RULES AND REGULATIONS

FOR THE

CLASSIFIED SERVICE

SIMI VALLEY UNIFIED SCHOOL DISTRICT



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ARTICLE I
DEFINITIONS AND PRELIMINARY STATEMENT

1.10 DEFINITIONS, GENERAL

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

Act or The Act: The Act shall mean those sections of the Education Code of the State of California which apply to the merit system for classified employees in certain school districts. It shall include all of the provisions of Title 2, Division 3, Part 25, Chapter 5, Articles 5 and 6.

Allocation: The official placing of a position in a given class and the placement of a class on a salary schedule, rate range, or a flat range.

Anniversary Date: The date upon which an employee is granted a salary step advancement earned by completion of a required period of service. This is the first day of the pay period following completion of the required period of service.

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

Appointing Authority: The Board of Education of the Simi Valley Unified School District.

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

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

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

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

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

Classified Service: All positions in the District's service to which the Act applies and which are not exempted by the Act. (See Rule 3.10.2)

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

Commission: The Personnel Commission established pursuant to the Act for the Simi Valley Unified School District.

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.

Director of Personnel: Personnel Director and Secretary to the Personnel Commission, also known as Director of Classified Personnel Services.

Discharge or Dismissal: Separation from service for cause.

District: The Simi Valley Unified School District.

Dual Certification: A procedure which provides for simultaneous certification of open and promotional candidates in accordance with the examination scores attained by the candidates where promotional candidates have received seniority credit.

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

Eligibility List: A list of the names of persons who have qualified in a competitive examination.

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

Employee: A person who is legally employed by 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 reinstated after voluntary demotion or reduction to limited-term status.

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

Exempt Service: All positions and employees not in the Classified or Certificated Service, i.e., those exempted by law.

Governing Board: The Board of Education of the Simi Valley Unified School District. (Synonymous with appointing authority).

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

Layoff: Separation from a regular position because of lack of work or lack of funds. Layoff also includes a reduction in hours of employment due to lack of work or lack of funds.

Limited Term Position: A position created by the appointing authority for a period not to exceed six months or a substitute employee during the authorized absence of a permanent employee, which may exceed six months.

Limited-Term Employee: An employee who is serving as a substitute for a regular employee on approved leave, or in a position established for a limited period of less than six months.

Permanent Employee: In reference to District employment status, an employee who has completed an initial probationary period in the Classified Service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class, or who entered the class by transfer, demotion, or reinstatement/reemployment without serving a probationary period.

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

Probationary Period: The trial period immediately following an original or promotional appointment to a regular position from an eligibility list.

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

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

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

Provisional Employee: An employee employed under a provisional appointment.

Reclassification: A change in classification that could result in the reallocation of a position to a new class or to a class at a higher, lower or equal level according to the duties and responsibilities assigned.

Reemployment: A mandated return to duty of an employee who has been laid off.

Reemployment List: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reasons specified in these Rules, or who have exhausted all leave privileges after illness or injury, and who are eligible for reemployment without competitive examination in their former class, arranged in order of their right to reemployment.

Regular Employee: An employee who has probationary or permanent status.

Regular Position: A position established for a continuing and indefinite or unlimited period of time.

Reinstatement: A discretionary reappointment of a former permanent employee within thirty-nine (39) months after the last day of paid service, without examination, to a position in the employee's former class or in a lower related class. The employee must have resigned in good standing. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

Salary Schedule: The complete list of ranges, steps, and rates of pay established for the classified service.

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

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

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

Separation: The ending of all status as an employee with the District - includes resignation, dismissal, layoff, retirement, etc.

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

Status: An employee's status may be either Regular (Probationary or Permanent) or Temporary (Provisional or Limited-term), and determines the employee's rights to certain benefits.

Suspension: An enforced absence of an employee without pay for disciplinary purposes.

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

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

Transfer-Administrative: Movement of a person and/or position from one location to another for the good of the service.

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

1.20 PRELIMINARY STATEMENT

1.20.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45261, and other provisions governing the Merit System Act in the Education Code.

1.20.2 Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, 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.

The Merit System for the Simi Valley Unified School District is entered into force in a spirit of cooperation, is based upon the principle of equality, and is intended to pervade the performance of classified employees, the Personnel Commission, and the Board of Education throughout the life of the system. On the basis of this spirit and principle, any reasonable request of classified employees, Personnel Commission, or Board of Education shall be duly considered and acted upon by the other parties providing it is mutually acceptable.

1.20.3 Generic Terminology

As used in these Rules, singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

1.20.4 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.

1.20.5 Effect of Data Contained in Addendum to Rules

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

ARTICLE 2

THE PERSONNEL COMMISSION

2.10 ORGANIZATION OF COMMISSION

2.10.1 Terms (Ed Code 45247)

A. By law, the term of each Commissioner is for three years and expires at noon, December 1st. The term of one Commissioner expires each year. On or about September 1st of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner appointed by the Board or nominated by the classified employees and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Section 45247.

B. One member of the Commission shall be appointed by the Governing Board of the district and one member, nominated by the classified employees of the district, shall be appointed by the Governing Board of the district. Those two members shall publicly announce the name of the person they intend to appoint and in an open hearing, provide the public and employees and employee organization the opportunity to express their views on the qualifications of each candidate recommended for the vacancy.

Those two members may make their appointment or recommendation without further notification or public hearing.

2.10.2 Officers

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

2.10.3 Quorum and Majority

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

2.20 MEETINGS

2.20.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet once per month. Dates and times will be established by the Commission on an annual basis for each ensuing year. Meetings will be held at the District Office, 101 W. Cochran Street, Simi Valley, California. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least 48 hours' notice is given to employee and administration representatives and posted on the Commission's designated posting location. A copy of the regular meeting notice shall be posted on the Commission's designated posting location and exterior door of the District Office.

2.20.2 Adjourned Meeting

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

2.20.3 Special Meetings

A. Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two members. Written notice shall be delivered personally, by mail, or by e-mail to each member of the Commission. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. Such notice must be delivered personally, by mail, or by e-mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's designated posting location and exterior door of the District Office. The order shall specify the time and place of the special meeting and business to be transacted. No other business shall be considered at such meeting by the Commission.

B. Continuance of Hearing

A hearing that is being held, or is noticed or ordered to be held, by the Commission at any meeting may be continued, or recontinued, to any subsequent meeting. Within 24 hours after the continuation, a copy of the notice of continuation shall be posted on the Commission's designated posting location and exterior door of the District Office. If the hearing is continued to a time less than 24 hours after the item specified in the notice of hearing, a copy of the notice of continuance must be posted immediately following the meeting at which the declaration of continuance was made.

C. Emergency Meetings

Emergency meetings may be called when two members of the Commission determine that an emergency situation exists in which prompt action is necessary due to the disruption or threatened disruption of public facilities. At least one hour before the meeting, notice must be given to each of the following who have filed written request for notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. If e-mail and telephone services are not functioning, notice requirements are deemed waived, but the Commission or its designee must notify those newspapers, radio stations, or television stations of the fact that the meeting has occurred as soon after the meeting as possible. A copy of the notice of the emergency meeting shall be posted on the Commission's designated posting location and exterior door of the District Office. The order shall specify the time and place of the emergency meeting and business to be transacted. No other business shall be considered at such meetings by the Commission.

The Commission may not meet in closed session during an emergency meeting.

2.20.4 Public Meetings

A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 2.20.5 This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission and will be provided reasonable opportunity to present their view orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

2.20.5 Closed Session

A. The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in closed session relating to an employee unless the employee has been notified of their right to a public hearing and has declined the public hearing or properly failed to request same.

B. The Commission may hold closed sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding negotiable items, such as salaries, salary schedules, or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives.

C. During the examination of a witness, the Commission may also exclude from any public or closed meeting any or all other witnesses in the matter being investigated.

2.20.6 Agenda and Supporting Data

The agenda will be posted on the Commission's designated posting location and the exterior door of the District Office at least 72 hours prior to every regular meeting or 24 hours prior to every special Commission meeting and distributed to the news media which have requested it. Insofar as possible, at least 48 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall also be provided to the designated representatives of all employee organizations representing district classified employees. When practicable, supporting data will be furnished in advance.

2.20.7 Amendment, Deletion, or Addition to Rules

A. All proposals, from any source, to amend, delete, or add to these Rules will be considered a "first tentative reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at the meeting.

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

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

2.20.8 Minutes

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

2.20.9 Payment for Meeting Attendance (Ed Code 45251)

Each Commissioner shall receive the sum of $50.00 for each meeting attended in any one month, including regular, adjourned or special meetings, but not to exceed a total of $250.00 per month.

2.30 COMMISSION EMPLOYEES

2.30.1 Status of Commission Employees (Ed Code 45264)

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

2.30.2 General Duties of the Personnel Director (Ed Code 45266)

A. The Personnel Director shall be responsible to the Commission and shall perform all of the duties and carry out all of the functions imposed by law and these Rules and shall be free of prejudgment or bias in order to ensure the impartiality of the Commission. They shall act as Secretary to the Commission and shall issue and receive all notifications on its behalf. They shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.

B. The Personnel Director shall conduct classification, salary and rules studies and shall make such other investigations as directed by the Commission or as they deem necessary to their responsibilities.

C. The Personnel Director shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under Section 45305, if the Personnel Director is the party who brought the action against the employee.

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

2.40 MISCELLANEOUS PROVISIONS

2.40.1 Communications

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

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

2.40.2 Budget (Ed Code 45253)

The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April. The annual budget of the Personnel Commission may include amounts for the purpose of Section 45255.

The Commission shall hold a public hearing not later than May 30 of each year, or at a date agreed upon between the Governing Board and the Personnel Commission to coincide with the process of adoption of the school district budget.

Prior to the public hearing, the Commission shall submit a copy of its proposed budget to the Board of Education for review. The Commission shall indicate to the Board of Education the time and place of the public hearing and invite the Board of Education and district administration to attend and present their views.

The Commission shall fully consider the views of the Board of Education prior to adoption of its proposed budget.

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

If the County Superintendent of Schools proposes to reject the budget as submitted by the Commission, they shall, within 30 days of the Commission's submission of the budget, hold a public hearing on the proposed rejection within the District. They shall have informed both the Commission and the Governing Board of the date, time, and place of the hearing. They may after such public hearing either reject, or with the concurrence of the Commission, 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.

2.40.3 Annual Report

A. The Personnel Director shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.

B. The report shall be prepared for Commission approval as soon after each calendar year as possible and not later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

ARTICLE 3
POSITION CLASSIFICATION PLAN

3.10 THE CLASSIFIED SERVICE

3.10.1 Positions Included (Ed Code 45256)

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

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

3.10.2 Exemption from the Classified Service (Ed Code 45256)

General Categories

Positions required by law to have certification qualifications, full-time students employed part-time, part-time students employed part-time in any college work study program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and which is financed by state or federal funds, apprentices, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission, shall be exempt from the Classified Service.

Special Categories (Ed Code 45112)

A. Board Assistants: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual board members. Such positions, if created, are exempted from the provisions of these Rules insofar as they relate to position classification, recruitment, employment, and salary setting.

