all of the functions imposed upon him/her by law and these rules. He/she shall act as secretary to the Personnel Commission and shall issue and receive all notifications on its behalf. He/she shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.
- B. The Director of Classified Personnel shall conduct classification, salary, and rules studies, and shall make such other investigations as directed by the Commission or as he/she deems necessary to his/her responsibilities. He/she may be designated as a hearing officer in accordance with *Education Code 45312*.
- 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 Director of Classified Personnel, subject to the review of the Commission. (*Education Code 45266*)

Oxnard School District  
Personnel Commission Rules and Regulations  
Adopted: October 23, 1968  
20.300.1 Revised: June, 1973  
20.300.2 Revised: December 17, 1998

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 20.400 PCRR

**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 Director of Classified Personnel 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**

- A. The Director of Classified Personnel shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year.
- B. The budget shall be submitted not later than May 30 of each year and prior to submission will be presented in a public hearing.
- C. The Commission shall forward a copy of its proposed budget to the governing Board indicating the time, date and place for the public hearing on the budget and shall invite Board and District administration representatives to attend and present their views. The Commission shall fully consider the views of the governing Board prior to adoption of its proposed budget. The Commission shall then forward its proposed budget to the County Superintendent of Schools for action.

The County Superintendent of Schools may reject, but may not amend, the proposed budget. In the absence of agreement between the Personnel Commission and the County Superintendent of Schools, the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission. (*Education Code 45253*).

The Director of Classified Personnel shall be responsible for approving all Commission budget expenditures except capital outlay items, overnight conference expenses and/or organizational membership fees.

Even though funds are budgeted for the purpose, expenditure for capital outlay, overnight conference expenses and organizational membership fees shall be approved by the Personnel Commission at a meeting held prior to the commitment of Commission funds to pay for these items.

**20.400.3** **Annual Report**

- A. The Director of Classified Personnel shall prepare, as required by *Education Code 45266*, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees.
- 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 OdieDean Wells Humanitarian Award**

##### **A. Nature of the Award**

The Personnel Commission has hereby established the annual OdieDean Wells Humanitarian award to provide recognition to the classified employee who has been determined to most exhibit the humanitarian qualities of OdieDean Wells -- providing service to others over-and-above the requirements of the job.

##### **B. History of the Award**

OdieDean Wells, long-time employee of the Commission, devoted both her personal life and professional life to helping others. She did so willingly and cheerfully.

The comparatively short life of this young woman was nevertheless a full one as measured by the amount of her service and assistance to others. The amount and quality of her service to others was best summed up by Superintendent Brekke when he said of OdieDean Wells:

"There are a few special and unique people in this world who have the ability to lift us -- not by their physical strength -- but by the force of their extraordinary personal attributes.

"If the only true riches in life are friends, Odie had inestimable wealth. She touched the lives of so many people -- and in so many positive ways."

The Commission believes that there are other classified employees who willingly and cheerfully give of their time and talents in providing service and assistance to others -- in the course of their work, and in their personal lives. Such persons should be recognized and applauded -- for they bring credit not only to themselves, but also to the Classified Service and the District.

##### **C. When and How the Award is Granted**

1. The award is made by the Personnel Commission upon recommendation by a committee established for this purpose.
2. The Committee is composed of three people appointed as follows:
  - a. One is appointed by the District Superintendent;
  - b. One is appointed by the President of the organization representing the largest number of classified employees;
  - c. One is appointed by the Classified Personnel Director;
3. The Committee shall be appointed and hold its first meeting of the year no later than the first week in December.
4. The Committee shall review procedures to assure equality and fairness in the selection process.
5. The Committee shall receive all recommendations and any supportive data deemed necessary to determine the recipient of the award.

6. The Committee shall submit its recommendation regarding the award recipient to the Commission no later than at its regular meeting during the month of February.
7. The nomination shall be submitted in writing on official forms obtainable from the Classified Personnel Office, and shall indicate in what ways the nominee has willingly given of his/her time and talents in providing service and assistance to others.
8. The Personnel Commission shall designate the date of presentation of the award at its regular meeting no later than February of each year. Typically, the date designated will be in February or March.

D. Who May be Recommended to Receive the Award?

Any permanent member of the Classified service may be recommended for consideration, and such recommendations may be submitted in each succeeding year; regardless of previous selection or non-selection for receiving the award.

E. Who Can Make Recommendations

Recommendations may be submitted by an employee's supervisor, a department head, an associate employee, the Board of Trustees, and/or classified employee organization.

F. Confidentiality of Information Submitted

All information, except the name and certain pertinent information regarding the award recipient, shall be kept completely confidential by the Committee, the Classified Personnel Office and the Personnel Commission.

#### OXNARD SCHOOL DISTRICT

##### Personnel Commission Rules and Regulations

Adopted: October 23, 1968

20.400.2 Revised: October, 1972; May 19, 1980; October 7, 1982

20.400.4 Adopted: April 7, 1983; Revised: September 5, 1991

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**CHAPTER 30**  
**POSITION CLASSIFICATION PLAN**

**30.100**      **The Classified Service**

**30.100.1**      **Positions Included**

- A.      All positions established by the governing board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in the classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B.      No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service. (*Education Code*, Section 45104, 45105, 45256, 45263)

**30.100.2**      **Exemption from the Classified Service**

Positions required by law to have certification qualifications, full-time day students employed part-time, part-time students employed part time in a college work-study program, or in a work experience education program, apprentices, community representatives, CETA employees on special projects limited to not more than one year duration, and professional experts employed on a temporary basis for a specific project by the governing board or the commission when so designated by the commission, shall be exempt from the classified service. (*Education Code*, Sections 45105.1, 45256, 45257, 45258)

**30.100.3**      **"Part-Time" Defined**

A part-time position for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on a monthly basis is less than 87% percent of the normally assigned time of the majority of employees in the classified service. (*Education Code*, Section 45257)

**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 Board of Trustees.

**30.100.5**      **Professional Expert Assignments**

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

- B. When the person is known who is to be appointed as a professional expert, his/her name and data relative to his/her qualifications shall be submitted to the Director of Classified Personnel. In order to be exempted from the Classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession. Evidence of professional qualifications must be presented to the commission at the time the written request for temporary appointment is made. The duration of authorization for a person to serve as a professional expert shall be determined by the Commission, based upon the request of the Board of Trustees. However, authorization for service as a professional expert shall not exceed a maximum of twenty-four months. (*Education Code*, Sections 45256 & 45258)

Oxnard School District

Personnel Commission Rules and Regulations

Adopted: October 28, 1968

30.100.1 Revised: December 5, 1991

30.100.2 Revised: December 5, 1977; December 5, 1991; **September 15, 2020**

30.100.3 Revised: March 11, 1999

30.100.5 Revised: August 7, 1984

## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 30.200 PCRR

**30.200**      **General Classification Rules****30.200.1**      **Assignment of Duties**

The Board of Trustees shall prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to his position, the personnel director shall report the facts to the responsible administrator in order that appropriate action may be taken (See also rule 30.200.7). (*Education Code* 45109,45276)

**30.200.2**      **General Nature of the Classification Plan**

The Director of Classified Personnel shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the class(es) in each series which are usually filled by open competitive examination. Those classes not so designated shall be considered as "promotional classes," provided that the Personnel Commission shall decide, when it orders an examination whether the examination shall be open, promotional or dual certification. (*Education Code*, Section 45261)

**30.200.3**      **Class Specifications**

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

- A. The official class title;
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
- 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 or services in the class.
- G. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
- H. Minimum qualifications may never require a teaching, administrative or other credential nor may they require work experience which essentially would restrict

applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials. (*Education Code*, Sections 45109 and 45276)

#### **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 that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality 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 included.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation 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**

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

#### **30.200.6 Changes in Duties of Positions**

Any substantial changes in duties of existing positions shall be promptly reported in writing by the appointing authority to the Director of Classified Personnel, who shall determine whether or not the position should be allocated to new or different classes.

#### **30.200.7 Working Out of Classification/Substitutes**

As provided in the California *Education Code*, Section 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of the bargaining unit for classified employees. If you are a member of a/the

bargaining unit for classified employees, you should refer to your copy of the collective bargaining agreement with regard to this subject matter.

Classified employees shall not be required to perform duties which are fixed and prescribed for the positions by the Board for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period; except as provided by this rule.

The Classified Personnel Office will provide all new employees with a copy of the appropriate class description at the time of employment into such classification. In addition, the Classified Personnel Office will make certain that all existing employees have received copies of their class descriptions. An employee may be worked beyond the scope of the duties normally assigned to his/her position provided that his/her salary is adjusted as follows:

- A. When a regular unit member works out of classification in a higher class for a period exceeding five (5) days within a fifteen (15) calendar day period, the unit member shall be compensated at the first step in the higher classification which provides the member with at least a five percent (5%) increase above his/her regular rate of pay, but in no case shall placement be above the "E" step of the higher class, exclusive of any differentials which may apply. Step placement below the "E" step may be subject to appeal to the Personnel Commission. The increased rate will be effective from the first day to the last day of the assignment.
- B. When a regular unit member is assigned by the site administrator or immediate supervisor to perform the duties of a position in a higher classification for a period of five (5) days or less, the unit member shall be paid a maximum of five percent (5%), but in no case an amount greater than the "E" step of the higher classification, exclusive of any differentials which may apply, above the unit member's regular base salary plus other salary stipends for which the unit member is eligible, for all hours worked in the higher classification. For purposes of this section, "base salary" shall exclude such items as longevity and professional growth stipends and/or increments.
- C. Whenever an employee is allowed to assume or is required to perform some, but not the majority of the functions and duties of a higher classification (such duties not clearly indicating the appropriateness of the higher salary range), "salary adjustment upward" compensation shall be determined by the Personnel Commission as provided in paragraph "F" below. However, compensation granted under this provision shall be limited to an increase of five (5%) unless otherwise authorized by the Personnel Commission.
- D. Whenever an employee is allowed to assume or is required to perform duties for which no classification has been established, "salary adjustment upward" compensation shall be determined by the Personnel Commission as provided in paragraph "F" below. Compensation granted under this provision shall provide for a minimum increase of five percent (5%) and a maximum of fifteen percent (15%) unless otherwise authorized by the Personnel Commission.
- E. Claims for out-of-class pay under the conditions in C and D above will include a description of the out-of-class duties performed. The completed claim shall be submitted to the Director of Classified Personnel no later than thirty (30) days following completion of the out-of-class assignment(s).
- F. The Director of Classified Personnel shall review all out-of-class claims, secure any back-up information necessary and, except for claims filed under the conditions noted in paragraphs "C" and "D" above, take action to make the necessary

adjustments.

For claims filed under the conditions noted in paragraphs "C" and "D" above, the Director Classified Personnel will submit a report to the Personnel Commission no later than twenty-five (25) days following receipt of such out-of-class claim. The out-of-class claim will then be placed on the agenda for the first regular Commission meeting scheduled thereafter. The Commission shall take such action as is necessary; based upon the facts presented.

In determining the amount of compensation, if any, the Commission may consider any or all of the following factors: type(s) of duties performed; percentages of time spent in performing the duties, compared to a full-time employee in the same or similar classification (s); the relationship which compensation schedules bear to one another, or any other appropriate factor necessary to the determination of like pay for like work.

- G. Nothing in this rule shall be construed as permission to circumvent the provisions and procedures of the "merit system" in regard to classification and reclassification. Furthermore, nothing in this rule shall be construed as permitted an employee to refuse to perform duties assigned by a duly authorized supervisor or administrator.

### **30.200.8 Review of Positions**

The Director of Classified Personnel shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed at least once every five years. If the Director finds that a position or positions should be reclassified, he/she shall advise the administration of the findings. If the administration verifies the duties of the position or if the duties are not reversed to fit within the current classification, the Director will report the findings to the Personnel Commission for appropriate action. The Director shall also report the findings in cases where the review indicates that a change in classification is unwarranted. (*Education Code*, Section 45285).

### **30.200.9 Creation of New Positions**

When the Board creates a new position, a list of duties to be performed shall be submitted to the Personnel Director in writing. The Personnel Director shall review the duties and submit recommendations to the commission which:

- A. Classify the position and determine if the position should be allocated to an existing class or a new classification.
- B. Recommend an appropriate salary range placement for any newly created classifications.
- C. Notify the Board of Trustees or its designated representative of the proposed recommendations.

### **30.200.10 Positions Requiring Multiple Languages**

- A. The Board of Trustees may, designate positions within a class which require the holder of the position to speak, read and write a language in addition to English.
- B. The Board must clearly set forth valid reasons for placing language requirements on a position.

- C. An announcement calling for an examination for a class with position(s) containing language requirements will contain appropriate information and will indicate that only successful candidates possessing the language requirements will be given consideration, but only as to those specific positions.
- D. When a vacancy occurs in a position which has approved language requirements, the Board will notify the Commission that the need for language requirements continues to be a part of the position.
- E. If a request from the board to designate a position for language requirements is challenged, the Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request. (*Education Code*, Section 45285).

## Oxnard School District

## Personnel Commission Rules and Regulations

Adopted: October 28, 1968

30.200.1 Adopted: October, 1971; Revised: December 5, 1991

30.200.2 Revised: December 5, 1991

30.200.3 Revised: October, 1972;

30.200.6 Revised: September 1, 1983

30.200.7 Revised: July 16, 1979; February 10, 1981; January 7, 1982, October 6, 1983; December 5, 1991

30.200.8 Revised: October 6, 1980; December 5, 1991

30.200.9 Revised: October 6, 1980; December 5, 1991

30.200.10 Adopted: November, 1972; Revised: March 11, 1999; June 8, 2000

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 30.300 PCRR

**30.300**      **Reclassification****30.300.1**      **Requests for Study**

Requests for classification study of existing positions shall be presented to the Director of Classified Personnel together with a statement of reasons for requesting study. Request for study may be initiated by the administration, with the approval of the Superintendent, or by employees or employee organizations. Requests initiated by the administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes. (*Education Code*, Section 45285)

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

Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be complete, but for not more than three months. (*Education Code*, Section 45285)

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

- A.      When all positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for three or more years may be reclassified with their positions as provided by Personnel Commission Rule, and without examination.

For purposes of these guidelines, three or more years of regular service shall be interpreted to mean assignment for at least three complete years within the class or position.

- B.      When a portion of the positions within a class are reclassified to a higher class an incumbent who has a continuous employment record of three or more years in one or more of the positions being reclassified may be reclassified with his position.
- C.      The basis for reclassification of the position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities.

Determination as to gradual accretion will be based on an analysis of data to be supplied by the employing division or school and the Personnel Commission staff regarding the following guidelines factors;

1.      The nature and scope of each identified change in duties and responsibilities.
  2.      The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
  3.      The conditions which led to the association of the added duties and responsibilities with the subject position.
  4.      Evidence of the employee's performance of the added duties and responsibilities.
- D.      An employee who has been reclassified with his position shall be ineligible for

subsequent reclassification with his position for a period of at least three years from the initial action.

- E. Those incumbents not able to be reclassified with their positions shall have one opportunity to compete in a competitive examination for the higher class.
- F. When a position or group of position 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 that 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. (*Education Code, Section 45285*)
- G. In all cases of upward reclassification not covered by the Education Code, Section 45285 above, the reclassified position shall be filled through competitive procedure, unless the incumbent is extended the privileges indicated in Rule 60.200,3 with 39 months as provided by that rule.
- H. The reclassification of all positions in a class automatically reclassify the mandatory reemployment list for that class. The Personnel Commission shall also review the appropriateness of the current eligibility list and determine whether or not it should be reclassified. Salary Reallocations of classes shall have no effect on lists, unless a specific finding to the contrary is made by the commission.

#### **30.300.4 Reemployment Lists 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. All rights and procedures pertaining to the layoff shall apply. (See Chapter 60)
- 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.
- C. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or 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 still apply. (*Education Code 45285, 45298 and 45308*)

Oxnard School District

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

30.300.3: Revised: May, 1974; May 1, 1986; December 5, 1991

30.300.4 Revised: May, 1974; December 5, 1991

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## PERSONNEL COMMISSION RULES & REGULATIONS

30.400 PCRR

### 30.400 Miscellaneous Related Rules

#### 30.400.1 **Limitation of Field of Competition**

Any positions reclassified which are not covered by other provisions of these rules will be filled by qualifying examination limited to incumbents affected. Incumbents who are unsuccessful in an examination may be transferred, demoted or laid off.

#### OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

30.400.1: Revised: April, 1972; April, 1977; May 5, 1980; September 23, 1980; December 5, 1991

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PERSONNEL COMMISSION RULES & REGULATIONS  
PCRR

30.500

**30.500**      **Schematic List of Classes**

**30.500.1**      **Use of Schematic List**

The Schematic List of Classifications, as listed on the salary schedule, is established for discretionary use by the Personnel Commission in determining questions relative to lateral transfers, promotions (including questions of qualifying experience) and demotion.

Oxnard School District  
Personnel Commission Rules and Regulations  
Adopted:      April 1, 1986

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## 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.