Persons employed in such positions shall be members of the Classified Service for all purposes except that they may not achieve permanency in the Classified Service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual board member.

If a permanent classified employee is appointed to serve in such an exempt position, they shall retain status as a permanent employee. If they are terminated from the exempt position, they shall have bumping rights in their former class in the same manner as if they had been laid off for lack of work or lack of funds.

B. Senior Management (Ed Code 45256.5)

Under provisions of Education Code Section 45100.5, 45104.5, 45108.5 and 45256.5, the Board of Education may designate up to three positions as senior management of the Classified Service. Senior management positions must conform to either of the following two definitions in order to be legally declared senior management of the classified service: the fiscal advisor to the Superintendent or an employee in the highest position that has district-wide responsibility for formulating policies or administrating a principal district program area, as determined by the Board of Education.

The Governing Board may adopt a resolution designating certain positions as senior management. Employees whose positions are designated as senior management shall be part of the Classified Service and shall be afforded all rights, benefits and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status in a senior management position.

Positions in senior management of the Classified Service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the District Superintendent and determined by the Personnel Commission.

Employees who have attained status in a permanent position in the Classified Service and are designated as senior management shall have the following rights if any or all of the senior management positions are abolished by a resolution adopted by the Board of Education or the assignment of an incumbent to a senior management position is terminated pursuant to the provisions of Education Code Section 35031:

(1) To a position which the employees would be entitled if their position and classification had not been designated as senior management.

(2) To a position which the employee holds bumping rights under the provisions of Merit System Rule 6.90.

(3) To a vacant position which is similar to their former position in the regular Classified Service upon approval of the Personnel Commission.

Displaced incumbents of senior management positions who have not attained permanent status in the Classified Service may be placed in a position only in accordance with the Education Code and Rules of the Personnel Commission.

3.10.3 "Part-time" Defined (Ed Code 45256)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87 1/2 percent of the normally assigned time of the majority of employees in the Classified Service.

3.10.4 Effect of Exemption (Ed Code 45256)

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 Education.

3.10.5 Professional Expert Assignment (Ed Code 45256)

A. A professional expert assignment is a temporary assignment for a specific project as designated by the Board of Education or Personnel Commission. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists. Professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be part of the Classified Service.

B. In order to be exempt from the Classified Service as a professional expert, the individual must possess specialized qualifications in the area in which they are employed for the designated project. A professional expert designation is generally based on the following:

1. Approval of a committee of members of their own profession.

2. Certification or license to practice that profession by a governmental agency, if such a license is required.

3. Listing in publications where individuals are chosen for listing by members of their own profession.

4. Membership in professional honor societies limited to that profession.

5. An advanced degree from a recognized university with a major in the field of that profession.

The appointing authority shall make the determination as to whether or not a person should be hired to perform the duties of a professional expert and is qualified for the position to be filled. The appointing authority shall submit the information relative to the professional expert and their qualifications to the Classified Personnel Department. Authorization for service as a professional expert shall not exceed six months or a total of 720 hours in a fiscal year. Additional required service shall be subject to approval by the Commission.

C. A community services instructor position to be filled as a professional expert position shall be a person who is recognized by members of their profession and meets teaching standards for Community Services. The Commission or Personnel

Director shall review and approve the qualifications of the position in order to determine whether or not the position fits in the professional expert category.

3.10.6 Apprentices (Ed Code 45263)

The establishment of an apprenticeship program shall be subject to the provisions of Education Code Section 45263

3.10.7 Restricted Positions and Employees (Ed Code 45105)

A. If positions, properly a part of the Classified Service are specially funded and, as a result of special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas, or other criteria which restricts the privilege of all citizens to compete for employment in such positions, the position shall, in addition to the assigned title, be designated as "Restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions as part of the regular school program, except that persons employed in restricted positions as defined in Education Code Section 45343, (Instructional Aides), shall not be subject to examination procedures as prescribed in Education Section 45273.

B. Persons employed in "Restricted" positions shall be classified employees for all purposes except: (1) they shall not attain permanent status, (2) they shall not be accorded seniority rights, (3) they shall not serve as provisional employees, and (4) they are not eligible to compete in promotional examinations in the regular Classified Service.

C. Notwithstanding Sub-Rule B above, employees serving in "Restricted" positions, after completion of six months of satisfactory service, shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular Classified Service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, they shall be accorded full rights, benefits, and burdens of a regular Classified employee. Seniority rights shall be counted as of the date of their initial appointment to the "restricted" position.

D. Anniversary date for salary increments for persons serving in a "Restricted" position shall be in accordance with Personnel Commission Rule 7.20.2.

3.10.8 Weekend/Holiday Positions (Ed Code 45204)

The Governing Board may create a position or class of positions which require and permit the holders of such positions(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created, the Commission shall, in classifying the position:

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

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

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

3.20 GENERAL CLASSIFICATION RULES

3.20.1 Assignment of Duties (Ed Code 45109)

The Board of Education 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 the position, the Personnel Director shall report the facts to the appropriate administrator so that necessary action may be taken.

3.20.2 General Nature of the Classification Plan (Ed Code 45256)

The Commission shall classify all employees and positions within their jurisdiction. Classification of new and existing positions shall include, but not be limited to, assigning a job classification title; establishing minimum qualifications for entry into the classification; allocating positions to appropriate classes; arranging classes into occupational hierarchies; determining reasonable relationships within occupational hierarchies; and preparing written class specifications.

The Personnel Commission shall establish and maintain a plan of classification for all positions in the Classified Service. The Commission may create new classes and abolish or divide or merge existing classes within the classification plan, as the needs of the Classified Service require.

3.20.3 Class Descriptions

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

1. The official class title.

2. A definition of the class, indicating the type of duties and responsibilities and the amount of supervision received and exercised, if applicable.

3. A statement of representative duties and responsibilities or functions to be performed by persons holding positions allocated to the class. Each duty and responsibility shall be designated as “Essential” when necessary for compliance

with Americans with Disabilities Act (ADA) and California Fair Employment & Housing Act (FEHA).

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

5. A statement of distinguishing characteristics which differentiates the class from other related or similar classes, if applicable; and

6. License or other special requirements for employment or service in the class, if applicable.

3.20.4 Interpretation of Class Description

The class descriptions 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 description for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the descriptions, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

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

D. Qualifications commonly required of the incumbents of all positions, such as ability to perform the essential functions of the job with or without reasonable accommodation, citizenship or other legal right of employment in this country, integrity, and personal industry, even though not specifically mentioned in the descriptions, are implied in the minimum qualification requirements.

E. The statement of minimum qualification requirements, when considered with other parts of the description, is to be used as a guide in the announcement of position vacancies and preparation of examination measures as well as the evaluation of the qualifications of applicants and candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

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

3.20.5 Allocation of Positions to Classes

All positions substantially similar as to the duties performed, responsibilities exercised and qualification requirements shall be allocated to the same class.

3.20.6 Change in Duties of Positions

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

3.20.7 Review of Positions (Ed Code 45285)

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed as appropriate. If the Director finds that a position or positions should be reclassified, they shall advise the administration of their findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report their findings and recommendation to the Commission. The Director shall also report their findings in cases where their review indicates that no change in classification is necessary.

3.20.8 Creation of New Positions

When the Board creates a new position, it shall submit to the Classified Personnel Director, in writing, the proposed duties and responsibilities to be assigned to the position. The Personnel Director shall:

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

B. If a new class is recommended, the Personnel Director shall present the recommendation to establish a new classification to the Commission, which shall include recommended minimum qualifications which shall take into consideration those recommended by the Board, if any. The minimum qualifications approved by the Commission must reasonably relate to the duties and responsibilities assigned to the position by the Board.

C. Designate the proper salary placement of a new class, if one is established.

D. Notify the Board of its action.

3.20.9 Positions Requiring Special Language or Skills (Ed Code 45277)

A. The Board of Education may request that the Personnel Commission designate positions within a class that require the holder of the position to possess a special skill, license, or language.

B. The Board must clearly set forth valid reasons for designating such requirements for a position. The duties of the position must be the same as those for all other positions within the classification, except for the special requirement stated herein.

C. An announcement calling for an examination for a class with position(s) containing special requirements will contain appropriate information and will indicate that successful candidates possessing the special skill, license, or language will be given preference over other successful candidates, as authorized in Rule 5.20.12, but only as to those specific positions.

D. When a vacancy occurs in a position that has approved special requirements, the position shall maintain the requirements unless the Board of Education certifies that the special requirements are no longer required for the position. When such a position is to be filled under this section, the appointment shall be made from among the highest three ranks of applicants on the eligibility list who meet the requirements and who are ready and willing to accept the position. If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list if the personnel commissions that the requirements of Education Code Section 45288 (a) and (b) are met.

E. If a request from the Board to designate a position for special 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.

3.20.10 Mandatory Titles (Ed Code 45342)

All teacher aide positions shall be assigned a basic title of "Instructional Aide" or other appropriate title. The Commission, in classifying all such positions, shall determine sub-classes thereof, if any, and additions to the basic title as well as completing other classification requirements.

3.30 RECLASSIFICATION

3.30.1 Requests for Study

Requests for reclassification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting study and specific job duties using form(s) provided by the Classified Personnel Department. Request for study may be initiated by the administration, with the approval of the Superintendent or designee, or by employees or employee organizations. In addition, the Personnel Commission may initiate studies. Supervisors and incumbents are responsible for timely action to initiate requests for reclassification study based upon changes in assigned duties and responsibilities. Studies which are incomplete or held due to lack of action or cooperation of the incumbent or supervisor may be terminated after 20 working days, and a new request may be submitted, or the submitted request may be re-verified to ensure accuracy.

If initiated by the employee, the employee must submit their request to their immediate supervisor. The supervisor shall review and submit to the department administrator, if applicable. Should a dispute arise between the employee and supervisor over the information provided by the employee, the supervisor shall include an explanation of the disputed points attached to the employee's request. In signing the request, administrative representatives other than the duly authorized person who assigned the work indicate their review of the content of the request and not approval or disapproval. Following acknowledgement by the department administrator, the request is submitted to the Classified Personnel Department.

Personnel Commission staff shall conduct a study of the subject position to determine whether the assigned duties are consistent with the classification concept with regard to complexity and level of responsibility. Recommendations shall be provided to the affected employee(s), their exclusive representative, the immediate supervisor and department administrator, and the Cabinet-level administrator. Recommendations for reclassification are made by the Personnel Director and are subject to review and approval by the Personnel Commission.

3.30.2 Effects on Incumbents (Ed Code 45285)

A. For an employee to be reclassified upward with their position, the reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or the assignment of completely new duties and responsibilities. Recommendations for reclassification shall include a determination as to whether the reclassification meets this rule. The Commission shall be the final approving authority.

Definition of Gradual Accretion
Gradual accretion of duties is the change over an extended period of time in duties and responsibilities of a position. For purposes of these Rules, gradual accretion of duties must occur over a period of at least two (2) years of regular service. For purposes of these Rules, two (2) or more years of regular service shall be interpreted

to mean assignment for at least two (2) complete years within the assignment basis of the class or position.

Determination as to gradual accretion will be based on an analysis of data to be supplied by the division or school, as well as the Personnel Commission staff, regarding the following guideline factors:

a. The nature and scope of each identified change in duties and responsibilities.

b. The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.

c. The conditions which led to the association of the added duties and responsibilities with the subject position.

d. Evidence of the employee's performance of the added duties and responsibilities.

B. 1. Incumbents with two or more years of service in a class who are being reclassified as a result of gradual accretion of duties and responsibilities may be reclassified upward with their position without an examination.

2. Incumbents who do not meet the definition of gradual accretion as specified above may be reclassified upward with their position after passing a competitive or qualifying examination.

3. An employee who has been reclassified upward with their position without examination shall be ineligible to again be reclassified upward with their position until at least two years have elapsed from the last upward reclassification.

C. When a position or group of positions is reclassified to a class with an <u>equal or lower wage or salary range</u>, 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 an equal or lower class in which the incumbent formerly served, provided that they have greater seniority in that class.

3. The right to be demoted or to transfer, without examination, to the class to which their position is reclassified. The employee may choose to transfer, demote, or exercise bumping rights at their option, and their choice shall not affect this right.

D. When a position or group of positions has been studied for classification or salary purposes, the position or group of positions shall be ineligible for review until at least five years have elapsed unless otherwise directed by the Personnel Commission.

3.30.3 Effective Date of Reclassification

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

3.30.4 Placement When a Position is Reclassified

An employee whose position is reclassified upward shall be placed on the appropriate step of the range for the higher class in accordance with the provisions of Rule 7.20.3, Promotions. An employee whose position is reclassified to a class with an equal salary range shall remain on the same salary step they occupied in their original classification. An employee whose position is reclassified to a class with a lower salary range shall be placed on the step of the range of the lower class which is closest to the rate they earned in the higher class, excluding any differential, provided that they shall not receive a salary increase thereby.

3.30.5 Reemployment List for Displaced Incumbents (Ed Code 45308)

A. Any displacement of a regular employee resulting from a reclassification of a position, positions, or class of positions shall be considered a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these Rules.
B. This Rule shall be followed in all instances of reclassification whether it results in an upgrade, downgrade, lateral class movement, bumping or complete displacement of incumbents.

3.40 WORKING OUT OF CLASSIFICATION

3.40.1 Temporary Out of Classification Assignment (Ed Code 45110)

Classified employees shall not be required to perform duties or functions which are not fixed and prescribed for the position by the Board, or reasonably relate to those fixed for the position by the Board, for any period of time which exceeds five working days within a 15-calendar-day period except as authorized herein. An employee may be required to perform duties inconsistent with the concept of their classification for a period of more than five working days within a 15-calendar-day period provided that, if the duties are higher-level, their salary is adjusted upward for the entire period they are required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside of their classification.

In the event an employee is to be temporarily assigned duties outside of their job classification for a period of more than five working days within a 15-calendar-day period, it is the supervisor's responsibility, prior to the assigning of duties whenever possible, to contact the Classified Personnel Department to determine the appropriate classification and salary of the assignment. The supervisor shall submit written request for the out-of-classification assignment using form(s) prescribed by the Classified Personnel Department.

Employees assigned to work temporarily out-of-class shall remain in said position until the need is diminished, the employee requests release from the assignment, or as dictated by law or retirement system regulations.

If an employee perceives they are performing duties, assigned by a duly authorized person, that are outside of and not reasonably related to their classification for a period of more than five working days within a 15-calendar-day period, they shall notify their immediate supervisor of the duties in writing on or before the sixth day after the employee perceives they are working out of class. The supervisor shall review the submitted duties to determine the completeness and accuracy of the statements and to clarify or provide information concerning the duties and responsibilities. The supervisor may not change the description of duties as prepared and certified by the employee. The supervisor shall submit the claim and any additional information to the department administrator. Following acknowledgement, the department administrator shall submit the claim and any additional documentation submitted by the supervisor to the Classified Personnel Department. Personnel Commission staff shall conduct a review of the assigned duties and responsibilities to determine whether the employee is performing duties outside of their classification, as well as the salary range at which the employee is performing, if applicable. Personnel Commission staff shall share the determination with the employee, supervisor, and department administrator. If it is determined that the employee is performing assigned duties outside of their classification concept, the employee shall be paid in accordance with Rule 3.40.2. Claims for temporary out-of-class payment must be submitted within 30 days of assignment in order to be granted.

Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification. Nothing in this Rule shall be construed as permission to circumvent the provisions and procedures of the Merit System Article as set forth in Title 2, Division 3, Part 25, Chapters 5 and 6 or applicable section of Personnel Commission Rules. Furthermore nothing in this Rule shall be construed as permitting an employee to refuse to perform duties assigned by a duly authorized person.

Requests for reclassification of a position based on a permanent assignment of duties shall be made in accordance with Rule 3.30 – Reclassification.

3.40.2 Salary During a Temporary Out of Classification Assignment

In the event an employee is temporarily assigned duties outside of their classification in a class allocated to a higher salary range for two hours or more, for more than five working days within a 15-calendar-day period, the employee shall be paid out-of-class payment as if promoted (payment at the step of the higher salary range that is at least five percent above the rate the employee receives in their regular class, excluding any differential). If the employee is assigned higher-level duties that are not within an existing class in the Classified Service, an appropriate salary differential, which reasonably reflects the duties and responsibilities of the assignment, shall be determined by Personnel Commission staff. Out-of-class pay shall be for the entire period of working out of classification. In no

instance shall an employee receive a greater benefit than to which they would be entitled if they had been promoted from their regular position to a higher class.

In the event an employee is temporarily assigned lower or equivalent-level duties outside of their classification, or in a class allocated to an equal or lower salary range, during their regular assignment, the employee shall not receive less than their regular base pay.

Article 3 Revised 12/9/2020

ARTICLE 4
APPLICATION AND EXAMINATION

4.10 APPLICATION FOR EMPLOYMENT

4.10.1 Filing of Applications

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

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

4.10.2 General Qualifications of Applicants (Ed Code 45111, 45134)

Applicants must be permanent residents of, or must otherwise prove their right to work in the United States. Residency within the District shall not be a condition for filing applications or for initial or continuing employment except in the case of restricted positions requiring specific residency. Every applicant must be, in all respects, mentally and physically competent to perform the essential functions of the position for which they apply. Applicants with disabilities protected under the law shall be given equal employment opportunity and be provided with a reasonable accommodation to the extent required by law. No maximum age limit shall be set as a condition for initial or continued employment in the Classified Service.

4.10.3 Equal Employment Opportunity

A. The Personnel Commission recognizes that the District should make employment decisions that provide equal employment opportunities for all.

B. The Personnel Commission will ensure that the application and examination process shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age (over 40), religion (including religious dress and grooming), marital, pregnancy (childbirth and/or related medical conditions), or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics; or any other category of people protected under federal, state, and local anti-discrimination laws.

C. The Personnel Commission will establish essential position qualifications that can be validated as job-related and as such do not exclude qualified candidates, encourage recruitment procedures that are directed toward the fulfillment of equal opportunity and merit system principles, and ensure examinations are valid.

4.10.4 Disqualification of Applicants, Candidates and Eligibles

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

A. Failure to meet the general qualifications of Rule 4.10.2.

B. Membership in the Communist Party and/or failure to execute the oath of allegiance required by the State of California.

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, either by a plea or verdict of guilty or nolo contendere, of a court decision involving a sex or controlled substance offense as defined in Education Code Sections 44010 or 44011.

E. Drinking alcohol or under the influence or in possession of alcohol, narcotics, or other drugs while on duty, unless the use or possession is by specific written medical authorization.

F. A record of one or more convictions which indicates that the person is a poor employment risk.

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

H. Other false or misleading information on application forms or employment records concerning material matters.

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

J. Addiction to or illegal use of narcotics or controlled substances.

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

L. Previous dismissal from this District unless the District waives this subsection.

M. A record of unsatisfactory service with the District.

N. Health conditions which indicate that the applicant or candidate would be unable to perform the essential functions of the job with or without reasonable accommodation or would endanger their health and safety or the health and safety of others to the extent permitted under federal and state laws.

O. Discharged or retired under dishonorable conditions from the armed forces of the United States.

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

Q. Failure, after due notice, to report promptly for review of any of the above bases for disqualification.

R. A record of unsatisfactory service with previous employers.

S. Other causes deemed sufficient by the Personnel Commission.

4.10.5 Notification and Appeal from Disqualification

A. Applicants, candidates, and eligibles who are disqualified for any of the reasons enumerated in Rule 4.10.4 shall be notified in writing by the Personnel Director or designee. Notification shall state:

1. The reason(s) for disqualification.

2. That, within five (5) working days, the individual may make a written appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the disqualification final.

B. If there has been an administrative review, as provided above, and the disqualification is sustained, the individual shall be:

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

2. Informed of their right to make a written appeal of the disqualification and/or the period of disqualification, within five (5) working days, to the Personnel Commission. The appeal must contain specific proof supported by facts and must be based on one of the following qualifying bases:

a. Unlawful discrimination on the basis of race, color, ancestry, nationality, national origin, ethnic group identification, age (over 40), religion (including religious dress and grooming), marital, pregnancy (childbirth and/or related medical conditions), or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, genetic information, or any other category of people protected under federal, state, and local anti-discrimination laws; a perception of one or more of such characteristics; or association with a person or group with one or

more of these actual or perceived characteristics; or any other category of people protected under federal, state, and local anti-discrimination laws.

b. Abuse of discretion.

c. Inconsistency of the reasons given for the disqualification with the facts.

C. Statements that only express general disagreement with the disqualification or reason(s) for the disqualification are not bases for an appeal.

D. Upon receipt of an appeal, the Commission shall set a date to review the appeal and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

E. The submission of an appeal shall not stop or otherwise delay the examination or selection process unless so ordered by the Personnel Commission.

4.10.6 Action When Disqualification is Not Sustained

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

4.10.7 Applications Not to be Returned

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

4.10.8 Applicants' Names Not Made Public

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

4.10.9 Veterans' Preference (Ed Code 45294, 45295, 45296)

A. In examinations containing an open competitive component, veteran's preference points shall be added to passing scores of open candidates in the amount prescribed by Education Code Section 45296. At least thirty (30) days of active service in the Army, Navy, Marines, Air Force, Coast Guard, or Merchant Marines or as a nurse on active duty with the Red Cross in time of war, or national emergency declared by the President of the United States, is required.

B. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service and discharge or release under conditions other than dishonorable

prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.

4.20 EXAMINATIONS

4.20.1 Types of Examinations

The Personnel Commission shall direct and administer the holding of examinations for the purpose of filling vacancies or creating eligibility lists for the Classified Service and shall determine whether the examination shall be:

A.Open Competitive

These examinations shall be open to the general public.