A separate application must be filed for each classification. (*Education Code 45272*)

**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 general qualifications of Rule 40.100.2.
- B. Knowing membership by the employee in the Communist Party. (*Education Code 45303*)
- C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- D. Conviction of a violation or serious felony. (*Education Code 45122.1*) Conviction or pleading guilty or nolo contendere in court to a charge of moral turpitude, or any sex or drug offense as detailed in *Education Code 44010 & 44011*, or mistreatment of children.
- E. Criminal, infamous, dishonest, immoral, or disgraceful conduct according to standards approved by the Personnel Commission.
- F. Intentionally making a false statement or omitting a statement as to any material fact on the application form.
- G. Practicing any deception or fraud in connection with an examination or to secure employment.
- H. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
- I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.

- J. Previous dismissal from this District unless the District waives this subsection.
- K. A record of unsatisfactory service with this District even though separation has not occurred. As evidenced by a disciplinary action, a work improvement notice, unsatisfactory job performance notice, or a resignation in lieu of dismissal.
- L. Inability to perform the essential functions of the position.
- M. Failure to report for duty after an assignment has been offered and accepted.
- N. Failure, after due notice, to report promptly for review of any of the above bases for rejection.
- O. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees.
- P. Attempting to or making contact with any member of the Board of Education or the Personnel Commission with the intent of attempting to favorably influence the recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Personnel Commission as a whole by any candidate through the established appeal process.

**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 state:
1. The reason(s) for rejection.
  2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.
  3. That, within seven calendar days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
- B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:
1. Given a written notice outlining the reason(s) for sustaining the rejection, and
  2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:
    - a. Discrimination because of affiliation, political or religious acts or opinions, race, color, sex, or marital status.
    - b. Abuse of discretion.
    - c. Inconsistency of the reasons given for the rejection of facts.
- C. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

**40.100.5 Action When Rejection is not Sustained**

If a rejection is not sustained by the Director of Classified Personnel or the Personnel Commission, the Director of Classified Personnel shall institute immediate action to insure the rights of the applicants, candidate or person 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 papers are confidential records of the District and shall not be returned to the applicants. Applications and examination papers will be destroyed after a period of two years.

**40.100.7 Applicants' Names Not Made Public**

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

**40.100.8 Veterans' Preference**

A. Veterans shall be allowed an additional credit of five (5) points and disabled veterans shall be allowed an additional credit of ten (10) points added to passing scores in open examinations as prescribed by *Education Code* 45296. At least 30 days of active service in the Army, Navy, Marines, Air Force, Merchant Marine or Coast Guard, or as a Nurse on active duty with the Red Cross, between the dates listed below are required.

- World War I April 6, 1917 to November 11, 1918
- World War II December 7, 1941 to December 31, 1946
- Korea June 27, 1950 to January 31, 1955
- Viet Nam August 4, 1964 to May 7, 1975
- Service in the Coast Guard between December 7, 1941 and January 1, 1946 is also credited.
- DD Form 214 indicating a Southwest Asia Service Medal from the Gulf War, August 2, 1990 to Present
- Gulf War August 2, 1990 to Present
- National Defense Service July 24, 1987 to Present

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.

C. Veterans' preference points shall be awarded only in examinations for classifications designated as entry level. Entry level classifications shall be designated by the Personnel Commission.

Oxnard School District

Personnel Commission Rules and Regulations

40.100.1 Revised: June 23, 1980

40.100.2 Revised: June 23, 1980

40.100.3 Revised: June 10, 1999; September 15, 2020

40.100.6 Revised: June 8, 2000

40.100.8 Revised: March 4, 1974; September 4, 1986; December 5, 1991

**40.200**     **Examinations****40.200.1**     **Examination Barred**

No examination announcement shall be issued nor any other part of the selection process commenced to fill a newly created position until:

- A.   The Board of Trustees has approved the list of duties to be assigned to the new position; and
- B.   The Personnel Commission has properly classified the position, including the establishment of any minimum education and/or work experience requirements.

Note: A newly-created position is one which does not have a previously separate existence.

**40.200.2**     **Types of Examinations**

Promotional – Examinations shall, where practicable, as determined by the Commission, be limited to promotional applicants.

Open and Promotional – When the Director of Classified Human Resources believes that the efficiency of service can be increased, an examination may be announced as a simultaneous open and promotional examination. The promotional list will take precedence over the open list.

Dual Certification – When the same examination is held on an open and promotional basis, the Commission may, prior to the examination authorize dual certification from the resultant eligibility lists. The examination process shall result in a merged list of the promotional and open candidates in order by highest examination scores, including seniority credit as indicated in Sections 40.200.3 and 40.200.15 of these rules, but without veteran’s credit.

**40.200.3**     **Examinations for Certain Positions or Classes**

- A.   Management Positions in the Classified Service
  - 1.   Examinations for management and confidential positions in the classified service, including that of Assistant Superintendent of Business and Fiscal Services, shall be held on an open as well as a promotional basis (dual certification).
  - 2.   When such examinations are held, permanent employees of the District (classified and certificated) who meet the minimum qualifications for the positions(s) shall be allowed to compete.
  - 3.   The names of candidates passing all parts of the selection process shall be merged into a single eligibility list. Rating and ranking candidates will be in accordance with the final score attained by each of the candidates plus any additional credits authorized by the Personnel Commission.
  - 4.   Since management and confidential positions in the classified service are not entry-level positions, military or veteran's preference credits are not authorized and shall not be included in determining the final ranking of names on the eligibility list(s).

5. Promotional candidates (those having successfully completed all parts of the selection process) for these positions shall have seniority credits added to their final overall passing scores in the amount of one-half (1/2) point for each full year of service with the District to a maximum of five (5) points.

B. Proficiency Testing for Paraeducators

1. In accordance with the provisions of *Education Code* 45344.5 and 45361.5, no person shall be initially employed and assigned to work as a paraprofessional, working in an educational setting, unless and until such person has demonstrated proficiency in basic reading, writing and mathematics skills.

Proficiency in basic reading, writing and mathematics skills shall be demonstrated by successfully passing an appropriate written examination which meets or exceeds the requirements for graduation from high school.

2. The names of those persons passing the proficiency tests plus any other part(s) of the selection process shall be ranked on an eligibility list in accordance with Personnel Commission Rule 50.100 et sq (Eligibility Lists).
3. Applicants/candidates shall not be charged any fee(s) for participation in the proficiency test(s) or other selection processes for employment as an instructional aide in the District.

C. Proficiency Testing for Typing or Bilingual Skills

1. Typing proficiency may be demonstrated by presenting a typing certificate issued within the previous year or must be on file.
2. Bilingual skills proficiency must be demonstrated by examination or must be on file.

**40.200.4 When Held**

Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist (as determined by the Director of Classified Human Resources), the Director of Classified Human Resources shall cause an examination to be held to provide an appropriate list of eligibles. At least ten (10) working days in advance of the date of the first part of the examination, public notice of such examination(s) shall be given. For purposes of this section, "public notice" means an examination bulletin will be posted electronically at the District's website and distributed in paper format at the Personnel Commission office and by mail to each site of the District. Failure of a school or other District site to post the paper notice will not cause a delay in the examination process so long as the electronic version was posted on a timely basis.

The public notice shall contain such information as:

- A. Information concerning the location of employment (if available), the expected number of vacancies (if known), plus other conditions of employment;
- B. A description of the duties and responsibilities of the positions and/or class;
- C. The minimum qualifications required;

- D. Salary and other forms of compensation;
- E. The final date for filing an application;
- F. The nature of the examination for which the applicant/candidate may be tested (supplemental application screening, written, oral, skills, performance, bilingual, or other);
- G. The relative weights of each part of the selection process (See Rule and Regulation 40.200.09);
- H. Whether there will be a designated minimum rating required for each part of the examination, as provided in Personnel Commission Rule and Regulation 40.200.10, to qualify for the next succeeding part, or whether the designated minimum rating will be combined. (Also see 40.200.10)
- I. Any special requirements for filling the position as required by Education Code Section 45277;
- J. If the exam is open and promotional, whether the Personnel Commission authorized certification under the provisions of Education Code Section 45284; and
- K. Such other information as will assist employees and the general public in understanding the nature of the available positions, and the procedures to be followed for participation in the selection process;

Note: If an examination is held as a result of a vacancy created by the death of an employee, the public notice shall not be made until after services have been held for the deceased, or until five (5) working days have elapsed after the death, whichever is earlier.

#### **40.200.5 Who May Compete**

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

#### **40.200.6 Notice of Examination**

Each applicant whose application has not been rejected shall be notified a reasonable time in advance of the time, date, and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorized or other satisfactory evidence of having filed an acceptable application.

#### **40.200.7 Character of Examinations**

- A. Examinations shall be administered objectively and shall consist of test parts that relate to job performance.

- B. Examinations may be written and/or oral and/or in the form of practical demonstration of skill and ability, or any combinations of these; or any investigation of education and/or experience, license or certificate required, and test of technical knowledge, manual skill, or physical or mental fitness which, in the judgment of the Personnel Commission, serves this end, may be employed.

#### **40.200.8 Examination Procedures**

- A. Make-up examinations are not generally authorized. Participants in the examination process must take the test(s) on the prescribed date at the prescribed time except as indicated below.

When the Director of Classified Human Resources finds that circumstances beyond the control of the applicant prevent his/her participation in a written examination as scheduled and the applicant has so notified the Director prior to the examination date (except in emergencies not foreseeable at the time), a make-up examination may be scheduled prior to the date of the qualifications appraisal interview. Circumstances beyond the control of the applicant, include, but are not limited to, inability to participate in the written examination due to lack of a notice of the date/time/location of the examination, or of "reasonable notice." "Reasonable notice" means seven working days for open and dual certification examinations and five working days for promotional examinations. An applicant may be required to certify in writing that he or she did not receive notice of the examination.

Make-up examinations are not available for oral qualification appraisal interviews.

- B. Participants in the selection process or other unauthorized persons shall not be given or allowed to copy tests or test questions which would give them an advantage over other participants.
- C. Whenever written tests are utilized as part of the selection process, they shall be so managed that none of the test papers will disclose the name of any participant until the test papers of all participants have been marked and rated.
- D. Any participant in any examination who places an identifying mark upon his/her test papers other than the identifying mark prescribed at the time of examination, or makes any attempt to disclose to others the identity of his/her paper prior to the completion of the examination, shall be disqualified, provided he or she has been given notice of the prohibitions.
- E. Any participant who utilizes the internet, cell phones, portable translators, calculators, or similar equipment to complete the examination, unless such use is part of the examination process, shall be disqualified, provided he or she has been given notice by the proctor shall result in disqualification.
- F. The Commission may designate examinations for specified classes as continuous examinations. When so designated, applications shall be accepted on every working day and an examination shall be administered as applicants are available. Procedures for review of written tests shall be suspended. Continuous testing may be suspended by the Director of Classified Human Resources provided such action is ratified by the Commission at the next regularly scheduled meeting and such action was necessary for efficient administration of the overall examination process.

- G. Applicants are prohibited from taking subsequent written or oral examinations for the same classification which are comprised of the same questions until a period of three (3) months has elapsed since the prior taking of the examination. This prohibition shall not apply to skills tests for shorthand and typing.
- H. Applicants are prohibited from taking a subsequent bilingual exam until three (3) months have elapsed.
- I. An applicant who has been diagnosed by a recognized agency or licensed California physician as having a reading disability may have the written test read to him/her.

#### **40.200.9 Examination Weighting**

The relative weights of the different parts of the examination shall be determined by the Director of Classified Human Resources, and shall be prepared and rated under the direction of the Director of Classified Human Resources.

#### **40.200.10 Rating Required**

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.

#### **40.200.11 Review of Minimum Qualifications**

- A. A minimum qualifications and experience shall be reviewed and determined by staff of the Personnel Commission, as designated by the Director of Classified Human Resources. Applicants who do not meet the minimum requirements shall be notified in writing.
- B. A participant may appeal a disqualification for failure to meet minimum requirements to the Director of Classified Human Resources in writing within five (5) working days from the date of notification. The Director of Classified Human Resources shall respond to the participant in writing no later than ten (10) working days after receipt of the appeal. If the appeal is rejected, the participant may appeal to the Personnel Commission in writing within five (5) working days after the rejection by the Director of Classified Human Resources. The filing of an appeal shall not stop or otherwise delay the examination process.

#### **40.200.12 Review of Supplemental Applications**

- A. Where an examination includes submission of a supplemental application, the Director of Classified Human Resources shall determine the panel composition, which may constitute one panel member. The Director may serve as a panel member or may designate Personnel Commission staff to serve.
- B. Panel members shall be qualified to make a determination as to which applicants are the most qualified to move to the next part of the examination process. Where the supplemental application tests technical proficiency, the panel or panel members must be technical experts.
- C. Applicants who do not meet the supplemental application requirements shall be notified in writing.

- D. A Participant may not appeal a disqualification for failure to qualify as “most qualified,” unless the Director of Classified Human Resources or other human resources staff, constituted the panel. In that case, the appeal may be made to the Personnel Commission in writing within five (5) working days from the date of notification. The appeal must state the basis for the appeal. The filing of such an appeal shall not stop or otherwise delay the examination process.

#### **40.200.13 Review of Written Test**

- A. When the written test papers of all participants have been rated, each candidate will be notified in writing of his/her grade. At the time of the examination, it will be announced that a protest sheet is available and a participant may protest any question, provided that he/she outlines the basis for the protest. Protests of test questions or testing instrument must be submitted to the test proctor at the time of the examination. Protests of written questions will not be accepted after the candidate has left the examination room. Protests of the general written examination process or procedures must be made within five working days of the notification of the examination score or within five working days of the date the examinee should reasonably have been aware of occurrence. No candidate may copy or remove from the review room any of the test questions or answers, or any other materials utilized.
- B. The protest sheets (if any) shall be filed with the Director of Classified Human Resources. The Director of Classified Human Resources shall review and act upon all protests. He/she may allow more than one answer to a question or may disqualify a question entirely if he/she finds the protest to be valid. If protest results in any change, the test papers or other materials of all applicants will be reviewed and re-rated accordingly.
- C. The Director of Classified Human Resources shall inform the person who submitted the protest of his/her decision within 10 working days. Should the Director of Classified Human Resources rule against the protest, that decision may be appealed to the Personnel Commission within five working days. However, the filing of such an appeal shall not stop or otherwise delay the examination process. The time period for a response by the Director of Classified Human Resources may be extended where the protest involves more than one applicant and/or an investigation, and the response is rendered within a reasonable time period.

#### **40.200.14 Examination Papers**

All examination papers and other testing materials submitted by the participants are the property of the District and are confidential records. Examination papers will be destroyed after a period of two years. (Also see 40.100.6.)

#### **40.200.15 Qualifications Appraisal Interview (Oral Examination)**

- A. If the selection process includes a Qualifications Appraisal Interview (QAI), those participants deemed eligible for the QAI will be examined at the earliest practicable date following the conclusion and rating of the earlier test(s).
- B. A QAI board shall consist of at least two persons, but preferably three; one of whom shall be technically qualified to interview for knowledge in the area of the class of positions being tested. The names of the panel members shall not be disclosed prior to the day of the QAI. Reasonable efforts shall be made to constitute panels with employees and experts from outside the District.

- C. Members of the Governing Board or Personnel Commission shall not serve on an oral examination panel. The Director of Classified Human Resources may designate, whenever necessary, an employee of the District to serve as a member of an oral board; provided that such employee is not in the first or second level of supervision over a position or class for which the examination is being held. The Director of Classified Human Resources, or other designated Commission staff, may serve as a panel member where no other panel member is available to serve and reasonable efforts have been made to constitute a panel of other District employees or outside experts.

All members of an oral board shall be persons who can reasonably expect to be unbiased. If a member feels he or she cannot be unbiased as to a particular applicant, he or she shall disclose that bias to the Director of Classified Human Resources and the panel shall be reconvened.

- D. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination board shall confine itself to evaluating general fitness for employment in the class. When the oral examination board is directed to evaluate technical knowledge and skills, at least two members of the board shall be technically qualified in the specified occupational area.
- E. The Personnel Commission shall provide for the proceedings of all oral examinations to be electronically recorded. Recordings shall be retained for ninety (90) days.
- F. In no case will an oral examination board be provided with confidential references of employees of the District who are competing in promotional examinations. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral examination board.

#### **40.200.16 Appeal of Participants From a Qualifications Appraisal Interview Rating (QAI)**

- A. A participant may protest the composition of a qualification appraisal interview panel filed specifying the challenge to the composition of the panel. The applicant shall specify, in writing, whether the panel member is not qualified to serve as a panel member, whether the panel member is a first or second line supervisor, or if the challenge is based on bias, the specific nature of the alleged bias. The protest shall be submitted to the Director of Classified Human Resources in writing the same day the panel is convened. The Director of Classified Human Resources shall respond to the participant in writing no later than ten (10) working days after receipt of the protest. The Director of Classified Human Resources shall reject the protest if a candidate chose not to participate in the oral interview and the panel did not otherwise disclose any bias. The Director's response shall incorporate a response from the panel member or members who are subject to a challenge. If the protest is rejected, the participant may appeal to the Personnel Commission in writing within five (5) working days after the rejection by the Director of Classified Human Resources. If the protest is upheld, a new panel shall be convened.
- B. A participant may protest the content of a QAI, provided that he outlines the basis for the protest and states how the interview lacks job-relevancy (in part or in total) or how there is a flaw in the currency or accuracy of the interview material. Protests of interview questions or other content must be submitted in writing to the Director of Classified Human Resources within one (1) working day from the end of the business day on which the interviews are held. Protests of QAI content will not be accepted following the close of business on the day following the day on which the interviews are held. The Director of Classified Human Resources shall investigate the appeal and

respond to the participant in writing no later than ten (10) working days after receipt of the appeal. If the appeal is rejected, the participant may appeal to the Personnel Commission in writing within five (5) working days after the rejection by the Director of Classified Human Resources. If the appeal is upheld, interview questions or other content and scores associated with the specific content in question may be removed from the scoring of all candidates resulting in new candidate scores based entirely off of the remaining examination content. Alternatively, a new panel may be convened.