B.Promotional (Ed Code 45272)

Where it has been determined by the Director of Classified Personnel that an adequate field of competition exists within the District and examinations can reasonably be expected to result in at least three (3) ranks of eligibles, the field of competition may be limited to promotional applicants. Promotional examinations shall be restricted to probationary and permanent employees of the District. Probationary employees shall not be eligible for certification until permanent status is attained.

Persons on reemployment lists shall be considered as promotional candidates. (See 6.90.2.G.)

C.Promotional and Open Competitive (Ed Code 45284)

These examinations are open to employees and the general public. Candidates shall be considered as a group in determining passing scores on the examination. This examination procedure shall result in a promotional and an open eligibility list. The promotional eligibility list shall take precedence when certifying eligibles. When the promotional eligibility list does not contain sufficient ranks of eligibles (defined as having fewer than three (3) eligible and available ranks), certification of additional ranks shall be made from the open list to reach a total of three (3) ranks. The Commission may, prior to the examination, authorize certification of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.

D.Merged Promotional and Open Competitive

These examinations are held under merged promotional and open competitive procedures. The resulting eligibility list shall consist of promotional and open competitive candidates merged on one eligibility list. Scores on this type of list

shall include all applicable veterans' preference points for open candidates and seniority credit points for promotional candidates.

It is the policy of the Personnel Commission that all examinations shall be conducted as merged promotional and open competitive unless otherwise ordered by the Commission. Examinations for the position of Business Manager or any other single position class at or above the level of Business Manager shall be held on a merged promotional and open competitive basis in accordance with Education Code 45280.

The Commission may designate examinations for specified classes as continuous examinations. Examinations shall be administered as the need arises, and applications shall be accepted on every working day.

4.20.2 Rule of Three Ranks (Ed Code 45272)

Final scores of candidates shall be rounded to the nearest whole percent (1 through 4 rounded down, and 5 through 9 rounded up) for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready, willing and able to accept the position.

4.20.3 Notice of Examination (Ed Code 45278)

Whenever it is necessary to fill existing or anticipated vacancies in the Classified Service and an appropriate eligibility list does not exist, the Personnel Director shall direct the administration of an examination to provide eligibles. At least ten (10) working days' advance public notice of such examinations shall be given. The notice shall contain the following information:

A. Information concerning the location of employment and other conditions of employment;

B. Description of the scope of duties and responsibilities of the position and the class;

C. Minimum qualifications required;

D. The salary and other forms of compensation;

E. The last day for submitting an application;

F. The examination components by which competitors may be examined and the weights of the various parts of the examination;

G. The process an applicant must follow to request a reasonable accommodation for any part of the application and examination process; and

H. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination, when available.

4.20.4 Character of Examination (Ed Code 45273)

Examinations shall be administered objectively and shall consist of one or more examination components that relate to job performance.

Examination components may be written or oral or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity and test of technical knowledge, manual skill, or physical and mental fitness which serves this end may be employed by Personnel Commission staff under the direction of the Personnel Director.

Applicants must meet the minimum qualifications established for the class in order to participate in subsequent phases of the examination process.

4.20.5 Examination Procedures

A. Each applicant whose application has been approved shall be notified by Personnel Commission staff a reasonable time in advance of the time, date and place of the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having submitted an acceptable application.

B. Competitors in any written or performance test must take the test on the prescribed date unless prior approval from the Director of Classified Personnel or designee has been obtained. Alternative test sessions shall only be approved when practicable in cases of emergency or severe hardship, as determined by the Director of Classified Personnel. A makeup test must be administered within two (2) working days of the last original testing date. Satisfactory proof of the candidate's emergency or severe hardship must be presented to the Director of Classified Personnel or designee.

C. Questions in a test shall not be copied or reproduced by competitors or other unauthorized persons.

D. Where written tests are required, they shall be managed so that none of the test materials will disclose the name of any competitor until all materials of all competitors in a given examination shall have been marked and rated. The only exception to this rule shall be if the Commission maintains a computerized and automated test scoring system which automatically and accurately scores the exams of all competitors, and which has built-in safeguards to ensure that an individual examination score cannot be falsely altered.

E. Any competitor in any examination who places any identifying marks on their test materials (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of their materials prior to the completion of the examination may be disqualified.

4.20.6 Examination Scoring and Weighting

All examination components shall be prepared and rated under the direction of the Director of Classified Personnel, who shall determine passing scores and assign relative percentage weights to each component.

4.20.7 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.

4.20.8 Review of Examination Materials (Ed Code 45274)

A. All examination materials submitted by competitors are the property of the District and are confidential records. Examination materials shall not be available to the public or to District employees not responsible for the administration of the examination. Examination materials shall be made available to applicants, candidates, or their representative under the following conditions:

1. Requests to review scores or evaluations must be made within 24 hours following notice of the examination results.

2. Only scores and evaluations are subject to review. Questions, items, scoring keys, rater notes, and rating criteria are not subject to review due to test confidentiality and security considerations. However, for written tests, candidates may indicate the questions they wish to have reviewed. Personnel Commission staff will make any necessary corrections or adjustments to the candidates' scores if a written test question is found to be flawed. If corrections are required, they shall be applied uniformly to all candidates, if applicable.

3. A qualified Personnel Commission staff member will be present during the examination review session.

4. Candidates' scores and evaluations will not include the identification of the rater(s).

5. Applicants/candidates and representatives may not take or make copies of any examination materials.

B. The Director of Classified Personnel may deny a request to review examination materials if they determine that granting the request would violate the security or confidentiality of the examination.

4.20.9 Oral Examination (Ed Code 45273, 45274)

A. If an examination includes an oral examination component those competitors eligible for the oral examination will be examined at the earliest practicable date after conclusion and rating of the earlier examination component(s). Competitors in an oral examination must take the examination on the prescribed date.

B. All oral examinations will be electronically recorded and shall be retained along with the rating sheets of each member of the oral board for a period of not less than 90 days after certification of an eligibility list.

C. An interview panel shall confine itself to evaluating general fitness for employment in the class. If an oral interview is held to evaluate the technical knowledge and skills of the class, at least two members of the panel shall be technically qualified in the specified class/occupational field. A District employee may serve on an interview panel provided they are not at the first or second level of supervision over a vacant position in the class for which the examination is held. Members of the Board of Education or Personnel Commission shall not serve on an interview panel. An interview panel shall not be provided with confidential references on employees of the District who are competing in promotional examinations. Scores achieved in prior examination components will not be made available to the interview panel.

4.20.10 Seniority Credit

In examinations containing a promotional component, seniority credit shall be added to the final passing scores of candidates who have permanency with the District in the amount of one-fourth of one point for each year of service, not to exceed a total of five points. Credit shall be granted for time spent in regular status (see definition) in the Classified Service and on leave from the Classified Service while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a full calendar-year basis or less than an eight-hour day.

4.20.11 Notice of Final Score

Each candidate who qualifies shall be notified by Personnel Commission staff of their final score, including any veteran's and seniority credit, and their standing on the eligibility list. Candidates who do not qualify shall be notified of such.

4.20.12 Retaking an Examination

A candidate who participated in an examination may not retake the examination for a period of ninety (90) calendar days provided the examination consists of exam components that are comprised of essentially the same questions or problems, unless otherwise approved by the Director of Classified Personnel. This provision does not apply to performance tests which require a demonstration of practical skill. In all cases, the most recent examination score will be used.

The 90 calendar-day provision is applied to the period of time between the date the last eligibility list was established and the application filing deadline for the new examination.

4.20.13 Appeal of Examination Results (Ed Code 45274)

A. Submitting an Appeal

1. An applicant or candidate may appeal the outcome of any step in the examination process. To appeal, the applicant/candidate must submit an appeal to the Director of Classified Personnel in writing within five (5) working days following notice of the examination results. The date the applicant/candidate is notified of the results counts as a working day.

2. The appeal must contain a specific basis with proof supported by facts.

B. Review and Notification

Examination appeals shall be reviewed by the Director of Classified Personnel and determined to be either granted or denied. Appellants will be notified of the determination in writing.

C. Procedures When Appeal is Granted

1. If granted, the Director of Classified Personnel will assess the possible effects of the appeal, if any, on the candidacy of the appellant, the examination process as a whole, and/or appointments from the eligibility list(s). Based on such assessment the Director may:

a.Allow the appellant to participate in the examination process; or

b.Change the rating of one or more candidates; or

c.Temporarily suspend examination activities; or

d. Dispose of the examination results and order for another administration of all or part of the examination to be conducted; or

e. Withhold certification from all or part of the eligibility list(s).

2. The Director may, at any time, rescind or modify a decision to withhold certification upon review of the specifics of an examination appeal.

3. No change in eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointee was fraudulently appointed.

D. Appeal to the Personnel Commission

1. If the initial appeal is denied as described in 4.20.13.B above, the appellant may appeal to the Personnel Commission in writing within five (5) working days from the date the notice of the decision of the Director

was provided to the appellant. The appeal must contain specific proof supported by facts and must be based on one of the following qualifying bases:

a. Unlawful discrimination on the basis of race, color, ancestry, nationality, national origin, ethnic group identification, age (over 40), religion (including religious dress and grooming), marital, pregnancy (childbirth and/or related medical conditions), or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, genetic information, or any other category of people protected under federal, state, and local anti-discrimination laws; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics; or any other category of people protected under federal, state, and local anti-discrimination laws.

b. Abuse of discretion.

c. Inconsistency of the reasons given for the disqualification with the facts.

2. Statements that only express general disagreement with test results or with the judgment of raters are not bases for an appeal.

3. Upon receipt of an appeal, the Commission shall set a date to review the appeal and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final. If the appeal is granted by the Commission, the procedures described in 4.20.13.C above shall apply.

4. The submission of an appeal shall not stop or otherwise delay the examination or selection process unless so ordered by the Personnel Commission.

ARTICLE 5
EMPLOYMENT LISTS

5.10 ELIGIBILITY LISTS

5.10.1 Establishment and Life of Eligibility Lists (Ed Code 45300)

A. After completion of the examination process, names of successful competitors shall be arranged on a list in order of examination score, plus additional points where applicable. The completed list constitutes an eligibility list for that class.

B. An eligibility list shall be in effect for a period of one year, unless exhausted, and may be extended by the Commission for a maximum of two additional years.

C. Eligibility lists may be established by the Commission for a period of six months so long as the six month duration of the list is noted in the announcement for the examination.

5.10.2 Termination of Eligibility Lists (Ed Code 45300)

A. An eligibility list is automatically terminated one year from the date of its approval unless extended by the Commission prior to its expiration.

B. If an eligibility list has been authorized for a six month period, it is automatically terminated six months from the date of its approval unless extended by the Commission prior to its expiration.

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 where there are fewer than three ranks of eligibles remaining on the list.

E. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established.

5.10.3 Reemployment Lists (Ed Code 45298) (Ed Code 45308)

There shall be established for each class a reemployment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all regular classified employees who have been laid off or demoted or who have accepted a reduction in assigned hours because of lack of work or lack of funds, or who have exhausted all leave privileges after illness or injury. Employees who acquire leaves of absence for military reasons 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.