#### **40.200.17 Seniority Credit**

Seniority credit in the amount of .5 points for each full year of service with the District up to a maximum of 5.0 points shall be added to the final score of all promotional candidates who have passed all sections of the examination process for non-management positions.

#### **40.200.18 Notice of Final Score**

Each participant shall be notified in writing of his/her final score and of his/her relative standing on the eligibility list (if qualified).

#### Legal References:

##### Education Code

45273	Examinations; Examination Records
45274	Retention and Availability of Examination Records
45278	Written Notice Regarding Tests, Vacancies
45282	Examination for Certain Positions
45344.5	Proficiency Testing
45361.5	Proficiency Testing

#### Oxnard School District

#### Personnel Commission Rules and Regulations

Adopted: October 23, 1980

40.200	Revised:	April 7, 1983
40.200.1	Adopted:	November, 1972
40.200.2	Revised:	June 10, 1999; March 12, 2009
40.200.3	Adopted:	November, 1972; Revised: May 5, 1983; December 5, 1991; June 10, 1999; June 8, 2000; March 12, 2009
40.200.4	Revised:	June 23, 1980; June 10, 1999; March 12, 2009; <b>September 15, 2020</b>
40.200.5	Revised:	March 12, 2009
40.200.7	Revised:	December 5, 1977, June 23, 1980; December 5, 1991
40.200.8	Revised:	July 2, 1987; February 14, 1990; February 7, 1991; December 5, 1991; April 2, 1992; June 10, 1999; March 12, 2009
40.200.9	Revised:	June 23, 1980; June 10, 1999; March 12, 2009
40.200.11	New:	March 12, 2009
40.200.12	New:	March 12, 2009
40.200.13	Revised:	October, 1972; April 7, 1993; June 10, 1999; Revised and renumbered (previously 40.200.11) March 12, 2009
40.200.14	Revised:	June 10, 1999; Revised and renumbered (previously 40.200.12) March 12, 2009
40.200.15	Revised:	June 23, 1980; July 2, 1987; December 5, 1991; Revised and

40.200.16	Revised:	renumbered (previously 40.200.13) March 12, 2009 June 23, 1980; Revised and renumbered (previously 40.200.14) March 12,
2009; September 7, 2017		
40.200.17	Revised:	October, 1972; June 10, 1993; Revised and renumbered (previously 40.200.15) March 12, 2009
40.200.18	Revised:	June 10, 1999; Revised and renumbered (previously 40.200.16) March 12, 2009

## CHAPTER 50

## EMPLOYMENT LISTS

**50.100**     Eligibility Lists**50.100.1**     **Establishment and Life of Eligibility Lists**

- A. After completion of an examination, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points where applicable. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Certification shall be made from those eligibles in the first three ranks on the list who are ready and willing to accept the position. The eligibility list shall become effective upon approval by the Director of Classified Human Resources, but shall be presented for ratification of the Personnel Commission.

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

An eligibility list may constitute less than three ranks, at the discretion of the Personnel Commission, where the District makes such request and there is no opposition.

- B. After approval, an eligibility list shall be in effect for one year, unless exhausted, and may be extended for not to exceed one additional year at the discretion of the Commission. Names of successful competitors may be added to eligibility lists resulting from continuous examinations without approval by the Commission. (*Education Code 45300*).

**50.100.2**     **Reemployment Lists**

There shall be established for each class, as necessary, a reemployment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all permanent classified service employees who have been laid off or demoted from any position because of lack of work or lack of funds. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the reemployment list in any given class. (*Education Code 45308*)

Persons 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. (See also 60.800, Layoff and Reemployment of Classified Employees).

Employees who take voluntary demotions or voluntary reduction in assigned time in lieu of layoff or 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.

## PERSONNEL COMMISSION RULES & REGULATIONS 50.100(B) PCRR

The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis. (See also 60.800, Layoff and Reemployment of Classified Employees) (*Education Code* 45298 and 45308)

### **50.100.3 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. An extended eligibility list is automatically terminated at the expiration of its extended period, but in no case in excess of one year after its original termination date.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated by the Commission when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three eligibles remaining on the list. (*Education Code*, Section 45300)

### **50.100.4 Consolidation of Eligibility Lists**

- A. If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score, plus additional points where applicable. Promotional list shall be merged only with promotional lists, except that, where "dual certification" applies, open and promotional lists shall be merged for certification.
- 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. (*Education Code* 45291)
- C. When a list has been extended for one year, it may not be merged with a new eligibility list. The top three ranks of the combined lists shall be certified.

### **50.100.5 Eligibility After Appointment**

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

### **50.100.6 Removal of Names from Eligibility List**

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

1. A written request by the eligible for removal.
2. Failure to report within a reasonable time (five work days) to an inquiry regarding availability for employment.
3. Any of the causes listed in Rule 40.100.3.

4. (Promotional Eligibility List) - Termination of Employment
5. Failure to respond for an interview after certification.

**50.100.7 No Appointment Following Certification**

If the District does not make a selection to fill an assignment following certification from a list as provided in these rules, the District may cancel the request for certification. However, where interviews were conducted no additional names (ranks) will be certified, unless an applicant accepted another position following certification. Prior to approving the certification request, the Director of Classified Human Resources shall ensure there has been no circumvention of the merit system by unwarranted delays for appointment.

Oxnard School District

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

- |          |          |   |
|----------|----------|---|
| 50.100.1 | Revised: | January, 1977; March 5, 1992; April 9, 2009     |
| 50.100.2 | Revised: | November, 1972; March 5, 1992; April 9, 2009    |
| 50.100.3 | Revised: | November, 1972; March 5, 1992                   |
| 50.100.4 | Revised: | April 9, 2009                                   |
| 50.100.5 | Revised: | May 19, 1980                                    |
| 50.100.6 | Revised: | November, 1972; May 19, 1980; November 16, 1999 |
| 50.100.7 | New:     | April 9, 2009                                   |

**50.200      Certification from Employment List****50.200.1      Order of Precedence**

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

- A. Transfers within classification (all names). Transfers to related classifications on the same salary range and demotions will also be accepted if no reemployment list exists for the class.
- B. Reemployment list (one name)
- C. Transfers to related classifications on same salary schedule and demotions if a reemployment list exists for the classification (all names)
- D. Promotional eligibility list (three names) and request for reinstatement (one name) if such request is approved by the district, or request for restoration to former class after voluntary demotion (one name).
- E. Open eligibility list (three names) and request for reinstatement (one name), if such request is approved by the district, or request for restoration to former class after voluntary demotion (one name).

**50.200.2      Dual Certification**

When the same examination is held on an open competitive and promotional basis, the Commission may, prior to the examination, authorize dual certification of resultant eligibility list. The three ranks certified shall be those candidates who have the highest examination scores, with seniority credits but without veterans' credits. 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, if applicable, and their ranks shall be adjusted accordingly. (See rule 40.200.2) (*Education Code 45284*)

**50.200.3      Fewer Than Three Names**

- A. When fewer than three ranks of eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three ranks of eligibles.
- B. When fewer than three ranks of 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. When such an examination is requested, the newly created list will be merged with the existing list and the first three ranks of the merged list will be certified for interview for the position; the new list will be used to fill the position. The eligibles from the original list will retain their original end date, and will be merged with the new eligibles who will be given the new end date.

When an eligible on the existing list takes an examination to be on the new list, the score and expiration date on the old list shall be void, and the score achieved on the second testing shall be used along with the new expiration date.

If the new examination for a class is given during the first year of the life of an existing list and the examination is not sufficiently similar to the previous examination to ensure comparability of the scores of eligible, the original list shall be abolished and all eligibles notified of the abolishment of the list and the need to retest.

#### **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.

Requests for reinstatement or reemployment after resignation, if approved by the District, and restoration to former class after voluntary demotion shall be certified along with three ranks of eligibles if requests are submitted within 39 months; selection of individuals making these requests is at the discretion of the appointing authority.

#### **50.200.5 Waivers of Certification**

An eligible may waive certification to specific locations or shifts and to part-time or full-time positions and to limited term or permanent positions. An eligible may also request to be placed on inactive status. When no waiver or inactive status is in place, a refusal to interview of three or more times results in removal from the list. Eligibles will be notified of such removal.

#### **50.200.6 Procedure of Certification and Appointment**

- A. When a position is to be filled, the appointing power shall notify the Director of Classified Human Resources of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Director of Classified Human Resources.
- B. The Director of Classified Human Resources shall ascertain the availability of eligibles and shall certify three ranks to the appointing power in accordance with these rules.
- C. The appointing power shall make its selection and shall notify the Director of Classified Human Resources, who shall see that the necessary employment procedures are carried out.
- D. If a candidate who has been certified as eligible for appointment to a position fails to keep his interview appointment, or declines the position after the interview, the appointing authority may fill the vacancy from the remaining certified eligibles or may request additional certification in accordance with Rule 50.200.7.

#### **50.200.7 Certification of Additional Eligibles When Appointment Is Refused**

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

- A. If the Director finds the request to be valid, he/she shall:
  - 1. Certify additional eligibles as may be required and appropriate.
  - 2. Remove from the eligibility list, at his/her discretion, the names of eligibles who failed to report for interview, and notify the eligibles of the action and their right of appeal to the commission.
  - 3. Notify the commission of the action taken.
- B. If the Director finds that a refusal of appointment was not voluntary and free of any type of duress, he/she shall:
  - 1. Notify the appointing authority of the findings and refuse to certify additional eligibles, citing the provisions of this rule.
  - 2. Refer the matter to the Personnel Commission together with the findings and recommendations which may include suggested action under *Education Code* 45317.
  - 3. Advise the appointing authority of the date of the report to the commission in order to enable appropriate representation.

**50.200.8 Certification from List for Another Class**

If there is no eligibility list for the class in which the vacancy occurs, or if less than three ranks of eligibles are available for certification, 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 from which eligibles are to be certified include substantially all of the duties of the position to be filled, provided that the Director of Classified Human Resources finds that such certification is in the best interest of the District and that the necessary skills and knowledge were adequately tested.

This rule is to be applied when special urgency or circumstances exist and is not to supplant the usual examination process and establishment of individual lists for each classification. The Director will report application of this rule to the commission at the next regular Commission meeting.

**50.200.9 Withholding Names from Certification**

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

- A. The eligible expresses unwillingness or inability to accept appointment.
- B. The eligible fails to respond within three business days following the mailing of written inquiry or a telephone inquiry, regarding availability for permanent employment or request to appear for interview regarding such employment.
- C. The eligible fails to report for duty at the time agreed upon after having accepted an appointment.

- D. The eligible cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. The eligible fails to present a license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the Director of Classified Human Resources for certification when the particular requirement has been met.)
- F. 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 report 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.

#### **50.200.11 Duties of the Eligible**

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. The eligible must respond within three working days after the date the notice is sent. When eligibles reside beyond the counties contiguous to the County of Ventura the notice shall be sent by mailgram.
  - 1. In the event an eligible is notified by telephone of the certification, he shall report to the appointing power for interview or reach the appointing power with some form of communication within 24 hours after receiving the telephone message.
  - 2. Failure of an eligible to respond within the above-stated times will be deemed an automatic waiver of certification, and the Director of Classified Human Resources may certify an additional name in lieu of the name of such eligible.
- B. 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 list or reemployment list.
  - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Director of Classified Human Resources, or his or her designee, of his selection.

2. Notification may be made by telephone, telegram or regular, registered or certified mail.
  3. The appointing power may allow a period longer than two weeks at its discretion.
  4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- C. Every person who has been placed on an eligibility list or reemployment list shall promptly and in writing file with the commission his correct mailing address and place of residence. This address shall be the place to which the commission and the Director of Classified Human Resources 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 eligibility.

#### **50.200.12 Subjects Regarding Which No Questions Shall be Asked**

No questions relating to race, religious creed, color, national origin, marital status, ancestry, or other unlawful basis shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall discrimination be exercised therefore. (*Education Code 45274*)

#### **50.200.13 Certification of Eligibles for Position with Language Requirements**

- A. If a position has multiple language requirements, as provided for in Rule 30.200.10, the appointing authority shall so indicate to the Director of Classified Human Resources when calling for certification of eligibles to fill the vacancy.
- B. In such an instance the Rule of three is suspended. The Director of Classified Human Resources shall determine which eligibles possess the required language skill and shall certify the names of three ranks of qualified eligibles, in the order of their relative standing on the list, who are ready and willing to accept the position.

#### **50.200.14 Reduction in Eligibility**

A voluntary reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall be placed at the bottom of the eligibility list that exists for the lower class; reduction in eligibility may be granted only in accordance with Rule 50.200.8.

Oxnard School District

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

50.200.1 Revised: March 5, 1979; March 5, 1992; November 16, 1999

50.200.2 Revised: December 5, 1977; March 5, 1992; November 16, 1999

50.200.3 Revised: November 16, 1999; July 13, 2000; April 9, 2009

50.200.4 Revised: March 5, 1992; November 16, 1999

50.200.5 Revised: November, 1972; March 5, 1992; November 16, 1999; April 9, 2009

50.200.6 Revised: November, 1972; November, 1976; March 5, 1992; April 9, 2009

50.200.7 Revised: November, 1972; March 5, 1992; November 16, 1999; April 9, 2009

50.200.8 Revised: February 14, 1990; November 16, 1999; April 9, 2009  
50.200.9 Revised: March 5, 1992; November 16, 1999; April 9, 2009  
50.200.10 Revised: November, 1972; March 5, 1992; November 16, 1999  
50.200.11 Revised: May 19, 1980; March 5, 1992; November 16, 1999; April 9, 2009  
50.200.13 Revised: March 5, 1992; November 16, 1999; April 9, 2009  
50.200.14 Revised: November 16, 1999

## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 50.300 PCRR

**50.300** Provisional Appointments**50.300.1** **Restrictions**

- A. The appointing authority may make a provisional appointment when the Director of Classified Personnel certifies that:
  - 1. No eligibility list exists for the class, or
  - 2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e. less than 3) and the appointing authority refuses to appoint an available eligible.
- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar day interval shall elapse during which he shall be ineligible to serve in any full time provisional capacity.
- C. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except when no one is available on an appropriate eligibility list for a part-time position as defined in Section 4526, successive 90 working day provisional appointments may be made to the part time position for a total of more than 126 working days in a fiscal year.
- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specifications.
- E. Notwithstanding Rules A and B, above, the Commission may extend the 90-working day provisional appointment for a period not to exceed 36 additional working days provided.
  - 1. An examination for the class was completed during the initial 90 work days of the employee's provisional assignment.
  - 2. Satisfactory evidence is presented indicating:
    - a. Adequate recruitment effort has been made and is being made.
    - b. Extension of this provisional assignment is necessary to carry on vital functions of the district.
    - c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.  
(*Education Code 45287, 45288 & 45289*)

**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.  
(*Education Code 452870*)

**50.300.3** **Limited-Term Assignments**

- A. The appointing authority may make a limited-term appointment when the Director of Classified Personnel certifies that:
  - 1. The Board of Trustees has established a position the duration of which is six months or less; or
  - 2. A substitute assignment may be made not to exceed the duration of the authorized absence of a regular employee; however, the assignment need not coincide with the dates of the absence.

This substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.

- B. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited term employees. (*Education Code 45286*)

If an eligible has been appointed from an eligibility list to a substitute assignment or limited term position, he shall continue to be eligible for limited-term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in order of seniority on a special list used for limited-term appointments and shall be certified therefrom before the current eligibility list is used. Names may be removed from this list for any of the causes listed in Rule 40.100.3 or Rule 60.100.1, subject to appeal to the Personnel Commission.

- C. Limited-term appointments shall be subject to termination at any time except during an assigned shift.
- D. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Personnel Director in writing. The Director of Classified Personnel may remove the employee's name from the special list for limited-term appointments, if an investigation supports such an action.

#### **50.300.4 Emergency Appointments**

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees, may, acting as a body, inform the Commission regarding the nature and necessities of the emergency.
- B. If such an emergency exists, it would be possible for the Board of Trustees, in order to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, to make emergency appointments, for a period not to exceed 15 working days.
- C. When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Director of Classified Personnel in writing, naming the appointee or appointees, date of appointment, the probable duration of the appointment (not to exceed 15 days), and nature of duties performed and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the *California Education Code* for provisional appointments. (*Education Code 45290*)
- D. The Personnel Commission may authorize the extension of emergency appointments if, in the Commission's judgment, the situation warrants such action.

#### **OXNARD SCHOOL DISTRICT**

##### **Personnel Commission Rules and Regulations**

Adopted: October 23, 1968

50.300.1 Revised: November 16, 1999

50.300.2 Revised: March 5, 1992

50.300.3 Revised: March 23, 1972; March 5, 1992

50.300.4 Revised: March 5, 1992

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# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.100 Probationary Period**

### **60.100.1 Intent of Probationary Period**

The initial probationary period is the last part of the selection process. Consequently, persons appointed from eligibility lists must successfully complete their probationary period in order for them to be considered both permanent and selected. Employees may be released at any time during their probationary period without cause. Until the successful completion of their initial probationary period, persons shall serve at the pleasure of their appointing authority.

### **60.100.2 Duration of Probationary**

- A. New employee appointed from an appropriate eligibility list shall serve a probationary period of six months or 130 days (whichever is longer) in one class before attaining permanency in the classified service. Employees in classifications designated by the Personnel Commission as management or confidential shall serve a probationary period of one (1) year (260 working days) in paid status prior to attaining permanent status.

A new employee who accepts a position in another classification prior to attaining permanency in the classified service must serve a full probationary period in the new classification. Similarly, a permanent employee who is promoted, demoted, or transferred into a different classification must also serve a probationary period in the new classification before attaining permanency in that class.

Credit toward completion of the probationary period shall be granted only for service in a regular position within the classification. Such credit shall include all time in paid status, including sick leave and paid holidays, and shall exclude time spent on unpaid leaves of absence.

- B. For management or confidential employees, vacation benefits may begin accruing upon hire. However, vacation shall not become a vested right nor be available for use until the employee has completed six (6) months of continuous employment with the District. The six-month vacation vesting period shall not be interpreted as conferring permanent status. Completion of the full probationary period remains a separate requirement for permanency in the classification.

### **60.100.3 Rights of Probationary Employees**

- A. A new employee who resigns in good standing during the initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. Such action shall not extend the life of either the eligibility list or the period of eligibility of the resigning employee. If such employee is subsequently rehired, he/she shall commence a new probationary period.
- B. A new employee who is dismissed during an initial probationary period shall be notified in writing of the action taken. The person so dismissed shall not have the right of appeal.
- C. An employee who has attained permanent status in the Classified Service, and who has been promoted to a higher classification, accepted voluntary demotion through the transfer process, or voluntarily transferred from a related class on the same salary range who does not successfully complete a six (6) month probationary period in the new classification, may be returned during the probationary period to a position in his/her former class which is equivalent to the one held prior to the promotion. If a vacant position does not exist, the employee shall displace the least senior employee, by hours in class, in the classification formerly held with the same number of hours per

## PERSONNEL COMMISSION RULES & REGULATIONS

day and months per year. The person so placed back in a former classification during probation shall be notified in writing of the action taken.

- D. A permanent employee who is suspended, dismissed, or demoted (to other than his/her former class) during a promotional probationary period retains full rights of appeal.
- E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should such person be laid off without fault or delinquency on his/her part before completion of the probationary period, the person's name shall be restored to the eligibility list and the time served in the defunct position shall be credited to him/her toward completion of the probationary period in any subsequent position to which appointed in that same classification.

REFERENCE: *Education Code* Sections 45270, 45301, 45197

### OXNARD SCHOOL DISTRICT

#### Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.100.1: Revised: November 1972; May 3, 1984; May 1, 1986; April 7, 1993; June 8, 2000

60.100.2: Revised: May 3, 1984; April 7, 1993; July 7, 1994; April 6, 1995; September 6, 2001;  
August 2025, October 9, 2025

60.100.3: Revised: April 6, 1995

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.200 Change in Position and Class**

### **60.200.1 Transfer**

The initial probationary period is the last part of the selection process. Consequently, persons appointed from eligibility lists must successfully complete their probationary period in order for them to be considered both permanent and selected. Employees may be released at any time during their probationary period without cause. Until the successful completion of their initial probationary period, persons shall serve at the pleasure of their appointing authority.

### **60.200.2 Miscellaneous Positions**

- A. The District shall post at each work location known vacancies as they occur. Such vacancies shall be posted for not less than five (5) working days.

For purposes of this rule, a vacancy shall occur when a new position is created or an existing position becomes vacant, there is a change regarding receipt of a differential or stipend, reclassification (if the incumbent has served less than three years in the position prior to reclassification) or change in the number of hours per day or year.

- B. No posted vacancy shall be permanently filled through these procedures or by use of a properly certified eligibility list, reinstatement, or reemployment list until ten (10) working days after the notice of vacancy has been posted.
- C. Transfers shall be made without a change in salary rate, anniversary date, accumulated illness leave, or accumulated vacation credit.
- D. The Director of Classified Human Resources, as directed by the Personnel Commission, shall determine whether classifications are sufficiently related to permit transfer between them. The decision shall be determined based on the similarity of duties, the KSACs (knowledge, skills, abilities, and competencies) required, minimum qualifications, examination content, and promotional/occupational field. The education, experience, employment history, and individual attributes of employees who have submitted transfer requests will not be considered in determining the relatedness of classifications.
- E. A permanent employee who transfers to a position in a classification in which he has not previously attained permanent status shall be considered probationary in that classification for a period six (6) months or one hundred and thirty (130) days of paid service, whichever is longer. Classifications designated by the Commission as executive, administrative, or police shall serve a probationary period of one (1) year of paid regular service. At any time during this probationary period, the employee may be released from his position without right of appeal.

In the event of a release from probation, the employee shall have the right to be returned to a position in his former classification in which he had attained permanent status with the same number of working hours per day and workdays per year as the position which he vacated in the former classification. In the event that a vacant position with the same number of working hours per day and workdays per year does not exist, the employee shall be allowed to exercise bumping/displacement rights in accordance with his seniority in the previously held classification.

## PERSONNEL COMMISSION RULES & REGULATIONS

- F. Transfers shall have the following effect on seniority:
1. No effect upon seniority where both positions are within the same class.
  2. Where the transfer is to a position in another class, the employee shall not receive seniority in the new class for service in the former class(es). However, the employee shall retain his/her seniority in the former class as well as his/her total seniority with the District. Seniority in the new class shall commence with the employee's first day of paid service in the new class.
- G. A transfer shall not be used as a device for altering the effects of impending layoff, except as provided for elsewhere in these Rules and Regulations.

### **60.200.3 Voluntary Transfers**

An employee may be considered for transfer at his/her request to any vacant position in the same class, or into a position in similar or related class with the same salary range (as determined by the Personnel Commission) if no reemployment list exists for the class or a voluntary demotion from his/her current class to a classification for which he/she qualified with a lower maximum salary rate if no reemployment list exists for the class (as determined by the Personnel Commission) in accordance with the provisions of these Rules and Regulations.

- A. The employee may request a transfer to a vacant position by submitting a request to transfer to the Classified Personnel Office within the five (5) day posting period (PCRR 60.200.1A1).

If a transfer request is received after the posting period, the request will not be approved if any other transfer requests were received within the posting period. If a transfer request is received after the posting period and no other requests were received, the transfer candidate will be considered along with eligibles from an eligibility list. Appointment shall be at the discretion of the appointing authority without consideration for seniority.

Consideration shall be given to all requests for transfer which are properly submitted.

- B. Whenever more than one employee files a transfer request with the Director of Classified Human Resources, for transfer to the same vacant position, the transfer candidates will be listed in rank order on the basis of seniority.
1. The Director of Classified Human Resources shall certify and submit to the appropriate administrator or supervisor the names on the list (in order of seniority) who are qualified for transfer consideration.
  2. Whenever the administrator or supervisor determines that at least two (2) of the transfer candidates are substantially equal in qualifications, the classified employee with the greater seniority shall be selected to fill the position.

## PERSONNEL COMMISSION RULES & REGULATIONS

The following factors shall be considered in evaluating transfer applicants: education and training; work experience in the same or related field; work related personal attributes; and specific needs of the District for the particular position.

Transfer applicants who received an overall rating of less than satisfactory on their last evaluation shall not be eligible for transfer unless the District elects to waive this provision. If the last evaluation was dated more than sixty (60) working days prior to his/her consideration for transfer, the employee may request an updated evaluation.

This section shall not apply to classified management positions or classified positions designated "confidential."

### **60.200.4 Involuntary Transfers**

- A. A classified employee may be transferred for the good of the District at the discretion of the District provided that such action shall not be taken for arbitrary or capricious reasons.
- B. Any classified employee affected by an involuntary transfer shall be given notice of such transfer as soon as possible.
- C. In cases involving involuntary transfer, the reasons for such transfer shall be discussed in detail with the affected employee(s) by the employee's immediate supervisor. The employee shall have right of representation.
- D. In multi-involuntary transfers, the most senior employee shall have preference.

### **60.200.5 Demotions**

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate through the transfer process.
- 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.

### **60.200.6 Restorations**

- A. A former permanent employee who has resigned in good standing may be reinstated to a vacant position within 39 months of the last date of paid service. Also, he may be reemployed to a vacant position in a lower related class, if qualified, or in limited term status in the same or lower class. Such actions are discretionary with the appointing authority. (*Education Code*, Section 45309)
- B. An employee who has accepted a lateral transfer to a different classification, a promotion, or a voluntary demotion may be restored to a vacant position in a class in which he formerly held permanent status. Such restoration is discretionary with the appointing authority. The employee will be considered for the position alongside transfer candidates, candidates for reinstatement, and candidates on a current eligibility list for the class. An employee who has been placed in a position or involuntarily demoted due to disciplinary action or an agreement made in lieu of

## PERSONNEL COMMISSION RULES & REGULATIONS

disciplinary action will not be eligible to be restored in this manner. (*Education Code*, Section 45298 and 45308)

- C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, abolishment, or reclassification of his position has the right to be reemployed, in accordance with his seniority, in a vacant position in his former class within 39 months after demotion 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 still apply. Intervening reassignments to other classes shall not abrogate that right. Such restoration shall take preference over all outside candidates and is not discretionary with the appointing authority. (*Education Code*, Section 45298 and 45308)
- D. Reinstatement or reemployment of a former employee within 39 months 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 to his former class.
  - 2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of separation.
  - 3. Restoration of former anniversary date, deducting time away from the district and without step-advancement credit for the off-duty period.
- E. Restoration of an employee to a position in a classification which he formally held shall have the following effects:
  - 1. Salary placement shall be on the salary range for the class to which the employee is being restored. Step placement will be at the step which is closest to the employee's current rate of pay on the salary range for the class from which he is leaving.
  - 2. If the employee has not completed a probationary period in his current class prior to being restored to his former class, he shall retain no seniority and have no bumping/displacement rights to a position in the class from which he is leaving.
- F. A break in service is defined as the severance of an individuals' employment relationship with the District. A break in service may be canceled by subsequent reemployment or reinstatement within 39 months.

### **60.200.7 Increased in Assigned Time**

- A. Part-time employee whose assignment time is increased an average of thirty (30) minutes or more per day for twenty (20) consecutive days shall have his/her regular assignment adjusted upward to reflect the change in assigned time in order to acquire benefits (vacation, sick, and holiday pay). Such changes will be effective beginning on the twenty-first (21st) day.

## PERSONNEL COMMISSION RULES & REGULATIONS

- B. When an existing position is assigned an increase in time, the position so increased shall be considered "vacant" for the purpose of this rule.

### OXNARD SCHOOL DISTRICT

#### Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.200: Revised: January 7, 1982; May 7, 1992

60.200.1: Revised: November, 1972; February 10, 1981; February 14, 1990; May 7, 1992;  
September 7, 2017

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60.200.3: Revised: November, 1972; February 10, 1981; February 14, 1990; May 7, 1992;  
September 7, 2017

60.200.4: Revised: November, 1972; February 10, 1981; February 14, 1990; May 7, 1992;  
September 7, 2017

60.200.5: Revised: May 7, 1992

60.200.6: Revised: May 7, 1992, September 7, 2017; September 15, 2020

60.200.7: Revised: May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.300 Limited Term Assignments**

### **60.300.1 Types of Limited-Term Appointments**

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

The appointing authority may establish positions the duration of which is six months or less; such positions shall be designated "limited-term." Such positions are subject to classification by the Personnel Commission. (*Education Code 45286*)

### **60.300.2 Rights and Benefits**

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

No seniority or credit toward completion of probation or any other benefits shall accrue from service in a limited term appointment, except as provided under the first paragraph of this rule.

### **60.300.3 Termination of a Limited Term Position**

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

Limited-term employees may be dismissed for cause, which shall be made known to them. The Director of Classified Human Resources may remove the employee's name from the special list for limited-term appointments, if his/her investigation supports such an action.

OXNARD SCHOOL DISTRICT

Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.300.2 Revised: May 7, 1992

60.300.3 Revised: May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.400 Assignments of Handicapped Employees**

### **60.400.1 General Policy**

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

### **60.400.2 Reassignments**

- A. A handicapped employee's duties in his/her regular position may be altered in accordance with his/her handicap. Such changes in duties shall be informally reported to the Director of Classified Human Resources, who shall determine whether the position requires classification study.
- B. A handicapped employee may accept demotion or transfer to a less demanding class with the approval of the Commission.
- C. A handicapped employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

### **60.400.3 Effect of Refusal by Employee**

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

OXNARD SCHOOL DISTRICT

Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.400.1 Revised: May 7, 1992

60.400.2 Revised: May 7, 1992

60.400.3 Revised: May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.500 Employment of PERS Retirees**

### **60.500.1 General Policy**

- A. Any person receiving a retirement allowance from the Public Employees Retirement System (PERS) may be employed for up to 960 hours or 120 days in a fiscal year whenever other eligibles are not available and/or the retiree's skills or knowledge are needed for a limited-term assignment, or during an actual emergency, to prevent the stoppage of public business.
- B. The retired person must certify that he/she understands the restriction to a combined total of 960 hours or 120 days of work in any fiscal year with the Oxnard School District and any other employers subject to PERS, and that his/her employment and/or continuation of employment is discretionary with the Oxnard School District Board of Trustees.
- C. The hourly wages paid to a retiree so employed may not be less than the minimum, nor more than the maximum paid other employees serving in the same classification. (*Government Code 21158*)
- D. A retiree employed under this rule is not subject to reinstatement to PERS nor does the compensation paid provide for retirement allowance adjustment.

OXNARD SCHOOL DISTRICT

Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.500.1 Revised: July 10, 1978; February 4, 1982; January 3, 1985; February 14, 1990; May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.600 Performance Evaluations**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

### **60.600.1 When Evaluations Are to be Made**

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

- A. Probationary employees shall be evaluated not less frequently than twice during the probationary period.
- B. Permanent employees shall be evaluated not less frequently than once every two (2) years after receiving permanency in the assigned class.

### **60.600.2 Who Makes Evaluations**

- A. Each immediate supervisor under whom the employee has served for 40 working days or more during any rating period shall provide a performance evaluation, even though the employee may have left his/her control.
- B. The teacher(s) to whom an aide is assigned shall participate in the aide(s) performance evaluation by giving input to the administrator evaluating the aide regarding the aide's performance in all areas where the teacher has direct responsibility.

### **60.600.3 Procedure to be Followed**

- A. Performance valuation report shall be made on forms prescribed by the District, Which shall be prepared by the employee's immediate supervisor if possible. The form shall be reviewed by the next higher supervisor and, if the need for improvement is noted by the Department Head.
- B. The evaluator shall meet with the evaluatee to discuss the performance evaluation. Such meeting shall be conducted during the evaluatee's working schedule without loss of pay.

The evaluatee shall be presented with a signed copy of the evaluation report and shall be required to sign a copy of the report to indicate receipt of the evaluation.

- C. The written evaluation report, along with any written response to the evaluation shall be filed in the classified employee's official personnel file.

### **60.600.4 Special Evaluations**

An evaluator may, at any time, give verbal evaluations of performance and/or issue in writing a special evaluation or notice of unsatisfactory service. Any negative special evaluation or no- tice of unsatisfactory service shall be delivered to the employee in the same manner as a formal performance evaluation.

## PERSONNEL COMMISSION RULES & REGULATIONS

The employee shall be permitted to submit a written response to the evaluation within thirty (30) days after receipt of the written report. The written evaluation report, along with any written response to the evaluation, shall be filed in the employee's official personnel file.

### **60.600.5 Grievances**

The content of evaluations, performance ratings, goals, objectives comments, and/or judgments made by the evaluator shall not be subject to the provisions of Article VIII of contract between employees and the District.