5.10.4 Merging of Eligibility Lists (Ed Code 45291) (Ed Code 45300)

A. When fewer than three (3) ranks of available eligibles remain on an eligibility list, a new examination may be conducted.

B. If a new examination for a class is given during the first year of the life of an existing list, in order for the lists to be merged, 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 the eligibles ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists, except that, where "dual certification" applies, open and promotional lists shall be merged for certification.

C. When lists are merged 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 except when the earlier list is extended.

5.10.5 Eligibility After Appointment (Ed Code 45272) (Ed Code 45286) (Ed Code 45300)

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

5.10.6 Removal of Names from Eligibility Lists

A. The name of an eligible may be removed from an eligibility list by action of the Commission or Personnel Director, subject to appeal to the Commission for any of the following reasons:

1. A written request by the eligible for removal.

2. Failure to respond within five working days to an inquiry regarding availability for employment.

3. Any of the causes listed in Rule 4.10.4.

4. Termination of employment when on a promotional list.

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

6. Failure to report for a scheduled interview after certification.

7. Declining an employment offer or withdrawing from consideration after having been properly certified as eligible and available for the appointment.

B. The procedures set forth in Rule 4.10.5 apply for notification and appeal from removal from an eligibility list

5.20 CERTIFICATION FROM EMPLOYMENT LISTS

5.20.1 Order of Precedence

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

A. Reemployment List (one name) (Ed Code 45298)

Includes classified employees laid off for lack of work or lack of funds, or separated due to exhaustion of all leave privileges after illness or injury to the extent permitted by law. Names on the reemployment list shall be in order of seniority. This list shall take precedence over all other lists.

B. Seniority Bid List

An employee desiring an increase in hours shall notify the Classified Personnel Department in writing at the beginning of each year (July 1). A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority-bid list shall accept or reject a vacant position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a vacant position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made. A request for an increase in hours which crosses organization lines shall be in accordance with Rule 6.20.1 Transfer.

When a permanent position becomes vacant, the top three employees on the Seniority Bid List with the most seniority in the class will be offered the opportunity for an interview for the position by the appropriate administrator. If there are not three employees on the Seniority Bid List, the appointing authority or its designee has the option of requesting additional personnel interviews from the promotional list to meet a minimum of three candidates for the position. The individual selected will be placed in the position except when there is a valid reemployment list.

C. Reinstatement (one name) (Ed Code 45309)

Permanent classified employees who have voluntarily resigned may make a written electronic submission to the Director of Classified Personnel or their designee to be reinstated within 39 months after their last day of satisfactory paid service and without further competitive examination. Names on the reinstatement list shall be in order of seniority. The appointing authority may choose not to appoint from the reinstatement list and may request to interview eligibles from the promotional eligibility list. In the absence of a promotional list, names will be certified from the open eligibility list.

D. Promotional Eligibility List (three names) (Ed Code 45272)

Promotional eligibility lists consist of permanent classified employees who meet the minimum qualifications and who have qualified in a promotional examination. This list shall take precedence over the open eligibility list.

E. Open Eligibility List (three names) (Ed Code 45284)

Open eligibility lists consist of eligibles who meet the minimum qualifications and who have qualified in a competitive examination. This list shall be used in the absence of a promotional, reinstatement and reemployment list.

5.20.2 Dual Certification (Ed Code 45284)

When an open competitive examination and a promotional examination for a particular class are held at the same time, the Commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.

5.20.3 Procedure When Fewer Than Three Names Remain

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

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

5.20.4 Other Sources of Eligibility

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

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5.20.5 Waivers of Certification

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

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

C. An available eligible may waive certification twice without penalty. At the time a third waiver is to be signed by an eligible, he will be informed that, upon signing the third waiver, his/her name will be removed from the eligibility list per Rule 5.10.6.

D. At the time an eligibility list is established, each eligible shall be sent a copy of Rule 5.10.6 and Rule 5.20.5.

5.20.6 Procedure of Certification and Appointment

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

B. The Personnel Director shall ascertain the availability of eligibles and shall certify names to the appointing authority in accordance with these rules.

C. The appointing authority shall select an eligible and shall notify the Director, 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 the interview appointment or, at the interview declines the position, the appointing authority may fill the vacancy from the remaining certified eligibles or may request additional certification in accordance with Rule 5.20.7.

5.20.7 Certification of Additional Eligibles

A. If, after certification of eligibles, the interviewing supervisor desires certification of additional ranks per Rule 5.20.6.D a written request will be submitted to the Personnel Director which shall:

1. Specify the number of additional ranks required.

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

B. The Personnel Director, when the request is received, may investigate the matter to determine if the request is valid and, specifically, to determine that an appointment refusal was voluntary on the part of the concerned eligible. S/he shall:

1. If s/he finds the request to be valid:

a. Certify additional ranks as may be required.

b. Remove from the eligibility list, at his/her discretion, the names of eligibles who failed to report for interview or who refused appointment, and notify the eligibles of his action and their right of appeal to the Commission.

c. Notify the Commission of the action s/he has taken.

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

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

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

c. Advise the interviewing supervisor of the date of his report to the Commission in order to enable appropriate representation.

5.20.8 Withholding Names from Certification

A name may be withheld from certification when an eligible:

A. Expresses unwillingness or inability to accept appointment.

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

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

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

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

F. For any reason listed in Rule 4.10.3.

5.20.9 Reinstatement 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 reinstated thereto by the Personnel Commission under the following circumstances.

A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his availability, to appear for interview, or to present him/herself 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 4.10.3 and such action was improper or the defect has since been corrected.

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

C. The name of an eligible shall be reinstated upon presentation of required license, registration, certificate, or other credentials.

5.20.10 Duties of Eligible

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

1. In the event an eligible is notified by telegram of the certification, s/he shall present him/herself before the appointing authority for interview or reach the appointing authority with some form of communication within 24 hours after the sending of the telegram.

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

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

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

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

3. The appointing authority 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 authority.

C. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Classified Personnel Office his correct mailing address and place of residence. This address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the act and these rules. Whenever such person shall have any change in mailing address or place of residence, s/he shall promptly notify the Classified Personnel Office, stating the list or lists upon which his name

appears, together with his new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his/her order of certification and/or appointment from any such list or lists.

5.20.11 Subjects Regarding Which No Questions Shall be Asked (Ed Code 45293)

No questions relating to political or religious opinions or affiliations, age, race, color, national origin or ancestry, sex or marital status shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

5.20.12 Certification of Eligibles for Position Where Language or Valid Driver's License is Required (Ed Code 45277)

A. If a position has multiple language or valid driver's license requirements, as provided in Rule 3.20.1 the appointing authority shall so indicate to the Personnel Director when calling for certification of eligibles to fill the vacancy.

B. In such an instance, the Rule of Three Ranks is suspended. The Personnel Director shall determine which eligibles possess the required language skills or valid driver's license and shall certify the names in the three ranks of qualified eligibles, in order of their relative standing on the list, who are ready and willing to accept the position.

C. If there is an insufficient number of eligibles who meet the language and/or valid driver's license requirement, who are ready and willing to accept the position, the Personnel Director will initiate additional testing.

5.20.13 Most Appropriate Eligibility List

In the absence of a reemployment list or eligibility list for a class to which appointments are to be made, the list chosen as most appropriate shall be for a class which is compensated at an equivalent or higher salary schedule or rate. The most appropriate reemployment or eligibility list shall also be for a class for which entrance qualifications and fields of potential promotional candidates for the two classes are similar. The examination content must have approximated or exceeded the examination which would have been given for the class to which appointments are to be made.

A reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall be placed at the bottom of the eligibility list for the lower class.

5.30 PROVISIONAL APPOINTMENTS

5.30.1 Restrictions

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

1. No eligibility list exists for the class, or

2. An eligibility list exists, but there is an insufficient number of available ranks, i.e., less than 3, and the interviewing supervisor refuses to appoint an available eligible.

B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar-day interval shall elapse during which he shall be ineligible to serve in any full-time provisional capacity.

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

D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class description.

E. 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.

5.30.2 Terminating Provisional Appointments

A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15 day period does not extend beyond the 90-working-day provisional assignment or the additional 36 working days if authorized by Rule 5.30.1.E.

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

5.30.3 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 Education, through its authorized department heads, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.

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

ARTICLE 6
INSERVICE STATUS AND TRANSACTIONS

6.10 PROBATIONARY PERIOD (Ed Code 45301)

6.10.1 Duration of Probation

A. A new employee appointed from an eligibility list shall serve a probationary period of six months, or 130 days of paid service whichever is the longer period, excluding leaves of absence, in one classification before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months, or 130 days of paid service whichever is the longer period, excluding leaves of absence, in the higher classification before attaining permanency in that classification. Credit toward completion of probation shall be granted only for service in regular positions in the classified service after appointment from the eligibility list.

B. A new employee appointed from an eligibility list to a classification which is designated as management or confidential (executive or administrative) shall serve a probationary period of one year, excluding leaves of absence, in the classification before attaining permanency in the classified service.

6.10.2 Rights of Probationary Employees

A. A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her name reinstated in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list nor the period of eligibility of the employee.

B. A new employee who is dismissed during his/her initial probationary period shall be notified in writing. S/he shall not have the right of appeal.

C. An employee who has permanent status in the classified service, and who has been promoted to a higher classification, may be demoted involuntarily during the probationary period to his former classification. S/he shall be notified in writing of the action and the charges against him, and shall have the right of appeal provided in Rule 6.70.3.G.

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

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

6.20 CHANGES IN POSITION AND CLASS

6.20.1 Transfer

A. A permanent employee may be transferred at his request or for the good of the service from one position to another in the same classification at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons. If more than one transfer request has been made for the same position, preference should be given to seniority, subject to other conditions being equal.

B. A permanent employee may be transferred to a position in a related classification on the same salary schedule. Such transfers shall be made only with the approval of the Commission and/or Personnel Director.

1. An employee may transfer from a position designated as confidential to a position not designated confidential in a comparable classification.

2. An employee may transfer from a position not designated confidential to a position designated confidential in a comparable classification, and with the consent of the appointing authority.

C. Transfer shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner that would reflect adversely upon the rights of the employee, as provided in the law and these rules. No salary change shall be deemed to occur if the transfer results in termination of a differential authorized under these rules.

1. An employee transferring into a comparable classification from confidential to non-confidential or vice versa shall remain on the same salary step which the employee occupied in the original classification.

D. The Personnel Commission and/or Personnel Director shall determine whether classifications are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, job category, and promotional field (above and below). In general, more latitude in transfers is permitted:

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

2. When the transfer request is based on reclassification, impending lay-off, or for reasons of health.

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

E. An employee desiring to transfer must file a Request for Transfer in the Classified Personnel Office. Requests for Transfers will be held on file for the current fiscal year only. A new Request for Transfer must be filed each fiscal year.

F. A Request for Transfer will only be considered prior to scheduling of selection interviews.

G. A permanent employee who transfers to a position in a classification in which s/he has not previously completed a probationary period shall be considered probationary in that classification for a period of six months. At any time during the probationary period, s/he may be returned (transferred) to his former classification without right of appeal, or shall be returned to an applicable reemployment list if the employee was appointed to the new classification as a result of rights described in Education Code section 45298.