### OXNARD SCHOOL DISTRICT

#### Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.600 Revised: August 12, 1978; May 19, 1980; January 7, 1982; May 7, 1992

60.600.3 Revised: May 7, 1992

60.600.4 Revised: May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.700 Leave of Absence**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

### **60.700.1 Vacations**

A. Earning rate: Vacations shall be earned in accordance with the following formula:

$$\frac{\text{Months Worked} \times \text{Daily Hours} \times 21.75}{\text{Earning Rate}} = \text{Hours Per Year}$$

Bargaining unit and confidential classified employees shall earn vacation credit in accordance with the following schedule:

1. Employees with less than three consecutive years of service shall earn one hour of vacation for each 26 hours of regular assigned work. A maximum of 80 hours per year may be earned. 10 days.
2. Employees with three and less than 6 consecutive years of service shall earn one hour of vacation for each 17 hours of regular assigned work. A maximum of 120 hours per year may be earned. 15 days.
3. Employees with six and less than 10 consecutive years of service shall earn one hour of vacation for each 15 hours of regular assigned work. A maximum of 136 hours per year may be earned. 17 days.
4. Employees with 10 and less than 15 years of service shall earn one hour of vacation for each 13 hours of regular assigned work. A maximum of 160 hours per year may be earned. 20 days.
5. Employees with 15 and less than 24 years of service shall earn one hour of vacation for each 11.5 hours of regular assigned work. A maximum of 184 hours per year may be earned. 23 days.
6. For each year of service over 24 years, the employee shall earn one additional hour of vacation for each 260 hours worked. 23 days plus.
7. Full-time, 12-month employees will thus receive maximums of vacation credit for years of service as follows:

Years	Days
Less than 3	10
3 and less than 6	15
6 and less than 10	17
10 and less than 15	20
15 and less than 24	23
24 years or more	23 plus

## PERSONNEL COMMISSION RULES & REGULATIONS

8. Classified employees in classes designated as management shall receive vacation credit computed as follows:

Service	Accrual
1 - 3 years	1.75 days of vacation per month worked
4 - 7 years	1.833 days of vacation per month worked
8 - 11 years	1.916 days of vacation per month worked
12 or more years	2.0 days of vacation per month worked

- B. Accumulation of Vacation: Unit employees who work less than twelve months are required to use or to be compensated for all of their earned annual vacation each year. Employees who are employed for twelve months may accumulate vacation at the rate of one half of the amount that can be earned in one year up to a maximum accumulation of not more than that indicated on the schedule below. Vacation accumulated is vacation earned before the current year, but not used.

1. An amount equivalent to that which can be earned in one year for employees with less than five years in the district.
2. An amount equivalent to that which can be earned in one and one-half years for employees with five or more years in the district, with a maximum amount of 30 days that can be accumulated by an employee.

Management employees may accumulate vacation time up to a maximum of one and one-half times their annual rate of earning vacation or 30 days whichever is greater.

- C. Payment for Unused Vacation: Upon termination of an employee's service in the district, he/she will be paid for no more unused vacation than the amount which may be accumulated in accordance with section "B" above, plus the number of vacation hours in his/her current year of employment. Probationary employees who terminate prior to the completion of their initial six (6) months of employment shall not be entitled to this compensation.
- D. Scheduling of Vacations: Vacations are benefits provided by the district. Permanent employees may take vacation even though not earned at the time the vacation is taken. Vacations must be scheduled at the convenience of the district, and with the prior approval of the employee's immediate supervisor.
- E. Vacation in Lieu of Sick Leave: Subject to other provisions of these policies governing vacation, vacation may be used as sick leave at the option of the employee.
- F. Accrual of Vacation While on Leave: Vacation is earned only while the employee is in paid status in the district. It does not accrue during a vacation period at termination of service.
- G. Rate of Pay for Vacations: The rate at which vacation is paid shall be 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.
- H. Interruption of Vacation: The Board of Trustees may allow permanent classified employees to interrupt or terminate vacation leave in order to begin another type of paid leave without a return

## PERSONNEL COMMISSION RULES & REGULATIONS

to active service; provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination.

- I. Vacation may, with the approval of the employer, be taken at any time during the school year. If the employee is not permitted to take his full annual vacation, the amount not taken shall accumulate for use in the next year or be paid for in cash at the option of the Board of Trustees. (*Education Code 451987*).
- J. Earned vacation shall not become a vested right until completion of the initial six months of employment. (*Education Code 45197*)

### **60.700.2 Paid Sick Leave**

- A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease or medical/dental appointments.
- B. A regular classified employee (probationary and permanent) shall earn paid sick leave in accordance with the provisions of *Education Code 45191* and *45196*. Unused sick leave may be accumulated without limit. (*Education Code 45191* and *45196*).
- C. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick leave which he would normally earn in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.
- D. Sick leave may be taken at any time, provided that employees with probationary status only may use only six days of paid sick leave during their initial probationary periods.
- E. Pay for any day of sick leave shall be the same pay the employee would have received if he had worked that day, except as provided by *Education Code 45137* for part-time personnel. (*Education Code 45137*).
- F. The employee must notify his supervisor of his absence within the first working hour of the first day absent, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.

### **60.700.3 Personal Necessity**

Pursuant to *Education Code 44981* and *45207*, an employee at his election may claim and deduct up to seven days per year from his accumulated sick leave for reasons due to personal emergency or necessity. The charging of such absences to the employee's accumulated sick leave shall be subject to approval of his/her immediate supervisor. Such approval should be obtained in advance of the absence when possible. Absences which may be charged to accumulated sick leave under this section include but are not limited to the following categories:

- A. Death of a member of his immediate family, another relative, or of a close personal friend.
- B. Accident, involving his person or property, or the person or property of a member of his immediate family.

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- C. Appearance in court as a litigant, as a witness, or other absence required under official government order or direction.
- D. Professional improvement such as: registration for courses in recognized educational institutions, the taking of graduate or other examinations or tests that could not be taken at other times, etc. This provision does not include attendance at classes or lectures that are available at other times which would not conflict with the employee's obligations to the district.
- E. Business transactions of an emergency nature. Such transactions must require the presence of the employee and the employee must furnish evidence or certify that the transactions could not be dealt with during off-duty hours.
- F. Family responsibilities of a critical or urgent nature. Absences of this type would include but not be limited to: Illness of the immediate family, problems related to property, graduations, weddings involving self or immediate family, necessary appearance or self or member of immediate family in court or other governmental agency but not under court order or official government order of direction.
- G. Acceptance of an honor such as a diploma, a degree or special award from a recognized educational institution or governmental agency.

The definition of immediate family is set forth in *Education Code* 44895 and in these rules and regulations, Section 60.700.7.

Each employee who elects to charge an absence for a personal necessity against his sick leave shall notify his immediate supervisor in writing of the appropriate category, and when practicable, prior to the absence.

### **60.700.4 Additional Sick Leave**

- A. Once each year, in addition to the accumulated or current sick leave to which he/she is entitled, under *Education Code* 45191, an employee shall be credited with a total of one hundred (100) working days of paid sick leave. Such one hundred (100) days of paid sick leave shall be compensated at a rate of fifty percent (50%) sick leave on the sixth (6th) consecutive work day of an illness. Once eligible, the unit member shall receive fifty percent (50%) sick leave pay on the first day of the illness that is not covered by one hundred percent (100%) sick leave pay.

The employee may request that vacation and accumulated compensatory time be scheduled and taken before the entitlement to other sick leave benefits begins.

After exhaustion of paid sick leave, an employee who is ill or injured may, upon request, use accumulated vacation (and compensatory time, if provided) to avoid leave without pay.

Compensation for holidays occurring during the period the employee is absent on the herein described leave is to be made at the assigned number of hours the member regularly worked.

## PERSONNEL COMMISSION RULES & REGULATIONS

- B. After exhaustion of all paid leave, a permanent employee may be placed on additional leave upon request and with the approval of the Board. The additional leave may be paid or unpaid and may be extended for any period not to exceed 18 months. (*Education Code 45195*)

### **60.700.5 Termination of Sick Leave**

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/she is able to resume the assigned duties and, provided that he/she has notified the District of his/her return at least one working days in advance.

If, at the conclusions of all sick leave and additional leave, paid or unpaid, granted under this rule, the employee is still unable to assume the duties of his position, he will be placed on a reemployment list for a period of 39 months in the same manner as if he were laid off for lack of work or lack of funds. (*Education Code 45195*).

### **60.700.6 Industrial Accident and Industrial Leave**

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of *Education Code 44043* and *45192* and this rule.
- B. An employee in the classified service who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workers Compensation Insurance Law, shall be granted sixty (60) days of paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from workmen's compensation.
- C. Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under workers compensation. Days absent while on paid accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.
- D. Should the employee's absence due to industrial accident or illness extend beyond sixty (60) workdays, the employee shall be permitted to use only as much of his/her accumulated sick leave, compensatory time and/or vacation which, when added to the Worker's Compensations award, provides a normal wage for the day.
- E. After all paid illness leave has been exhausted following a paid industrial accident leave, an employee may use additional sick leave as described in Article 60.700.4.
- F. After the expiration of all paid leave privileges, the employee shall be placed on an extended illness absence leave without pay for a period of three (3) months from the date all of his/her paid leave of absence benefits are exhausted.
- G. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a vacant position in his former class with the same number of hours. If no vacancy exists in his/her former class, he/she may displace the least senior employee in the class with the same number of hours. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.

## PERSONNEL COMMISSION RULES & REGULATIONS

- H. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the *Education Code* and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid leave of absence.
- I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he was on leave for a period not to exceed 39 months.
- J. An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. Employees removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.
- K. While the 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 workers' 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.

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 workers 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.

### **60.700.7 Bereavement Leave**

The District shall grant necessary leave of absence with pay at the employee's regular rate not to exceed five (5) days on account of the death of any member of the immediate member of a member of the classified employee. Members of the immediate family shall mean the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, brother-in-law, sister-in-law, step- relatives, or any relative living in the immediate household of the employee.

- A. Verification: Members of the classified service may be required to complete a leave verification form provided by the District.
- B. Salary: Bereavement Leave shall be at the regular daily rate of pay for the first five (5) days. A classified employee may request to extend Bereavement Leave for an additional five (5) days. Upon approval by the District, such leave days shall be compensated per bargaining unit agreement or Board policy.

## PERSONNEL COMMISSION RULES & REGULATIONS

### **60.700.8 Jury Duty and Witness Leave**

Leave for absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, state or federal court (excluding Grand Jury Service). Leave shall be granted for the period of the jury service. The classified employee shall receive full pay while on leave provided that an amount equal to the jury service fee for such leave, excluding transportation expenses, is paid to the District and the subpoena or court certification is file with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the immediate supervisor immediately after receipt. If the employee is called for jury duty during the employee's work year, the employee may attempt to defer the jury duty for a time that poses less inconvenience to the operation of the District.

Leave of absence to serve as a witness in a court case shall be granted a classified employee when he/she has been served a subpoena to appear as a witness, not as a litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The classified employee shall receive full pay during the period provided that an amount equal to the witness fee for such leave, excluding transportation expenses, is paid to the District Request for leave of absence to serve as a witness should be made by presenting the official court summons to the immediate supervisor immediately after receipt.

The unit member who has received leave under this rule shall make himself/herself available for work during hours when his/her presence is not required in court.

### **60.700.9 Absence for Examination**

Every classified employee shall be permitted to be absent from his/her duties during working hours in order to take any examination for promotion within the District without deduction of pay or other penalty provided that he/she gives two (2) days' notice to his/her immediate supervisor. Release time extended under this section shall be limited to the duration of the examination and travel to and from the examination site.

### **60.700.10 Military Leave**

Employees who are members of the reserve corps of the Armed Services of the United States or the National Guard, or who are inducted, enlisted or otherwise ordered to active duty shall be granted such leave and military leave pay as provided by law. The classified employee shall retain all rights and privileges granted by law. Length of service credit shall include time spent on military leave of absence.

### **60.700.11 Leave of Absence without Pay**

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the Superintendent or his designated representative, subject to the following restrictions:
  - 1. Leave of absence without pay may be granted for any period not exceeding one year, except that leave of absence for military service shall be granted as provided by the *Education Code* and the *Military and Veterans Code*, and leave of absence for service in the Peace Corps may be granted for a period not to exceed 24 months.
  - 2. Granting of a leave of absence without pay gives to the employee the right to return to a vacant position in his/her same classification, at the same number of hours at the expiration of his/her

## PERSONNEL COMMISSION RULES & REGULATIONS

leave of absence, provide that he/she is physically and legally capable of performing the duties. In the event a vacant position does not exist in that classification, the employee shall have the right to displace the least senior employee with the same number of hours in that classification.

- B. The Governing Board may, for good cause, cancel any leave of absence by giving the absent employee due notification. The employee may appeal the cancellation to the Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Governing Board until action by the Personnel Commission, which shall be final and binding.
- C. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.
- D. Failure to report for duty within five working days after a leave has been cancelled or expires shall be considered abandonment of the position and the employee may be terminated by the Board of Trustees. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.
- E. If the employee's classification has been abolished during the employee's absence, he/she shall be laid off for lack of work and placed on the reemployment list for the class effective the date of termination of leave. He/she may be returned to a vacant position in a class at the same or a lower salary level for which he/she is qualified.

### **60.700.12 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/her 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/her regular position or a position in the class of his/her permanent status prior to the completion of service in an exempt, temporary, or limited-term position.

### **60.700.13 Study and Retraining Leave**

A leave of absence for study/retraining may be granted, paid or unpaid, to any classified employee.

Such leave may be taken in separate six (6) month periods or in any other appropriate periods rather than a continuous one (1) year period provided the separate periods of leave shall be commenced and completed within a three (3) year period. Any period of service by the individual intervening between the authorized separate periods shall comprise a part of the service required for a subsequent leave for study or retraining purposes.

No more than one (1) study leave of absence shall be granted in each three (3) year period.

The District may prescribe standards of service which shall entitle the classified employee to the leave of absence.

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The classified employee may not earn vacation pay, sick leave, holiday pay, seniority hours, or other benefits while on such leave.

### OXNARD SCHOOL DISTRICT

#### Personnel Commission Rules & Regulations

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60.700 Revised: May 19, 1980; January 7, 1982

60.700.1 Revised: March, 1975; May 7, 1992

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60.700.3 Revised: February 25, 1970; August, 1976; May 7, 1992

60.700.4 Revised: May 7, 1992

60.700.5 Revised: May 7, 1992

60.700.6 Revised: May 7, 1992

60.700.7 Revised: January, 1973; November 5, 1981; May 7, 1992

60.700.10 Revised: May 7, 1992

60.700.11 Revised: May 7, 1992

60.700.12 Revised: January, 1973; May 7, 1992

60.700.13 Revised: May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.800 Layoff**

### **60.800.1 Layoff and Reemployment of Classified Employees**

- A. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by the length of service. The employee who has been employed the shortest time in the class, plus equal or higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.
- B. For purposes of this section, "length of service" shall mean all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but exclusive of overtime. "Other sick leave" shall be credited at full service.
- C. Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on military leave of absence.
- D. "Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter. (*Education Code 45308*).
- E. Persons laid off because lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.
- F. When an employee is laid off because of lack of work or lack of funds or a change in his/her assignment, the incumbent shall have the right to transfer to 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 had greater seniority. If no such option is available, he/she may first bump the least senior employee with the next existing greater number of hours per day/year; then the least senior employee with the next existing fewer number of hours per day, provided that he has greater seniority. An employee so bumped shall have similar bumping rights.

- G. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or 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 still apply. The Personnel Commission shall make the determination of the specified period of eligibility for reemployment on a class-by-class basis. (See Section 60.200 for changes in position and class i.e. transfer, demotions, restorations). (*Education Code 45298 and 45308*)

### **60.800.2 Procedure Regarding Layoff**

In accordance with *Education Code 45308* the following procedures shall be followed in the event layoff is implemented.

## PERSONNEL COMMISSION RULES & REGULATIONS

- A. When a classified employees will be subject to layoff for lack of work or lack of funds, the employees to be laid off shall be given notice not less than 30 days prior to the effective day of their layoff and informed of their displacement rights, if any, and reemployment rights.
- B. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the governing board, without the notice required by subsections (A) or (B) hereof.

### **60.800.3 Limited Term Positions**

- A. No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class in the same organizational unit unless the regular employee declines the limited-term position.
- B. A limited-term employee may be released at the completion of his assignment without regard to the procedure set forth in this rule.

#### OXNARD SCHOOL DISTRICT

#### Personnel Commission Rules & Regulations

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60.800.2 Revised: March, 1975; May 7, 1992

60.800.3 Revised: March, 1975; May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.900 Resignation**

When an employee desires to resign from his position, he shall present his resignation in writing to the appointing power, and the Director of Classified Human Resources.

A resignation does not impair his rights to remain on open eligibility lists.

OXNARD SCHOOL DISTRICT

Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.900 Revised: May 7, 1992

# PERSONNEL COMMISSION RULES & REGULATIONS

## **60.1000 Disciplinary Action and Appeal**

### **60.1000.1 Cause for Suspension, Demotion, Dismissal**

Permanent employees of the classified service may be suspended, demoted, or dismissed for any of the following causes:

- A. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees and pupils, or any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the *Education Code* or of rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission pursuant to it; provided that specific instances must be set forth as to any of the causes enumerated under this heading.
- B. Dishonesty, including, but not limited to any deliberate falsifications or misrepresentation, misleading, or incorrect information in connection with preparing District records such as employment applications, timesheets and/or payroll records.
- C. Use, possession, sale, or being under the influence of alcohol or illegal drugs during assigned working hours or while on District property, or reporting to work under the influence of alcohol or illegal drugs.
- D. Immoral conduct which tends to reflect unfitness for service with the District and/or with public agencies.
- E. Political activities engaged in by an employee during his assigned working time.
- F. Conviction of a serious crime or one involving moral turpitude 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 application forms or examination and employment records concerning material matters.
- G. Frequent unexcused absence or tardiness or excused absence taken in excess over a period of years resulting in substantial impairment of the effective operation of the District.
- H. Persistent violation or refusal to obey safety rules or regulations made applicable to public schools by the Governing Board or by any appropriate state or local government agency or actions which threaten the health, safety and welfare of other employees, students or the general public.
- I. Offering of anything of value or offering any service in exchange for granting any special treatment to another employee or to any member of the public.
- J. Gambling during assigned hours of employment.
- K. Illness leaves, when habitually taken for trivial indispositions.
- L. Continuing illness of a disabling nature after the exhaustion of illness leave.

## PERSONNEL COMMISSION RULES & REGULATIONS

- M. Failure to report for review of criminal records or for health examination after due notice.
- N. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- O. Knowingly becoming or knowingly remaining a member of the Communist Party on or after September 9, 1953.
- P. 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.
- Q. Abandonment of position: An employee who, for five consecutive working days is absent without authorization or who is absent without properly notifying the District as provided for in District Board Policy 5210 BP shall be considered to have abandoned his position and shall be automatically terminated from the District service. (*Education Code* 45302, 45303, 45304)
- R. Sexual harassment as defined by District Board Policy and applicable state and/or federal law.
- S. Falsification of or failure to complete required forms or provide sufficient information required by the Immigration Reform and Control Act of 1986.
- T. Employees charged with the commission of certain sex crimes and/or certain narcotics crimes are subject to suspension and/or dismissal pursuant to the procedures of *Education Code* 45123, 45304, 44010, 44011, 44940 and 44940.5.

### **60.1000.2 Procedure for Disciplinary Action**

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of Paragraph 3 A.3, Rule 60.1000.1.
- B. When a permanent employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented for approval of the Governing Board. The charges shall be stated in ordinary and concise language indicating the specific acts and/or omissions upon which the disciplinary action is based; where appropriate, reference will be made to a specific Personnel Commission Rule, District policy and/or *Education Code* allegedly violated.
- C. When formal disciplinary action against a permanent employee has been approved by the Governing Board, the action and the charges shall be reported to the Director of Classified Human Resources, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting.
- D. Notice to said employee shall include a copy of the charges and a statement of his right to appeal if any, together with a copy of Rule 60.1000.3. Such notice shall be transmitted by registered or certified mail to the last known address of the employee within 10 days of the date of the action by the Governing Board.

## PERSONNEL COMMISSION RULES & REGULATIONS

- E. Notwithstanding the procedures prescribed above, said employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board within 60 working days. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.
- F. Dismissal shall cause removal of the employee's name from all employee lists.
- G. Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive.
- H. Suspension, without pay, shall not exceed the time limitations prescribed in *Education Code* 45304 and 45115.

### **60.1000.3 Appeal**

- A. A permanent employee who has been suspended, demoted from a class in which he/she has attained permanency, or dismissed may appeal to the Personnel Commission within 14 working days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made only on the following grounds.
  - 1. That the procedures set forth in these rules have not been followed.
  - 2. That the removal was made because of affiliations, political or religious acts or opinions, race, color, sex, or marital status.
  - 3. That there has been abuse of discretion.
  - 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 form which promoted may request an investigation by the Commission within 14 working days of the postmark of written charges. The request for the investigation shall be based any 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 appeal and hearings set forth in these rules. The Commission shall notify the Governing Board the employee in writing of its findings. If the Commission's investigation and findings, however, indicate nay discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding on the Governing Board. (*Education Code* 45305).

### **60.1000.4 Appeal Hearing Before Personnel Commission**

- A. Request for Hearing: If an employee's request for an appeal notice is received in the Personnel Commission Office within fourteen (14) working days after receipt of the notice of disciplinary action, as specified in Rule 60.1000.3, the employee shall have a right to have an Appeal Hearing before the Personnel Commission. The Personnel Commission shall, at its next regularly scheduled meeting, determine whether to hear the appeal itself or to assign the appeal to a Hearing Officer

## PERSONNEL COMMISSION RULES & REGULATIONS

and shall, if hearing the appeal itself, determine the date and time of the Appeal Hearing, which shall, whenever practicable, be held within thirty (30) calendar days of the Personnel Commission meeting. If the appeal is to be assigned to a Hearing Officer, the Personnel Commission shall delegate the establishment of the time and date of the hearing to the Director of Classified Human Resources, working with the schedule of the hearing officer selected. A different timeline may be agreed to by the parties involved. If the request for the appeal is not received in the Personnel Commission Office within the fourteen (14) working day period, the employee shall be deemed to have waived all rights to the hearing.

- B. Notification of Hearing to Employee: The Director of Classified Human Resources shall notify the District and the Personnel Commission upon receipt or lack of receipt of an appeal notice, and shall coordinate the scheduling of the Commission Appeal Hearing if a timely appeal is filed.

The Director of Classified Human Resources shall notify the employee in writing within ten (10) working days of the Personnel Commission meeting at which the hearing date and time were established, of the time, date, and place of the Commission Appeal Hearing before the Personnel Commission.

The employee must be given at least ten (10) working days from the date of personal service or delivery by certified mail (Return Receipt Requested) to prepare for the hearing. The employee shall be notified of this requirement.

This requirement shall be deemed to have been met if the notification is sent certified mail to the last known home address on file in the Personnel Commission Office. Failure of the employee to retrieve delivered mail or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. For purposes of this rule, if a notice is mailed, the second working day following the postmark date of the notice shall be considered the official date of notification.

### **60.1000.5 Appeal Hearing Procedures**

- A. General Conduct of Commission Appeal Hearing: An employee shall have the right to appeal the disciplinary action to the Personnel Commission and be heard in his/her own defense. At this full evidentiary hearing, the employee shall have the right to present all evidence and testimony on his/her behalf, to examine all evidence submitted by the Governing Board, hear testimony of the supervisor(s) who initiated the action, and examine and cross-examine all witnesses giving testimony. All hearings before the Personnel Commission shall be in closed session, unless the appealing employee requests an open hearing in his/her appeal notice.
- B. Right to Representation: The employee may, at his/her option, be represented by legal counsel and/or union representation, or any other person designated by the employee. If the employee files an appeal, the employee shall be required to attend the Commission Appeal Hearing, even if the employee's designated representative appears on his/her behalf. If the employee fails to appear, the employee will be deemed to have forfeited his/her rights to further appeal and the Personnel Commission shall allow the Governing Board's disciplinary action to stand.
- C. Extension of Timelines: The timelines as detailed in this section may be extended upon agreement by the parties involved.

## PERSONNEL COMMISSION RULES & REGULATIONS

- D. Conduct of Hearings: The Personnel Commission may conduct the hearing of appeal to the disciplinary action or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. Any such hearing officer conducting such hearing may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the disposition of witnesses to be taken in the manner prescribed by law.
- E. Findings: The Commission may accept, reject, or amend any of the findings or recommendations of the hearing officer. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing, or upon the results of supplementary hearings as the Commission may order.
- F. Selection of Hearing Officer: When the Personnel Commission elects to engage a Hearing Officer to hear the appeal, the hearing officer shall be selected by having the parties involved agree on a mutually acceptable hearing officer.
- G. Place of Hearing: The appeal hearing shall be held within the boundaries of the District, and in a place which is conducive to the proper conduct of the hearing.
- H. All Hearings Shall Be Recorded: All hearings under the authority of this chapter shall be electronically recorded in such a manner that a verbatim written transcript can be produced if necessary. The Personnel Commission or either party may request that the hearing be recorded by a court reporter, in which case the party making the request shall bear the cost. If both parties make such a request, the cost shall be equally shared by the parties.
- I. Evidence: 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. Hearsay evidence may be used for the purpose of explaining or providing supplemental evidence, but shall not be sufficient in and of itself to support a finding (by the Personnel Commission or its hearing officer) unless it would be admissible over objection in a civil action in a court of law. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. Irrelevant and unduly repetitious evidence shall be excluded.

Decisions made by the Commission shall not be invalidated by any informality in the proceedings. However, The Personnel Commission or its hearing officer shall rule on all objections raised by either party and/or oral evidence shall be taken only on oath or affirmation.

- J. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. The Commission shall base its findings on the preponderance of evidence.
- K. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present his witnesses and evidence in defense.
- L. Each side will be allowed to examine and cross-examine witnesses. Each party shall have the following rights as it relates to examination of witnesses and evidence:

## PERSONNEL COMMISSION RULES & REGULATIONS

1. To call and examine witnesses.
2. To introduce exhibits.
3. To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination(s).
4. To attempt to impeach any witness regardless of which party first called the witness to testify.
5. To rebut all evidence presented by the opposing party.

The Commission or its hearing officer may, at its discretion, exclude witnesses not under examination except for the appellant, District representative, the Director of Classified Human Resources, and their respective counsels or designated representatives.

M. List of Witnesses: A list of witnesses to be called by each party shall be submitted to the Personnel Commission Office at least 72 hours prior to the date of the hearing. This will allow the Personnel Commission to secure the release time of employee witnesses prior to the hearing.

N. Sworn Affidavits: The policy of the Personnel Commission shall be that where possible, all witnesses shall give testimony orally at the hearing. However, if in the opinion of the Commission or its hearing officer, a witness has an extreme emergency for being unable to be present, written testimony will be accepted under the following conditions:

Such evidence must be submitted by sworn affidavit or declaration of the witness. The affidavit or declaration shall be confined to a statement of facts bearing on the case and within the knowledge of the witness, and shall not contain any conclusions of the witness, except that a witness who qualifies as an expert may express his/her opinion based upon the facts which he/she has recited.

Copies of all such declarations or affidavits must be filed with the Personnel Commission Office or the hearing officer and may be inspected by the other party to the hearing, who shall be notified of the filing of such affidavits.

The Personnel Commission or hearing officer may reject any such affidavit submitted which fails to comply with any of the foregoing conditions. In addition, objections by the other party to the written testimony shall be ruled upon at the hearing by the Personnel Commission or the hearing officer.

O. Legal Counsel: Both the Board and the employee will be allowed to be represented by legal counsel and other designated representation.

P. Subpoena of Witnesses/Evidence: The Commission may and shall if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence. The Personnel Commission or its hearing officer may, and shall if requested by either party, subpoena witnesses and/or require the production of records, documents, or other material evidence. The Director of Classified Human Resources shall issue the subpoenas on behalf of the

## PERSONNEL COMMISSION RULES & REGULATIONS

Commission or its hearing officer. Subpoenas shall be delivered to the requesting party for service. Requests for subpoenas must be filed with the Personnel Commission Office at least 72 hours prior to the date of the hearing.

- Q. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important in reaching a fair and proper decision.
- R. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision or may review and deliberate the report of the hearing officer in closed session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If the Director of Classified Human Resources or any staff is not serving full time for the Commission and/or was a witness in the proceedings, he or she shall also be barred from the Commission's final deliberations.

Where a hearing officer hears the matter, the hearing officer shall submit his/her written recommendations and findings of fact to the Director of Classified Human Resources within thirty (30) calendar days following the conclusion of the hearing unless an extension is agreed to by the Personnel Commission or its designee.

Upon receipt of the hearing officer's written recommendations and findings of fact, the Director of Classified Human Resources shall contact the Chairperson of the Personnel Commission to schedule a meeting of the Commission to consider the findings and recommendations of the hearing officer.

- S. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event later than 14 working days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore. In the event the hearing is conducted by a hearing officer, the Personnel Commission's decision shall be rendered no later than 14 working days following receipt of the hearing officer's findings and recommendations.

The decision(s) of the Commission shall be in writing and shall set forth which charges, if any, are sustained and the reasons therefore.

The Commission's written decision(s) shall contain findings of fact, a determination of the issues presented, and the penalty imposed (if any). The findings may be stated in the language of the pleadings or the report and findings of the Hearing Officer or included by reference thereto.

If the disciplinary action is not sustained, the Commission's order shall set forth the effective date that the employee is to be restored or reinstated to his/her former position and/or status; such date to be set forth at any time on or after the date that the disciplinary action was invoked.

Copies of the Commission's decision(s) shall be delivered to the parties personally or transmitted to them by certified mail (Return Receipt Requested). This requirement for notification of the employee will be deemed to have been met if the decision is sent certified mail to the last known home address on file in the Personnel Commission Office. Failure of the employee to retrieve delivered mail, or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification. For purposes of this rule, if a notice is mailed, the second

## PERSONNEL COMMISSION RULES & REGULATIONS

working day following the postmark date of the notice shall be considered to be the official date of notification.

- T. 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 Board. (*Education Code 45306*)
- U. The Commission order of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision. 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 any time on or after the date of disciplinary action. (*Education Code 45307*)
- V. In the event the Commission orders reinstatement it may do so with or without all or a portion of the employee's back pay and upon such other terms and conditions as it may determine appropriate.
- W. The employee or his/her representative and the Governing Board may obtain a copy of the transcript of the hearing upon written request and agreement to pay for necessary costs. (*Education Code 45305*)
- X. Disqualification of Hearing Officer or Commissioner: A hearing officer or Personnel Commission member shall voluntarily disqualify himself/herself and withdraw from any appeal in which he/she cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or Personnel Commission member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded.

If the Personnel Commission determines that there are sufficient grounds for disqualification, it may elect to disqualify the hearing officer or Personnel Commission member.

Where the disqualification request concerns a Personnel Commission member, the issue shall be determined by the other members of the Commission.

- Y. Counsel for the Personnel Commission: The Personnel Commission may, if it so desires, seek and appoint legal counsel as part of its appeal and investigatory hearing duties consistent with the provisions of Education Code Section 45313.

REFERENCE: *Education Code* Sections 45260, 45261, 45266, 45305 45306 and 45307

### OXNARD SCHOOL DISTRICT

#### Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.1000.1 Revised: January 16, 1986; May 13, 1993

60.1000.2 Revised: January, 1973; April 7, 1993

60.1000.3 Revised: January, 1973; April 7, 1993

60.1000.4 Revised: January, 1973; April 7, 1993; January 14, 2008

60.1000.5 Added: January 24, 2008

## PERSONNEL COMMISSION RULES &amp; REGULATIONS

70.100 PCRR

## CHAPTER 70

## WAGE AND SALARY PROVISIONS

**70.100** Determination of Salary Schedules**70.100.1** **Factors in Salary Determination**

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

- A. Wages and salaries paid for similar work in private industry in the recruitment area.
- B. Wages and salaries paid by other governmental agencies which may be in competition with the District in the Labor market.
- C. The principle of like pay for like work within the classified service.
- D. Appropriate differentials between related classes as required or necessary.

**70.100.2** **Salary Studies**

- A. A salary study shall be made:
  - 1. Whenever a new class is created.
  - 2. Annually, for all classes in the classified service.
  - 3. When directed by the Personnel Commission.
- B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission setting forth the reasons for the proposed study.
- C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The Personnel Director shall indicate his/her tentative recommendations, and shall meet and confer with employee organization representatives and/or district administration regarding those recommendations.

An effort shall be made to ameliorate all differences before recommendations are submitted to the Personnel Commission.

**70.100.3** **Salary Recommendations**

- A. The Commission shall present salary data and recommendations to the Governing Board. The Board may approve, amend, or reject the recommendations, but may not alter the relationships among classes as established by and in the classification plan.
- B. Salary data and recommendations for the classified service shall be presented to the Board as early in the calendar year as possible and prior to salary negotiations with the employee organization, with a prospective effective date of July 1. Salary data and

recommendations shall also be made each time a new class is created. Salary data and recommendations requested and/or submitted at other times of the year shall be based upon clear evidence that the class in question is either substantially overpaid or underpaid in relation to the labor market area or in its alignment with other classes within the District. However, nothing in this paragraph shall prevent adjustments in salary based on classification studies resulting from changes duties and responsibilities, regardless of when such changes occur.

- C. Regardless of this rule, the Governing Board is vested with and retains the right to increase or decrease the salaries of classified employees at any time during the school year in accordance with *Education Code 45162*.

#### **70.100.4 Appeal of Data and Recommendations**

- A. An employee or his/her representative may appeal the data and recommendations of the Personnel Director with regard to salary range placement for his/her classification. He/she shall be given the opportunity to present a case both orally and in writing at a regular meeting of the Personnel Commission. The Board and/or administration shall have the same right.
- B. If the Governing Board desires reconsideration of salary recommendations, it may return the recommendations to the Commission, which shall reconsider them at its next meeting. After reconsideration, the Commission shall advise the Board of its findings and the reasons.

OXNARD SCHOOL DISTRICT  
Personnel Commission Rules and Regulations  
Adopted: October 23, 1968  
70.100.3 Revised: May 7, 1992  
70.100.4 Revised: May 7, 1992

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**70.200     Application of Salary Schedule**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

**70.200.1     Initial Placement**

All new regular employees shall be paid in accordance with the salary range established for the class to which assigned. Initial placement will normally be the first step of the salary range. However, a new employee may be granted advanced step placement upon recommendation of the appointing authority and approval by the Director of Classified Human Resources, subject to ratification by the Personnel Commission. In determining the appropriateness of an advanced placement request, the Director of Classified Human Resources shall base his decision on the following factors:

1. Additional education at the college level which is directly related to the classification and beyond the established requirement for entry into the class. Credit for one step may be given for two years or greater of additional directly related education.
2. Experience in a related position equivalent to/higher than the classification to which the selected candidate has been assigned. Credit for one step may be given for two years or greater of experience in a similar or higher level related position outside of the District.
3. Exceptional recruitment difficulties for the classification.
4. The additional skills or qualifications of the candidate that make him/her especially qualified for the position.

This section doesn't pertain to employees upon promotion. Please refer to Rule 70.200.3 for salary placement following promotion.