H. Transfers shall have the following effects on seniority:

1. Within the same classification - none.

2. From one classification to another - the employee shall not receive seniority credit in the new classification for service in other classifications; however, s/he shall retain credit earned in other classifications as seniority in the classified service.

I. Transfer shall not be used as a means to alter the sequence of impending lay-off, although employees whose positions are to be eliminated may transfer to other classifications as this rule provides.

J. Reasons for any transfer which is not voluntary shall be discussed with the employee by his/her immediate supervisor.

6.20.2 Demotions

A. A permanent employee may request voluntary demotion to a classification with a lower maximum salary rate. Such requests require the approval of his department head and that of the head of the department to which he is to be assigned, and with the approval of the Personnel Commission and/or Personnel Director.

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. A permanent employee may be voluntarily demoted to a lower classification provided:

1. The employee previously served satisfactorily in a regular status in the lower classification; or the employee meets the minimum qualifications and passes the qualifying examination for the lower classification.

2. There is a vacant position in the lower classification and the employee is accepted by the appointing authority.

D. Involuntary demotion is a disciplinary action for cause.

6.20.3 Reinstatement

A. A permanent employee who resigned in good standing may be reinstated in a vacant position in his/her former classification and status within 39 months of the last date of paid service in a permanent position. Also, s/he may be reinstated in a vacant position in a lower related classification. Such actions are discretionary with the appointing authority.

B. An employee who has taken a voluntary demotion may be reinstated to a vacant position in his/her former classification or in a vacant position in a related lower class, as determined by the Commission within 39 months. Reinstatement is discretionary with the immediate supervisor.

C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his position, has the right to be reemployed, in accordance with his seniority, in a vacant position in his former classification within 39 months after demotion. Intervening reassignments to other classifications shall not abrogate that right. If s/he has not been reemployed in his former classification within 39 months, he shall be eligible for appointment to a vacant position in that classification, for an additional 24 months, provided that the same tests of fitness under which s/he qualified for appointment to the classification apply.

D. Reinstatement or reemployment of a former employee shall have the following effects:

1. Reinstatement to the former step in the current salary range for the classification, or, if reinstated in a lower classification, to the rate closest to that of the step to which s/he would be assigned if he were reinstated in his former classification.

2. If reinstated to permanent status, accumulated sick leave and seniority will be reinstated as of the date of the separation.

3. Step-advancement credit will not be allowed for the off-duty period. The employee's anniversary date shall be changed accordingly. (7.20.2)

4. Reinstatement of all rights, benefits and burdens of a permanent employee in the classification to which reinstated.

6.20.4 Changes in Assigned Time (See Unit Contract)

A. General Rule (Ed Code 45137)

1. If an employee is required to work in excess of the normally assigned time for 30 minutes or longer per day for 20 consecutive workdays, the assigned time of the position will be changed to reflect the longer hours for the purposes of obtaining the statutory benefits described in Education Code section 45136, and for the duration of the assignment of the additional time.

Additionally, an employee who during any one quarter of the work year is required to work on average of 50 minutes or more per day in addition to their regular assignment shall have the right to utilize vacation and sick leave at the higher level in the next succeeding quarter. This rule shall no apply when employees accrue and use vacation and sick leave on an hourly basis.

2. When a classification contains permanent positions of varying hours of work per day, week, or month, assignment to vacant positions shall be based on seniority in the classification.

3. An employee desiring an increase in hours shall notify the Classified Personnel Department in writing at the beginning of each fiscal year (July 1). A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority-bid list shall accept or reject a vacant position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a vacant position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made. A request for an increase in hours which crosses organization lines shall be in accordance with Rule 6.20.1. Transfer.

4. When a permanent position becomes vacant, the top three employees on the Seniority Bid List with the most seniority in the classification will be offered the opportunity for an interview for the position by the appropriate administrator. If there are not three employees on the Seniority Bid List, and if a promotional lists exists, the interviewing supervisor has the option of requesting additional personnel interviews from that list to meet a minimum of three candidates for the position. The individual selected will be placed in the position except when there is a valid reemployment list.

B. Increase in Time of More than 30 Minutes per Day (See Unit Contract)

1. When an existing permanent part-time position is permanently assigned an increase of more than 30 minutes per day, the employee in the same classification working less than 8 hours per day with the most seniority in that particular school where the adjustment is being made shall be entitled to the increase.

2. If the employee with the most seniority in the school, department, or site where the adjustment is being made wishes to remain at the same hours per day worked and wishes no increase in time, the adjustment will then be offered to the next employee in line with seniority within that particular school, department or site. If the increase is not accepted by the employees at that particular school, department or site, the increase in the assigned time shall be offered in accordance with Sub section A.3 of this rule.

C. Decreases in Assigned Time

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

a. Determine the classification(s) and location(s) affected by the reduction.
b. Notify the Personnel Director as soon as possible, and work with the Director to alleviate the affect of reduction on employees.

2. Employees who accept voluntary demotion or accept voluntary reductions in assigned time, 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 classification apply. (See Rule 6.90.2.H)

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

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

6.30 LIMITED-TERM EMPLOYMENT

6.30.1 Types of Limited-Term Employment (Ed Code 45286)

A. A limited-term employee may be assigned to a temporary position in the absence of a regular employee.

A limited-term employee may be assigned to a position not to exceed in duration the authorized absence of the regular employee, but it need not coincide with the dates of that absence. Also, a limited-term may be assigned in a lower classification related to that of the absent employee if the assigned duties are reduced in level accordingly. A person employed beyond six months to cover the absence of a single employee or of several employees on authorized leave is not entitled to permanent status.

Substitutes shall be appointed from appropriate employment lists to occupy a position on a day-to-day basis during the absence of a probationary or permanent employee. When an employee's absence continues beyond one month and the same substitute occupies the position, the status of the substitute shall be changed to Limited Term.

B. A limited-term position augments the number of regular positions in a given organization unit. A limited term assignment replaces a regular employee while on leave of absence.

The appointing authority may establish positions which are limited to six months or less; such positions shall be designated "limited-term". Such positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

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

If an eligible has been certified on an eligibility list or has been appointed to a substitute assignment or limited-term position, he shall continue to be eligible for substitute or limited-term appointments in the same or related lower classification 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.

6.30.2 Compensation for Employees in Limited-Term Assignments

A. Employees without regular status shall be compensated at the first step for the class.

B. When a regular employee is given a limited-term appointment in a second classification in lieu of all or part of his regular appointment, his rate of pay in the second class shall be the rate appropriate to that class.

C. Former regular employees who are reinstated as limited-term employees within 39 months after resignation or layoff shall be paid in accordance with Rule 6.20.3.D.1.

D. Regular employees (whose regular assignments are other than 12 months) who are given limited-term, substitute or provisional assignments during the summer shall be compensated as follows:

1. Regular employees appointed to an assignment within their regular classification will be compensated at their regular hourly rate.

2. If the assignment is in a higher classification, the employee shall be entitled to the salary placement as if promoted.

6.30.3 Rights and Benefits (Ed Code 45136)

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

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

6.30.4 Terminations

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

B. Limited-term employees serve at the pleasure of the appointing authority and may be dismissed at will. Regular employees serving in a limited term assignment or position shall be reassigned to the position previously held.

6.40 ASSIGNMENTS OF DISABLED EMPLOYEES

6.40.1 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, reasonable accommodation may be made to place him/her in a position 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.

6.40.2 Reassignment

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

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

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

6.40.3 Effect of Refusal by Employee

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

6.50 RETIREMENT (Ed Code 45134)

6.50.1 Employment of PERS Retirees (Ed Code 45135) (Gov Code Section 21150 et seq)

A. Any person receiving a retirement allowance from the Public Employee's Retirement System may be employed for up to 960 hours per calendar year.

B. The retired person must be informed that the employment is restricted to 960 hours in any calendar year and continuance in employment is at the discretion of the District.

6.50.2 Compensation of PERS Retirees (Ed Code 45260 and 45261)

A. A retired employee under authority of this rule shall be entitled only to the appropriate salary earned including overtime compensation (excludes differential pay).

B. Retired employees appointed to positions in their last permanent classification shall be placed on their last rate of pay, the same step of the salary range they were on at the time of retirement. Retired personnel appointed to positions in any other classification shall be placed on the step of the range closest to the salary rate assigned to the range and step the retiree was on at the time of retirement.

C. "Last rate of pay" for purposes of this rule shall exclude longevity, shift differential, professional growth, or other differentials.

6.60 PERFORMANCE EVALUATIONS

6.60.1 When Evaluations are to be Made

All regular classified employees shall be evaluated by their immediate supervisors in cooperation with the respective principal or administrator in accordance with the following schedule:

A. Probationary employee - at the end of the second and fifth months of service.

B. Probationary management (executive or administrative) employee - at the end of the fifth and tenth month of service.

C. Permanent employee - once a year, between March 15 and May 15 of each year.

6.60.2 Who Makes Evaluations

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

6.60.3 Procedure to be Followed

A. Performance evaluation reports shall be made on forms prescribed by the Personnel Commission, which shall be prepared by the employee's immediate supervisor, if possible. The form shall be reviewed by the next highest supervisor and, if the need for improvement is noted, by the Cabinet-Level Administrator.

B. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him/her. The evaluation form shall be signed by the employee to indicate receipt, and s/he shall be given a signed copy. When the

employee is no longer supervised by the person preparing the evaluation, it may be delivered by mail.

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

6.60.4 Special Evaluations

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

6.60.5 Procedure When a Probationary Employee's Work Performance Becomes Unsatisfactory

A. A probationary employee who fails to meet the performance standards for the position may be dismissed for inefficiency at any time during the probationary period. The dismissal shall be supported by a deficiency report, made on the Performance Evaluation form, with copies to the appropriate Cabinet-Level Administrator and the Director of Classified Personnel Services.

B. A probationary employee has no right to appeal to the Personnel Commission.

6.60.6 Procedure When a Permanent Employee's Work Performance Becomes Unsatisfactory

A. A permanent employee failing to meet performance standards for a position may be reassigned, suspended for up to 30 working days without pay, demoted, reduced in assigned time, or dismissed.

B. A permanent employee whose work becomes unsatisfactory shall be evaluated immediately on district forms. The evaluation shall include a performance improvement plan.

C. A copy of the review shall be sent to the cabinet-level administrator and the Director of Classified Personnel Services.

D. If, subsequent to issuance of the review, the employee's work does not improve sufficiently, his performance shall be reviewed at least twice during the next 15 working days (once during the middle of the 15 days and at the end of the 15 days). A copy of each review shall be forwarded to the cabinet-level administrator and the Director of Classified Personnel Services.

E. If, at the end of 15 working days, his/her performance is still unsatisfactory, the department head may recommend reassignment, suspension, demotion, reduction in assigned time, or dismissal to the cabinet-level administrator and Superintendent.

A copy of his recommendation shall be submitted to the Director of Classified Personnel Services.

F. The employee may request, in lieu of dismissal, a reassignment within the same classification, to a lower classification, to a related classification or a reduction in assigned time. If a reassignment is not approved, the procedure outlined in 6.70.2, Procedure for Disciplinary Action, shall be followed.

6.60.7 Appeal

If the employee is not satisfied with his performance evaluation, he may attach a written rebuttal and appeal through the District Complaint Procedure. (Article 8)

6.70 DISCIPLINARY ACTION AND APPEAL

6.70.1 Causes for Suspension, Demotion, Dismissal

Persons employed in the Classified Service may be suspended, demoted or dismissed for causes such as:

A. Attendance
1. Absence for three consecutive work days without proper notice or approved leave shall constitute abandonment of position.
2. Substantial abuse of leave privileges.
3. Failure to follow established practices for reporting absences.
4. Frequent unexcused absences or tardiness.

B. Conduct
1. Acts of dishonesty on the job.
2. Inappropriate treatment of fellow employees.
3. Inappropriate treatment of the public.
4. Discrimination based upon protected classification including, but not limited to, actual or perceived ancestry, age, color, disability, genetic information, gender, gender identity, and gender expression, marital status, medical condition, national origin, race, religion, sex and sexual orientation, or as specified in District rules or regulations.
5. Immoral conduct on the job.
6. Sexual harassment.
7. Willful failure to exercise good conduct which tends to injure the public entity.
8. Willful failure to follow directions (insubordination).

C. Criminal Records/Acts
1. A record of one or more convictions which indicates a poor employment risk.
2. Acts of theft on the job.
3. Conviction of a felony or crimes involving moral turpitude.
4. Failure to disclose material facts regarding criminal records.

5. Failure to report for review of criminal records.

D. Health and Safety
1. Addiction to or illegal use of narcotics or controlled substances.
2. Discovery of any physical, emotional, or mental condition which would preclude acceptance of a probationary eligible for assignment.
3. Disregard of safety regulations.
4. Failure to report for health examination after due notice.
5. Frequent accidents resulting in injury to persons or damage to District property.
6. Possession, use of, or under the influence of alcohol, narcotics, or controlled substances while on duty without specific medical prescription.
7. Failure to maintain any license or certificated required for the job.
8. Uninsurability.
9. For individuals in safety-sensitive positions, failure to participate in good faith in any mandated alcohol or substance screenings, or a screening with a positive result.

E. Work Habits
1. Inattention to or dereliction of assigned tasks.
2. Inability to perform assigned tasks.
3. Inefficiency in the performance of assigned tasks.
4. Consecutive evaluations of a less than satisfactory nature.

F. Political
1. Advocating the overthrow of the United States Government or the Government of California by force, or unlawful means.
2. Engaging in political activity during assigned hours and days of employment.

G. Regulations, Rules, Laws
1. Three documented disciplinary actions (suspensions or demotions), may be cause for dismissal.
2. Providing false or misleading material information on applications, examinations, and other District records.
3. Willful, or persistent, violation of the Education Code, rules and regulations, procedures of the Personnel Commission or Policy and Administrative Regulations of the Board of Education.

6.70.2 Procedure for Disciplinary Action (Ed Code 45304)

A. No employee in the Classified Service shall be suspended, demoted, dismissed or in any way discriminated against because of his affiliations, political or religious acts or opinions, race, color, sex, or marital status.

B. When a supervisor, department head, or manager determines that an employee should be recommended for demotion, suspension or dismissal, the following steps should be followed.

1. A written notice including specific instances of misconduct or performance deficiencies, specific causes for discipline, and the disciplinary action being considered must be provided the employee by the immediate supervisor before any action is taken. The written notice shall be accompanied by a form which, if submitted in a timely manner, shall constitute a request for a meeting with an appropriate Cabinet level administrator.

2. The employee has five working days from the date of service of the written notice within which to submit the form to request a meeting with the appropriate Cabinet level administrator or his/her designee.

3. The meeting must be granted by the Cabinet level administrator or his/her designee in a reasonable time period as mutually agreed to by the employee or the employee's representative. In any event, unless mutually agreed upon in writing by the Cabinet level administrator or his/her designee, and the employee or employee's representative, the meeting shall take place within five working days of submission of the written request for the meeting.

4. The purpose of the meeting is to provide the employee with adequate time to:

    a. Present any explanation or justification for the alleged misconduct or performance deficiencies, and any alternate action to that which is proposed which might dispose of the matter at this time; and,

    b. Contact persons who can provide advice to the employee, such as legal counsel, an employee representative, or any interested family members.

5. The Cabinet level administrator or his/her designee shall have the authority to overrule, sustain, or adjust the level of discipline proposed in the written notice.

6. Within five working days of the meeting, the Cabinet level administrator or his/her designee shall issue a written decision. The written decision shall be forwarded to the Superintendent and the employee or employee's representative.

C. There may be a situation where serious misconduct of the employee creates an emergency justifying disciplinary action, such as immediate suspension without pay, with only minimal notice and a right to respond. By way of example, but not limitation, emergency situations are when the employee's conduct is such that s/he presents a danger to himself or others; and where the employee is under the influence of alcohol or under the influence of drugs while at work. In such cases, the Superintendent shall issue to the employee a letter justifying the immediate suspension without pay as soon thereafter as reasonably possible. Subsequent to the Superintendent's decision to immediately suspend without pay, and no later than five working days following such suspension without pay, the formal discipline process described in these rules shall be initiated. Per the Superintendent's discretion, the employee may remain in unpaid status pending action by the Board of Education.

D. In every case not defined in Rule 6.70.2.C, above, a recommendation to demote, suspend, or dismiss shall include the following information on the District's disciplinary action form (Statement of Charges):

1. The cause(s) for the recommendation, i.e. incompetency, inefficiency, etc.

2. Each cause shall be stated separately and followed by the specific acts or events (charges) that support the cause for which the recommendation is made. The acts or events must be clearly described so that the concerned employee will be able to understand the charge or complaints. Written reference must be made to applicable district rules and regulations, as well as appropriate Education Code Sections.

3. The recommendation shall also have attached such documents, reports, performance reviews, and other supportive material that will enable the Superintendent and the Board of Education to make a determination.

4. The recommending authority shall include with his/her recommendations a detailed written history of his/her actions, meetings, interviews, reports, etc., with the employee or concerning the period from the act described in the charge to the date of the recommendations to demote, suspend or dismiss.

E. The Superintendent shall review the recommendation and all supportive evidence and the written decision of the Cabinet level administrator or his/her designee. S/he may make such inquiry as s/he deems necessary before submitting the recommendation to the Board of Education for action. Should the Superintendent determine that there is insufficient cause for the action recommended, s/he may return the recommendation to the originating authority for whatever action s/he directs. Should the Superintendent determine there is sufficient cause for the action recommended, the Superintendent shall forward it to the Board of Education for action.

F. If the Board of Education is requested by the Superintendent to take action on the recommendation, the employee shall receive written notice of his/her decision, and of the opportunity to have the matter heard in open session, at least 24-hours before the meeting of the Board of Education in accordance with Government Code section 54957. The Board should permit the concerned employee or his/her representative to make a statement (oral or written) prior to its closed session deliberations on the recommendation.

G. The Board of Education will, at its next regular meeting following receipt of the recommendation to demote, suspend, or dismiss, take such action as it deems proper.

H. When formal disciplinary action has been taken by the Board of Education, the action and the charges shall be reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting.

I. Notice to the employee shall include a copy of the charges and a statement of his/her right to appeal, if any, together with a copy of Rule 6.70.3.

J. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to ratification by the Board at its next regular meeting, but not to exceed 30 days. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.

K. A regular employee charged with the commission of any sex offense as defined in Section 45123 of the Education Code by complaint information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 45304 of the Education Code. Such a suspension will be processed as an involuntary unpaid personal leave in accordance with the provision of this rule relative to suspension. The employee may receive compensation as provided for in the Code Section. Such suspension shall be reviewed by the Personnel Commission every ninety (90) calendar days. Such actions are not subject to the Appeal described in Rule 6.70.3.

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

The action of the Board of Education shall be final, subject to the employee's right to appeal pursuant to Rule 6.70.3.

6.70.3 Appeal

A. A permanent employee who has been suspended, demoted or dismissed, may appeal to the Personnel Commission within 10 working days after having been furnished with a copy of the action of the Board of Education.

B. Appeal can be made only on the following grounds:

1. That the procedure set forth in Rules 6.70.1 and 6.70.2 have not been followed.

2. That the action was taken because of political affiliations or religious beliefs, ancestry, age, color, disability, genetic information, gender, gender identity, and gender expression, marital status, medical condition, national origin, race, religion, sex and sexual orientation.

3. That there has been abuse in discretion by the appointing authority or recommending authority.

4. That the action taken by the Governing Board was not in accord with the facts.

5. Penalty invoked is excessive.

C. Failure to specify a particular ground for appeal shall constitute the employee's waiver of the right to pursue an appeal on that ground.

D. Failure on the part of the employee to file an appeal within the specified 10 working days shall be construed as an admission of the truth of the charges made against him. The judgment sought by the Board of Education shall be entered forthwith by the Personnel Commission.

E. The notice to appeal must be signed by the concerned employee. It must further state the address at which the employee resides and may be expected to receive all future correspondence, notices or documents relating to the appeal.

F. The concerned employee may be represented by counsel or may designate any other person. The notice of appeal must state, if known, the name and mailing address of the employee's representative.

G. The Personnel Director shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under Section 45305, if the Personnel Director is the party who brought the action against the employee.

H. A permanent employee who has not served the full probationary period for a promotional class and who is demoted to the class from which promoted may request an investigation by the Commission within 10 working days after the receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the five grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in charges and in the request for the investigation, but shall be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Governing Board and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminating action, the Commission may order a formal hearing. The decision of the Commission after any formal hearing shall be binding on the Governing Board.

6.70.4 Hearing Procedure

A. The Personnel Commission may conduct hearings on appeal or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.

In the event the Personnel Commission conducts the hearing itself, the Personnel Director shall have the authority to take any and all actions necessary to ensure a timely and orderly hearing process, including but not limited to, requiring submission of the parties' witness lists, exhibit lists, requests for subpoenas before the hearing on a date selected by the Director, and attendance at pre-hearing conferences if s/he deems one more necessary. In the event the Personnel Commission appoints a hearing officer to conduct the hearing, the hearing officer shall have this authority. Failure to adhere to the deadlines established by the Director or the hearing officer may have a limiting effect on the parties' submission of testimony and evidence.

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

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

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

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

F. The Personnel Commission, the Board, and the employee may be represented by legal counsel or other designated representatives.

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

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

I. Whether the hearing is held in a public or closed session, the Commission after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If the Director or any staff member is not serving full time for the Commission and/or was a witness in the proceedings, he/she shall also be barred from the Commission's final deliberations. If its counsel also served as counsel for the Board, he/she shall be barred from the Commission's final deliberation.