**70.200.2     Anniversary Date and Step Advancement**

- A. Regular non-management employees hired after July 1, 1989, shall receive a one-step advancement on their assigned salary range on the first of the month following satisfactory completion of their 130 day probation.
- B. Beginning July 1, 1989, July 1 shall be the salary date for all regular classified employees. Employees hired between July 1 and December 31 inclusive, shall be eligible to receive an anniversary step advancement the ensuing July 1. Employees hired between January 1 and June 30, inclusive, shall not be eligible to receive an anniversary step advancement until the second July following their date of hire. Subsequent annual step advancement, including supermaximums (longevity increments) defined below, shall become effective on July 1 of each year until the maximum step on the assigned salary range is attained.
- C. An employee, in order to gain credit for a year of employment toward annual step advancement on the salary schedule, must be employed in a paid status for at least two-thirds (2/3) of the annual working days assigned to his/her position during the preceding fiscal year.
- D. Eligibility to receive supermaximums (longevity increments) shall require the employee to be in paid status as a regular employee in the classified service for at

least two-thirds (2/3) of the annual working days assigned to his/her position during the preceding fiscal year.

E. Regular classified employees who meet the conditions contained in these rules shall become entitled to receive the District-authorized or collectively-negotiated supermaximums (longevity increments) as follows:

1. Upon completion of six (6) years of service to this District, the employee will receive an additional \$30.00 per month.
2. Upon completion of nine (9) years of service to this District, the employee will receive an additional \$30.00 per month.

3. Upon completion of fourteen (14) years of service to this District, the employee will receive an additional \$30.00 per month.
4. Upon completion of nineteen (19) years of service to this District, the employee will receive an additional \$30.00 per month.
5. Upon completion of twenty-four (24) years of service to this District, the employee will receive an additional \$30.00 per month.
6. Part-time employees shall be entitled to receive the above-noted supermaximums (longevity increments) on a pro-rata basis.

### **70.200.3 Promotions**

In determining appropriate salary placement for classified employees upon promotion, step placement shall be limited to Steps A through E of the new salary range.

An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the first step of the new salary range which affords the employee an increase in salary of at least 5% but in no case shall such placement exceed the top step of the salary range to which assigned. Upon successful completion of a six-month period of probation, the employee will be advanced another step (5%) on the salary schedule if not initially placed on the top step.

### **70.200.4 Placement After Leave of Absence**

- A. Approved unpaid leaves of absence of one year or less shall not constitute a break in service. However, an unpaid leave of absence of more than one-third (1/3) of the employee's duty days in any fiscal year shall render the employee ineligible for salary step advancement on the ensuing July 1. Time spent on such leave(s) of absence will not be counted toward accruing either salary step adjustments or supermaximums (longevity increments).
- B. Upon return from a leave of absence, an employee shall be placed on the same step of the range for the class which he/she had achieved prior to taking the leave, including any change in rate or range applicable to the employee's class; except that step advancement within the range shall be granted if:
  1. The common anniversary date (July 1) has passed during the employee's leave and the employee has substantially met the requirements for step advancement on the salary schedule prior to commencing the leave by having worked two-thirds (2/3) of the annual working days assigned to his/her position during the preceding fiscal year.
  2. The law and/or these rules provided that credit for advancement shall accrue during such leave(s) of absence.

Credit for step advancement shall accrue during leaves of absence for military service, and any paid leaves of absence e.g. industrial accident/illness leaves.

### **70.200.5 Placement When Demoted**

- A. An employee who selects voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate he/she earned in the higher class; provided that he/she shall not receive a salary increase thereby.

**70.200.6 Placement When Substituting or on Temporary Assignment**

- A. When a regular employee works in a temporary position in his/her classification, or a lower classification, he/she will be paid at his/her regular rate of pay, including his/her regular stipends and longevity.
- B. When an employee works in a temporary position in a classification with a higher salary range, the employee will be paid as follows: when the employee works in a higher class for more than five (5) days, the employee shall be compensated at the first step in the higher classification which provides him/her with at least a five percent (5%) increase above his/her regular rate of pay, but in no case above the "E" step of the higher class, exclusive of any differential which shall apply.

When a regular employee is assigned to perform the duties of a position in a higher classification for a period of five (5) days or less, the employee shall be paid a maximum of five percent (5%) but in no case an amount greater than step "E" step of the higher classification, exclusive of any differentials which may apply, above the employee's regular base salary, plus other salary stipends for which the employee is eligible for all hours worked.

- C. When a regular employee works in a temporary position in a classification with a lower salary range, he/she will be paid the same step of the lower range that he/she is paid in his/her regular classification. Regular stipend and longevity credit will be added.

**70.200.7 Placement Upon Reinstatement or Restoration to Former Class**

- A. An employee reinstated within 39 months of resignation shall be placed on the same step of the range held at the time of resignation.
- B. An employee who is restored to a former class after voluntary demotion shall be placed on the step in the salary range the employee would have held had he/she remained in the position.

Oxnard School District

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

70.200	Revised:	September, 1973; October, 1978; September, 1979; May 7, 1992
70.200.1	Revised:	September 9, 1986; May 7, 1992
70.200.2	Revised:	October, 1981; January, 1982; May 1, 1986; May 7, 1992
70.200.3	Revised:	October 4, 1984; September 9, 1986; May 7, 1992; May 13, 1993
70.200.4	Revised:	January, 1973; August 7, 1984; February 14, 1990; May 7, 1992
70.200.5	Revised:	May 7, 1992
70.200.6	Revised:	May 7, 1992; June 23, 1994
70.200.7	Revised:	May 7, 1992
70.200.1	Revised:	September 15, 2020

**PERSONNEL COMMISSION RULES & REGULATIONS 70.300 PCRR****70.300 Work Periods and Overtime**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

**70.300.1 Workday and Workweek**

The standard work week for full-time employees shall consist of five (5) consecutive days, eight (8) hours per day, and forty (40) hours per week, not including the lunch period. This does not preclude the District was establishing alternate work schedules such as ten (10) hours per day and forty (40) hours per week, the 9/80 plan or other alternate work schedules. However, the Governing Board may employ persons for lesser periods of time and may, through authorized administrators, assign and authorize employees to work in excess of eight (8) hours in a day or 40 hours in a week.

**70.300.2 Overtime Defined**

- A. Overtime is defined as assigned or authorized working time in excess of eight (8) hours in one day and in excess of forty (40) hours in one week, or hours worked on a sixth consecutive day or on a seventh consecutive day.
- B. A regular employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the sixth and/or seventh consecutive day following commencement of his/her workweek, be compensated at the overtime rate.
- C. Overtime shall not be assigned or authorized unless it is compensated as provided in Personnel Commission Rules and Regulations 70.300.3.
- D. For regular employees, paid holidays and days of paid leave shall be considered as days worked for the purpose of computing overtime.
- E. An employee with a workday of less than eight (8) hours and/or a workweek of less than forty (40) hours who is assigned or authorized to work in excess of his/her basic work schedule, but not in excess of eight (8) hours in any one day or in excess of forty (40) hours in any one week, shall be entitled to compensation at his/her regular rate only; not on the basis of overtime compensation.
- F. Overtime shall be reported and credited in multiples of fifteen (15) minutes. Overtime of less than fifteen (15) minutes shall not be credited.
- G. Regardless of the number of hours worked in excess of eight (8) hours in any one day and in excess of forty (40) hours in any one week, or hours worked on a sixth or seventh consecutive day, designated management or administrative employees shall not be entitled to overtime compensation as provided in these rules and regulations.

**70.300.3 Compensation for Overtime**

- A. Any employee who is ordered or authorized to work overtime shall be compensated at the rate of one and one-half (1½) times his/her regular hourly rate for each hour (or portion

thereof) of overtime worked.

- B. In determining an employee's regular hourly rate of pay, shift differentials and/or special assignment differentials regularly received by the employee shall be included.
- C. An employee who works overtime in other than his/her regular classification shall be compensated on the basis of the rate of pay the employee earned in that position.
- D. In lieu of pay for overtime, the District may provide the employee with compensatory time off at the rate of one and one-half (1½) times the amount of overtime worked.

Compensatory time may be accumulated to a maximum of two hundred and forty hours and must be used within one year of the time it is earned. The employee shall be paid for all compensatory time earned in a department when that employee moves or is moved to another department.

Compensatory time off shall be scheduled for times that are convenient for the employee and consistent with the needs of the District.

#### **70.300.4 Classifications Exempt from Overtime Provisions**

- A. The classes listed on the Management Salary Schedule are designated to be management and thereby excluded from the overtime provisions of these rules except as indicated in paragraph "B" below.
- B. Employees in these classifications shall, if required to work on one of the specified district holidays, be granted compensatory time off within twelve (12) calendar months following the month in which the holiday occurred.

#### **OXNARD SCHOOL DISTRICT**

##### **Personnel Commission Rules and Regulations**

Adopted: October 23, 1986

70.300 Revised: January 7, 1982; May 7, 1992

70.300.1 Revised: June, 1987, February 10, 1981; May 7, 1992

70.300.2 Revised: May 7, 1992

70.300.3 Revised: May 7, 1992

70.300.4 Revised: July 2, 1987; May 7, 1992

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 70.400 PCRR

**70.400 Holidays and Holiday Pay**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

**70.400.1 Paid Holidays**

As provided by the Board of Trustees or as the result of negotiations between the District and employee organization(s), the following are designated as paid holidays for classified employees of the District. They include: New Year's Day, Martin Luther King, Jr. Day, Lincoln Day, Washington Day, Spring Vacation Day, Memorial Day, Independence Day, Labor Day, Admission Day (or day in lieu), Veterans Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, Christmas and New Year's Eve.

In addition to these designated holidays, any day declared by the President of the United States or the Governor of the State of California as a public fast, holiday, or day of thanksgiving, or any other day which the Board of Trustees specifies as a local holiday shall be paid holidays for classified employees.

All regular classified employees shall be entitled to the above-noted paid holidays provided that they are in a paid status during any portion of their working day either immediately preceding or succeeding the holiday.

Regular employees of the District who are not normally assigned to duty shall be paid for the holidays contained therein provided that they are (were) in paid status during any portion of their last normal working day immediately preceding or their first normal working day succeeding the off-track periods.

**70.400.2 Other School Holiday Information**

- A. Whenever a holiday listed in P.C. Rule 70.400.1 falls on a Sunday, the following Monday shall be observed as a paid holiday. Whenever an above-noted holiday falls on a Saturday, the preceding Friday shall be observed as the paid holiday.
- B. Whenever a classified employee is required to work on any of the holidays noted in P.C. Rules 70.400.1 and/or 70.400.2, he/she shall be paid time and one-half (1½) for all hours worked on the holiday in addition to the amount of money which the employee would have received had he/she not worked during the holiday; except for the classifications designated in P.C. Rule 70.300.4.

The District, if it elects to provide compensating time off in lieu of payment, shall do so in accordance with the provisions of P.C. Rule 70.300.3. However, compensating time off shall be at the rate of time and one half (1½) for all hours worked on the holiday plus compensation for the number of hours for which the employee would have been paid if he/she had not worked the holiday; except for those classifications designated in P.C. Rule 70.300.4.

## OXNARD SCHOOL DISTRICT

## Personnel Commission Rules and Regulations

Adopted: October 23, 1968

70.400 Revised: February 10, 1981; January 7, 1982; May 7, 1992

70.400.1 Revised: December 5, 1977; December 2, 1982; May 7, 1992

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**PERSONNEL COMMISSION RULES & REGULATIONS  
PCRR**

70.500

**70.500**     **Payrolls****70.500.1**     **Official Roster**

The Personnel Director shall maintain, in his/her office, an official record or roster containing the names and complete employment records for all classified employees holding positions with the District.

**70.500.2**     **Payroll Audit**

The Personnel Director shall audit all initial employment assignments and changes in employment assignments for all classified personnel, and, if found to be in accordance with existing law and the Rules and Regulations of the Personnel Commission, shall certify the assignment(s) for payment. All changes in assignment, including transfer, change in hours, etc., shall be reported to the Personnel Director. Each payroll following the initial assignment and certification by the Personnel Director shall be certified by the Finance Department that all payments included therein are in accordance with the original certification by the Personnel Director.

The Personnel Director shall make periodic audits of all payrolls and, if he/she finds assignments that are not in accordance with existing law or the Rules and Regulations of the Personnel Commission, he/she shall submit a notice of withdrawal of his/her certification to both the District and the County Superintendent and order payment stopped. Notice of such violation shall also be made up such payroll or service report, and such notice shall serve as an official notification to the Board of Trustees and the County Offices that the drawing, signing or issuing of any warrant on the Treasurer or other disbursing officer of the County for payment of salary or other compensation to such person named is unlawful.

**OXNARD SCHOOL DISTRICT****Personnel Commission Rules and Regulations**

Adopted:       October 23, 1968

70.500         Revised:       February 2, 1981

70.500.2      Revised:       May 7, 1992

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

70.600 PCRR

**70.600 Benefits for Part-Time Employees**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

- A. All probationary and permanent part-time employees shall be entitled to receive benefits listed herein. However, such benefits shall be pro-rated in the same ratio that the employee's regular hours per day, days per week, weeks per month, or months per year bear to a regular eight (8) hour day, forty (40) hour week, four plus (4.3333) weeks per month, and/or twelve (12) months per year.
- B. Benefits to which regular part-time employees (as defined in paragraph "A" above) are entitled to include:
1. Sick leave (See PC Rule 60.700.2)
  2. Bereavement Leave (see PC Rule 60.700.7)
  3. Personal Necessity Leave (See PC Rule 60.700.3)
  4. Industrial Accident/Illness Leave (See PC Rule 60.700.3)
  5. Additional Non-Industrial Accident/Illness Leave (See PC Rule 60700.4)
  6. Personal Business Leave
  7. Jury Duty and Witness Leave (See PC Rule 60.700.8)
  8. Absence for Examination (See PC Rule 60.700.9)
  9. Military Leave (See PC Rule 60.700.10)
  10. Leave to Serve in an Exempt, Temporary or Limited-Term Position (See PC Rule 60.700.13)
  11. Official Business Leave
  12. Study and Retraining Leave (See PC Rule 60.700.14)
  13. Non-paid Leave (See PC Rule 60.700.1)
  14. Annual Paid Vacations (See PC Rule 60.700.1)
  15. Family Accident/Illness Leave
  16. Paid Holidays (See PC Rule 60.400 et seq.)
  17. Maternity Leave (See PC Rule 60.700.12)
  18. Overtime Compensation (See PC Rule 70.300 et seq.)
  19. Unemployment Insurance (See PC Rule 70.800)
  20. Workers Compensation Insurance
  21. Annual Step Increments and Longevity Increments (See PC Rule 70.200.2)
  22. Social Security

Entitlement to receive the above-noted benefits will be in accordance with the rules and regulations established elsewhere (See the provisions noted above as well as provisions of any collective bargaining contract).

- C. All probationary and permanent part-time employees employed regularly for twenty (20) hours or more per week shall be enrolled in the classified employee retirement program in accordance with state law, with appropriate contributions submitted to the Public Employees Retirement System.
- D. All probationary and permanent part-time employees employed regularly for thirty (3) or more hours per week shall be enrolled in the District/CSEA negotiated health and welfare benefit program.

- E. For any probationary or permanent part-time employee who works thirty (30) or more minutes in excess of his/her regular assigned time for twenty (20) consecutive workdays, the District shall adjust the regular daily work schedule upward to reflect the actual work time of such employee (s) in order to acquire benefits (sick, vacation and holiday pay). Such changes shall be effective the twenty-first (21st) day. (See PC Rule 30.400).

OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

70.600 Revised: February 10, 1981; January 7, 1982; May 7, 1992

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

70.700 PCRR

**70.700 Salary and Benefits for Substitute, Limited-Term, and Provisional Employees (not Regular Employees of the District)**

- A. Substitute, Limited-Term, and Provisional employees (not regular employees of the District) shall be paid in accordance with the Temporary Salary Schedule. All job classifications are grouped into six pay groups, Group I through Group Vi. The salary rates for each group are indicated on the Temporary Salary Schedule. Substitute and temporary employees will be paid at the appropriate group rate depending upon the classification in which they are substituting. No stipends or differentials will be paid (except to retirees as listed below.)
- B. A substitute, limited-term or provisional employee shall not be assigned to perform duties above and beyond those of the classification for which he/she is initially employed except in cases of emergency.

To be considered an emergency, the duties to be performed must be of such a nature that, if not performed, could cause a curtailment or stoppage of school/district business.

- C. Substitute, limited-term, and provisional employees shall not be entitled to health and welfare benefits.

**70.700.1 PERS Retirees Compensation**

- A. PERS members who have retired from the Oxnard School District shall be paid a 5% differential over the amount listed on the Temporary Salary Schedule for the first three years only.

## OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

70.700 Revised: February 10, 1981; January 7, 1982; August 4, 1983; May 7, 1992; April 6, 1995

70.700.1 Revised: May 7, 1992; June 23, 1994; April 6, 1995

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**PERSONNEL COMMISSION RULES & REGULATIONS  
PCRR**

70.800

**70.800 Unemployment Insurance Coverage**

All classified employees shall be covered by unemployment insurance pursuant to the laws of the State of California. Unemployment Insurance benefits are handled through the Employment Development Department of the State of California.

**OXNARD SCHOOL DISTRICT****Personnel Commission Rules and Regulations**

Adopted: October 23, 1968

70.800 Revised: February 10, 1981; May 7, 1992

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS 80.100 PCRR

## CHAPTER 80

## MISCELLANEOUS PROVISIONS

**80.100** **Procedure for Adjustment of Grievances of Classified Personnel**

As provided for in *Education Code 45260* (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit should refer to the collective bargaining agreement with regard to this subject matter.

**80.100.1** **Introductory Statement**

The purpose of this policy is to establish an equitable procedure for handling classified employee grievances.

A grievance is a claim based upon an event or condition which affects the conditions or circumstances under which an employee works allegedly caused by a misinterpretation or inequitable application of established board policy or the terms of a contract.

Matters excluded from these grievance procedures shall be:

- A. Accusatory charges relating to the moral or professional fitness of an employee. Every statement containing a charge or complaint against an employee shall be in writing, and shall be filed with the Superintendent, who shall transmit the statement to the Board; meeting in executive session.
- B. An employee with complaints about the subject matter of the Rules and Regulations of the Board of Trustees, A Guide to Administrative Procedures, and/or the Rules and Regulations of the Personnel Commission should direct his/her suggestions for change through established channels to the Board or to the Commission.

In making use of this procedure, it is assumed that the problem is of a serious nature, and ordinary attempts at resolution have not been sufficient.

It is understood that the aggrieved employee may have representation by an employee organization or by non-affiliated individuals of his/her own choice at any level of this procedure.

Only if attempts to resolve the problem at the informal level have not been successful should the formal steps outlined in Section 80.100.3 be pursued.

**80.100.2** **The Informal Procedure**

Before filing a grievance the employee shall first make every effort to resolve his/her complaint or grievance with his/her immediate supervisor by scheduling an informal conference with his/her immediate supervisor. The problem shall be discussed orally, including the nature of the problem, person or persons involved, and remedy sought. If the grievant is not satisfied with the resolution attempted in the informal process, the grievant may proceed to step one of the formal grievance process.

**80.100.3 Formal Procedure****A. Written Statement of Grievance Required**

Within thirty (30) days after the occurrence of the act, or omission giving rise to the grievance, or the date when the grievant should reasonably have been aware of the act or occurrence, the grievant must submit his/her grievance in writing to the District on the District Formal Grievance Form. The employee Formal Grievance Form shall be made available to all employees. On this form, the employee shall provide a statement of the grievance. It is mandatory that the statement of grievance be specific; with inclusion of pertinent dates, times, places and witnesses (if any), as well as the date on which the informal grievance conference was held.

**B. Steps of Procedure**

**Step 1:** The immediate supervisor or his/her designee shall respond in writing within ten (10) days after the receipt of the grievance at step one.

If the grievant is not satisfied with the decision of the immediate supervisor or if the supervisor has not presented a written response to the grievance, the grievant may, within five (5) days of receipt of the immediate supervisor's response or within five (5) days after the time period called for in step one has passed, request that the grievance proceed to step two.

**Step 2:** When a resolution to the satisfaction of the employee has not been achieved at the previous level of supervision (Step 1), the grievant shall submit to his/her second-level supervisor a copy of the original grievance form, a copy of the first level supervisor's response, and a signed, written statement of the reason for appeal and the resolution requested. The second-level supervisor, or his/her designee, shall respond to the grievance in writing within five (5) days after the receipt of the grievance at step two.

**Step 3:** If the grievant is not satisfied with the adjustment at step two, the grievant may submit the grievance in writing to the District Superintendent within five (5) days after the receipt of the response at step two or within five (5) days after the time period called for in step two has passed. The Superintendent, or his/her designee, will respond in writing within ten (10) days of receipt of said grievance. The written statement of grievance of the employee with attachments from supervisors at steps 1 and 2 shall be submitted.

**Step 4:** If not satisfied with the decision at step three, the grievant may, within fifteen (15) days from the step three decision being rendered, submit a request in writing to the Superintendent for an arbitration of the dispute or request an audience with the Board of Trustees, either in open or executive session in accordance with Government Code, Section 54957. The meeting shall be established at the earliest possible time.

**C. Conditions Affecting One or More of the Steps of Procedures**

1. If, at any level, a supervisor is absent from the District, it is understood that the aggrieved employee may proceed to the next higher level of supervision and omit the step involving the absent supervisor.

2. The audience with the Board should be consummated at the earliest possible time. When the employee proceeds from one level of supervision to another, he/she shall be responsible for submitting copies of the formal grievance and responses received from the supervisors at each step of the grievance procedure.

3. In identifying the step levels of supervision, employees shall refer to the District's Staff Organizational Chart for determination of the steps (and individuals) to be followed in utilizing these procedures. A copy of the Chart may be reviewed in the office of a school principal or in the Personnel Office.
4. Actions of the arbitrator or Board of Trustees shall be final; as provided by the Education Code.

D. Appeal

See Section 60.1000.3

OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

80.100 Revised: January 7, 1982; May 7, 1992

80.100.1 Revised: May 7, 1992

80.100.2 Revised: May 7, 1992

80.100.3 Revised: May 7, 1992

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 80.200 PCRR

**80.200** **Employee Organizations**

As provided for in *Education Code* 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

**80.200.1** **General Provisions**

The Board of Trustees and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title I of the Government Code.

**80.200.2** **Board Rules**

The Employer/Employee Relations Rules for classified personnel adopted by the Board, in accordance with applicable provisions of law, are added hereto and made a part of these rules and regulations. They shall apply in the same manner as any other rule adopted by the Personnel Commission.

A. **Introductory Statement**

The development and operation of a high quality educational program is the goal of the Board, of the Superintendent, and the staff. The Board recognizes that the attainment of this goal requires the cooperation, mutual respect, and understanding of the Board of Trustees, the Superintendent, employee organizations, and all members of the staff.

B. **Rights of Employees to Join Employee Organizations**

Pursuant to Chapter 10.7 of Division 4 of Title I of the *Government Code*, the Board of Trustees recognizes the right of employees to join or not to join employee organizations of their own choice. Decisions of the Board and of the administrative staff affecting the individual employee shall be made without regard to membership or non-membership in such organization.

C. **Definition of Employee Organization**

Employee organization, for the purpose of these rules and regulations, shall mean any organization which consists of employees of the Oxnard School District, and which has as one of its primary purposes the representation of employees in their relations with the school district or any person such an organization authorizes to act on its behalf, and which has complied with all the requirements of Chapter 10.7, Division 4 of Title I of the *Government Code*, for recognition as an employee organization. (*Government Code* 3540.1)

D. **Right to Represent Employees**

Subject to the limitations and conditions of other sections of these rules and regulations plus the Education and Government Codes, employee organizations shall have the right to represent their members in their employment relations with the school district. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership.

(Government Code 3543.1)

E. Scope of Representation

Employee organizations shall have the right to represent their members in their employment relations with the school district regarding limited wages, hours of employment, and other terms and conditions of employment. "Terms and conditions of employment" shall mean health and welfare benefits as defined by Section 53200 of the *Government Code*, leave and transfer policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, and procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7 and 3548.8 of the *Government Code*. (*Government Code* 3543.3)

F. Recognition of Employee Organizations

To be recognized as an employee organization of the Oxnard School District, an employee organization shall file with the Superintendent a written statement which shall include the following information and which shall be signed and verified by the president or chairman and one other official of the organization.

1. The name and mailing address of the organization, and the name and mailing address of each county, regional, state, or national organization with which it is affiliated.
2. The state in which the organization is incorporated, if it is incorporated.
3. True and complete copies of articles of incorporation or constitution, by-laws, and any other written rules and regulations governing the organization.
4. The name, title, and mailing address of each officer of the organization.
5. A statement that the organization permits membership in the organization without regard to race, color, creed, or national origin.

a. Amendments and Changes

Within ten days after the effective date of any change in the information required in Section F, the organization shall file with the Superintendent a written notice specifying such changes.

The written notice specifying the change shall be signed and verified by the president or chairman and one other official of the organization.

b. Annual Requirements

A written statement signed and verified by the president or chair and one other official of the organization listing the name, title and mailing address of each officer of the organization shall be filed annually with the Superintendent on or before the Wednesday preceding the first regular board meeting in October.

It shall not be necessary for the employee organization to file other requirements of Section F annually, except as changes occur.

G. Certification to the Board

The Superintendent shall certify to the Board of Trustees the names of those employee organizations that have met the requirements.

H. Notification of Recognition

Upon the organization's compliance with Section F of these rules and regulations, and the certification to the Board of such compliance, the Superintendent shall notify all employee organizations of their status as recognized employee organizations.

I. Employee Organizations Relations with Board and Superintendent

The Superintendent, as the chief executive officer of the Board of Trustees, or a staff member designated by the Superintendent, shall represent the Board of Trustees in all matters of concern to employee organizations. All correspondence and inquiries from employee organizations shall be directed to the Board of Trustees through the Superintendent. The Superintendent or designee shall send official replies (when requested) to all written requests, recommendations, or reports made by employee organizations.

These rules and regulations shall not be construed to prevent any employee from appearing on his/her own behalf in his/her employment relations with the District.

J. Information to be Provided Employee Organizations

The Superintendent shall share information that may be helpful in connection with the discussion or review of a problem or of policy changes under consideration, when such information would not be prejudicial to an individual employee or to the school district. The Superintendent shall furnish to the president or principal officer of each recognized employee organization the following information:

1. Copies of budget worksheets as presented to the Board and copies of preliminary, tentative, and final budgets for the ensuing year at the time that these are under consideration by the board.
2. A copy of the salary proposal for classified employees for the ensuing year at the time that such proposal is available for consideration by the Board.
3. Copies of amendments of or additions to administrative and board policies.
4. Other information pertaining to employment conditions or employer-employee relationships as such is available and is requested by the president or principal officer of the employee organization.

K. Use of School Facilities

Employee organizations shall be entitled to use the official bulletin boards and other means of communication to employees, and school building facilities; subject to the following conditions;

1. There shall be provided in each school a bulletin board or a portion of a bulletin board that is limited to the sole use of employee organizations.
2. A copy of all communications shall be furnished to the Superintendent. All postings shall be removed from the board within a reasonable time. All postings must be in compliance with the policies of the Board of Trustees.

3. Any communication posted on a district bulletin board or sent through school means of distribution, or placed in employee boxes, shall give the name of the organization sending the communication and the name of the responsible officer of such organizations.
4. School facilities may be used for meetings if there is no conflict with other official school use, and provided such use of school premises is cleared and approved with a civic center permit.

L. Staff Meetings and Meetings of Employee Organization

Matters of employee organization business which are not of general interest to all employees shall not be discussed at staff or building meetings of employees which have been called by the principal, department head, or supervisor.

Impending meetings of employee organizations may be announced as staff meetings, but all organization meetings must be held separately. There shall be at least a five-minute interval between a staff meeting and a meeting of an employee organization.

M. Contact of Employee by Representative(s) of Employee Organizations

Representative(s) of employee organizations shall not contact employees on organization business while the employees are performing their duties in the classroom or in other work in the operation of the school district.

N. Treatment of Employee Organizations in Official Bulletins and Directories

Every employee organization shall be fairly and equally described in all official bulletins and directories of the school district.

O. Payroll Deductions

Payroll deductions shall be permitted for dues for employee organizations, for medical plans, and other benefits in accordance with the provisions of the policies of the Board of Trustees.

P. Access to Employee Personnel File Information

The Superintendent and/or his/her designated representative shall, upon written authorization of an employee, allow that employee, and/or the president or principal officer of the employee organization directly concerned to examine the evaluation section of the employee's folder. This evaluation section will consist of (1) contract/offer of employment/acceptance; (2) post employment evaluations; (3) personnel announcements involving the employee; (4) copies of correspondence directed to the employee; and (5) all forms completed by employee and made a part of the personnel file.

Said folder shall not be taken from the personnel office for such examination. The employee's release form shall be completed when a representative is authorized by the individual to examine the personnel file of said employee. This form will become a part of the personnel record.

Q. Materials in Personnel Files Available for Employee Inspection

Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person

involved. Such material is not to include ratings, reports, or records which (1) were obtained prior to the employment of the person involved; (2) were prepared by identifiable examination committee members; or (3) were obtained in connection with a promotional examination.

Every employee shall have the right to inspect such materials upon request, provided that the request is made at a time when such person is not actually required to render services to the employing district.

Information of a derogatory nature, except material mentioned in the second paragraph of this section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon, and indicates by his/her signature that he/she has had the opportunity to review the material. The employee's signature does not necessarily imply that he/she agrees with the statement. An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

R. Derogatory Report Forms

A form shall be maintained in the personnel office for distribution to all department heads and supervisors to report unsatisfactory service reports of a derogatory nature. Such forms shall provide space for employee comments in keeping with the regulation above.

**80.200.3 Unlawful to Strike or Engage in Other Concerted Labor Activities**

- A. *Government Code* 3549 specifically provides: "The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees may not strike against the District, nor may they engage in other related types of activities in order to attempt to resolve grievances or differences; real or fancied.
- B. Any employee or groups of employees, either by their own initiative or through an employee organization, leaving their duty assignment or refusing to perform or failing to report to duty as a result of a strike or other concerted labor activities may be considered as having abandoned their positions and, if dismissed, shall not be eligible for reinstatement or subsequent employment with the District. The Board may bring charges against any employee or employees for abandonment of position under this rule.
- C. Any classified employee who absents himself/herself from duty, for any reason, during the period of an unlawful strike, sit-down, slow-down, other concerted activities shall be required to provide proper evidence that his/her absence was lawful and in no way an effort on the employee's part to further the strike or concerted activity.
- D. Any rule prescribed in this Act which permits personal or illness absences without evidence of necessity is suspended and void during any attempted strike or other concerted labor activity against the District.

**OXNARD SCHOOL DISTRICT**

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

80.200 Revised: September, 1979; October 6, 1980; January 7, 1982; May 7, 1992

80.200.2 Revised: June, 1973; January, 1974; May 7, 1992

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**PERSONNEL COMMISSION RULES & REGULATIONS  
PCRR**

80.300

**80.300 Political Activity****80.300.1 Political Activity Freedom**

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the *Education Code* (*Education Code* 44034, 45293, 45314, and 45316).

**80.300.2 Cause of Disciplinary Action**

Any employee may be disciplined for improper political activity. Improper political activity includes:

- A. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized by law, for such purposes, and the employee has obtained prior required approval.
- B. The use of any District property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.
- C. Engaging in active campaigning in behalf of any candidate, including himself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise during his assigned hours of employment.
- D. Attempting to gain any advancement or privilege under the "Act" or these rules through political activity.

**80.300.3 Personal Candidacy**

Any employee may be a candidate for any political office for which he may file without suffering any loss of employment status in the District unless he violates the provisions of Rule 80.300.2.

**80.300.4 Leave of Absence**

An employee who files for a political office, may request, and shall be granted, an unpaid leave of absence which shall commence not earlier than one month prior to the concerned election and continue until the election processes have been completed insofar as his candidacy is concerned. Such leave is required if the employee is a candidate for election to the Governing Board.

**80.300.5 Election to a Political Office**

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the District, may request, and shall be granted, an unpaid leave of absence which shall commence the date he

assumes the office and shall terminate not later than 30 days after his last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

#### **80.300.6 Intent**

It is the Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The District has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights but, at the same time, to insure that its employees do not wrongfully use their duty hours or District facilities for political purposes.

#### **OXNARD SCHOOL DISTRICT**

##### **Personnel Commission Rules and Regulations**

Adopted: October 23, 1968

80.300 Revised: September, 1979; October 6, 1980

80.300.5 Revised: May 7, 1992

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## PERSONNEL COMMISSION RULES &amp; REGULATIONS

## 80.400 PCRR

**80.400**    New Employee Clearances**80.400.1**    **Physical Examinations**

## A.    Initial Employment

1.    Every person being initially employed by the District, in a regular position, shall be required to comply with the provisions of *Education Code* 49406. In addition, any other employee whose functions require frequent or prolonged contact with pupils may be required to comply with the provisions of this code section.
2.    At 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 two-year period preceding the date of employment.

## 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.    Any employee failing to submit adequate proof that he/she is free of active tuberculosis may be suspended from service until such proof has been submitted and the Board is satisfied therewith.
3.    The District shall maintain adequate records on each employee which indicate compliance with these rules and the law.

## C.    School Bus Drivers

1.    In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles.
2.    The District shall arrange for and defray the costs of the school bus driver's examination for its employees and shall reimburse new employees for the costs of the required examination, but not to exceed the amount which it pays for the examination required of its regular employee bus drivers.

## D.    Medical Review Board

1.    Any rejection for medical reasons of an eligible or of an employee who has 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 advise of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

**80.400.2**    **Criminal Records Check**

A. Fingerprinting

Every new employee shall submit 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 no later than the tenth day of employment.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal 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 person should be employed or retained in employment.
3. If an employee is to be dismissed because of information disclosed on the criminal records report or of 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 reasons therefore.

If the recommendation is approved, the Commission shall notify the employee or eligible of the action taken or contemplated and reasons therefore. The Commission shall provide the person with an opportunity to appeal the decision in writing within 10 days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final.

OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

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PERSONNEL COMMISSION RULES & REGULATIONS  
PCRR

80.500

**80.500 Penalties**

**80.500.1 Violations**

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

- 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. (*Education Code* 45317)

OXNARD SCHOOL DISTRICT

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