J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible. Its decision shall set forth which charges, if any, are sustained and the reasons therefor. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by references thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

If the matter is heard by an appointed hearing officer, the hearing officer shall present the Commission with a proposed decision as soon as possible, but in no event later than 10 working days after the record is closed. The Director, at his/her discretion, may extend this timeline. The hearing officer's decision shall set forth which charges, if any, are sustained and the reasons therefor. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings

or by references thereto. Copies of the decision shall be delivered to the Director on behalf of the Commission. As soon as possible thereafter, the Commission shall meet to consider the proposed decision.

K. 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. If the Commission desires to reject a proposed decision of a hearing officer, it shall be required to review the entire record, including a transcript or recording of the hearing, before rendering a decision consistent with 6.70.4.J.

L. The Commission's order of judgment will be filed with the Board and the charged employee, and will set forth its findings and decisions. If a disciplinary action is not sustained, its order shall set forth the effective date of the action ordered by the Commission.

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

N. The Commission may direct such other action as it may find necessary to effect a settlement of the appeal, including but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause and charges which were not sustained by the Commission.

Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision, it shall so notify the Commission in writing.

O. The parties may have the hearing reported by a certified court reporter, and the Director shall cooperate with the employee or his/her representative in making space available in the hearing room for the court reporter. The employee or his/her representative shall make all arrangements for the court reporter and shall pay all costs involved in having the proceedings recorded and a transcript prepared.

6.70.5 Disqualification of Hearing Officer or Commission Member

A hearing officer or Commission member shall voluntarily disqualify him/herself and withdraw from any appeal in which s/he cannot afford a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or 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. When the request concerns a Commission member, the issue shall be determined by the other members of the Commission. When the request concerns the hearing officer, the issue shall be determined by the Commission. No Commission member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular appeal.

6.80 LEAVES OF ABSENCE

6.80.1 Vacation (Ed Code 45190 and 45197) (See Unit Contract)

A. Years of Service Credit for Purpose of Vacation Accrual

Effective July 1, 2010, service credit for purposes of vacation accrual, shall be earned based on years of service to the district, for all regular classified employees.

Effective July 1, 2010, the date an employee is first placed in a regular position in the Classified Service shall be the date used to determine years of service for the purposes of this rule.

For regular classified employees employed in a regular position prior to July 1, 2010, months of service earned as of June 30, 2010 will be converted to equivalent years of service, and the date used for calculation purposes will be adjusted accordingly.

B. Vacation Accrual

1. Regular twelve (12) month classified employees shall earn vacation time at the rates indicated below. Employment service included in the calculations of earned vacation are probationary time, time on leave to serve in a limited-term assignment and period of leaves of absence with pay. Employees who work less than full time and/or less than 12-months per year accrue vacation according to the same schedule, but prorated based on the actual hours worked.

	Years of Employment Service	***Annual Vacation Allowance***
1.	Less than 5 years	12 days @ 1.00 day/month
2.	Upon completion of 5 years	15 days @ 1.25 days/month
3.	Upon completion of 10 years	17 days @ 1.42 days/month
4.	Upon completion of 15 years	19 days @ 1.58 days/month
5.	Upon completion of 20 years	21 days @ 1.75 days/month

Credit for increased vacation allowance based on years of service will be granted on the first day of the following month in which the time was earned in accordance with the schedule above.

A regular classified employee starting in the District on a day other than the first of the month must be on the payroll a minimum of twelve (12) working days in the beginning month of employment to earn one (1) day of vacation for that month. A regular classified employee terminating employment with the District on a day

other than the last of the month must be on the payroll a minimum of twelve (12) days in that month to earn one (1) day of vacation.

Vacation is earned only while the regular classified employee is drawing pay from the District. It does not accrue during a vacation period at termination of service.

2. Management Employees
   For classes designated as management by the Commission, vacation shall be earned at the rate of 22 working days annually. Employees who work less than full time and/or less than 12-months per year accrue vacation according to the same schedule, but prorated based on the actual hours worked.

C. Paid Vacation

Regular classified employees assigned less than twelve (12) months shall take their vacation days during the Thanksgiving, winter and spring breaks of each school year. When the number of days of earned vacation exceeds the number of days vacation is used when school is not in session, the excess number of days must be taken after the close of the school year, but prior to July 1.

When the number of unpaid holidays exceeds the number of vacation days which were earned in a fiscal year, use of Personal Necessity Leave Days shall be allowed to cover the short-fall.

When the last day of service coincides with the last day school is in session, a regular classified employee with remaining vacation entitlement will be compensated for such excess at his/her regular hourly rate.

Twelve (12) month regular classified employees may take their vacation at any time during the year in which it is earned or during the subsequent fiscal year.

All vacation entitlement shall be scheduled in accordance with the needs of the District and as nearly possible at the convenience of the employee. Vacation schedules shall be approved by the administration. Effort shall be made to enable vacation to be taken at times convenient to the employee, consistent with the needs of the service and workload of the department.

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 condition of employment.

Vacation must be used as sick leave when the employee has no accumulated sick leave available.

D. Vacation Carry-Over

Twelve (12) month employees may carry forward into the next fiscal year a

vacation balance not to exceed that which the employee could earn in one (1) year.

An employee shall be credited with not more than the employee's annual entitlement to vacation plus the maximum amount of carry-over days to which entitled. When such maximum limit is reached, the employee will be compensated for such excess at his/her regular hourly rate in order to reduce the amount of vacation below the employee's maximum.

When it appears that an employee is approaching the maximum number of vacation days, or will do so within the current fiscal year, the supervisor and the employee shall meet and attempt to mutually schedule agreeable vacation times. If the employee does not agree to take vacation or insists on taking vacation at a time when it will interfere with the operations of the District, the supervisor may require the employee to take vacation days at specified times in only those amounts necessary to prevent the employee from exceeding his/her maximum allowed carry-over.

E. Vacation Pay Upon Termination

Any classified employee who leaves the service of the Simi Valley Unified School District, who immediately prior to separation has been in a regular classified position for six (6) months or more, shall be allowed a vacation leave consisting of the number of days accrued. A lump sum payment for this accrued vacation will be allowed. Upon separation from the service, an employee shall be paid for his/her accumulated vacation credit at the rate of pay applicable to his/her last regular assignment.

6.80.2 Illness and Bereavement Leave While on Vacation (Ed Code 45200)

Any permanent classified employee who commences his prescribed vacation period and subsequently becomes ill, injured or bereaved before his/her vacation period has been completed, shall be placed on appropriate leave under the following conditions: If the illness, injury or bereavement is such that had the employee been working s/he would have been absent on illness, injury or bereavement leave.

When all or part of any employee's vacation is to be converted to illness, injury or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned vacation balance.

6.80.3 Paid Illness Leave (Ed Code 45191)

A. Illness Leave is the authorized absence of an employee because of illness, injury, or exposure to contagious disease.

B. A regular classified employee (probationary and permanent) shall earn paid illness leave in accordance with the provisions of Education Code Section 45191. Each regular classified employee is entitled to earn one day of illness leave per calendar

month of the fiscal year. An employee who is employed less than full time is entitled to a proportionate amount of illness leave.

Unused illness leave may be accumulated without limit.

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

D. Illness leave may be used at any time with the exception of new employees who are in a probationary status. These probationary employees may only use up to six days of paid illness leave during their initial probationary period. A new management employee who is serving satisfactorily in an initial probationary period, shall only be eligible to use up to six days of paid illness leave until after completion of six months of satisfactory service with the District.

E. Pay for any day of illness 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.

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

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

H. An employee absent for five working days or more may be required to present a doctor's statement stating the nature of the illness or injury and the date the employee is able to return to work.

I. Employees who have a questionable attendance record and indicate a high incidence of illness leave usage may be required to submit medical justification for any absence at the discretion of the supervisor or department head. (See Unit Contract)

J. When an employee is to be absent for an extended time (three weeks or over), a Leave of Absence Form must be completed certifying the reason and duration of absence. The form must be accompanied by a doctor's statement stating the nature of the illness. The leave must be approved by the principal or department head. A statement from a doctor releasing the employee to return to work must be submitted to the principal or department head by the date of return to work.

6.80.4 Additional Illness Leave - Personal Illness 50% Paid (Ed Code 45196) (See Unit Contract)

A. During each year of service, when a regular employee is absent on account of personal illness, s/he shall be allowed full salary for that period of time equal to the balance of his accumulated illness leave. Compensation for continued absence beyond the expiration of accumulated illness leave within the school year shall be 50% of the regular salary, irrespective of substitute placement for a period of time not to exceed five calendar months or return to duty, whichever occurs first. Continued absence beyond a five calendar month period will be without compensation. The five month at half-pay privilege is renewable upon return to duty within the school year. Written certification from a physician or health advisor must be sent to the district at the beginning of the five month period at half pay, along with a request for leave form when the absence is expected to be of extended duration.

Total salary received from sick leave benefits and/or workmen's compensation benefits shall not exceed the regular salary of an employee.

B. A classified employee on an extended paid personal illness leave may be required to submit written certification from a physician or health advisor at any time during his illness as deemed advisable by the department head and superintendent.

A classified employee on an extended personal illness leave cannot be engaged in other employment while receiving illness pay from the district.

A classified employee on an extended personal illness leave will be required to remain in the immediate area except that such an employee may leave the immediate area upon written certification from a physician or health advisor which has been approved by the department head and the superintendent.

C. Upon return to duty from an illness exceeding five days, an employee must provide his supervisor with an affidavit from a licensed physician, chiropractor or church health practitioner, certifying the employee's fitness for duty.

D. After exhaustion of paid illness leave, an employee who is ill or injured may, upon request, use accumulated vacation and compensatory time to avoid leave without pay.

E. 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. If placed on unpaid leave, the employee shall not again become eligible for paid leave because of the commencement of a new fiscal year until s/he has rendered service.

F. A leave of absence form must be filed in the Classified Personnel Office requesting 50% illness leave and any additional leave, paid or unpaid.

6.80.5 Termination of Illness Leave

A. An employee who has been placed on paid or unpaid extended illness leave may return to duty at any time during the leave, provided that he is able to resume the assigned duties and provided that s/he has notified the district of his/her return at least two working days in advance.

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

6.80.6 Industrial Accident and Industrial Illness Leave (Ed Code 45192) (See Unit Contract)

A. "Industrial Accident", as used in this rule, is defined as any accident or illness arising directly out of or in the course of employment of the employee which forces him to absent himself from work. The determination of whether an accident constitutes an "industrial accident" shall be made by the district, or third party administrator.

B. In accordance with Education Code Section 45192, industrial accident or illness leave shall be in effect for all employees who are a part of the classified service of the Simi Valley Unified School District according to the following provisions:

1. Allowable leave shall not be for more than 60 working days in any one fiscal year for the same accident.

2. Allowable leave shall not be accumulative from year to year.

3. Industrial accident or illness leave will commence on the first day of absence.

4. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this State, exceed the normal wage for the day.

5. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of compensation award made under workers' compensation.

6. When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

7. The industrial accident or illness leave of absence is to be used in lieu of

entitlement acquired under Section 45191 of the Education Code. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, he shall be entitled to use only so much of his accumulated or available illness leave, accumulated compensation time, vacation or other available leave which, when added to the workers' compensation award, provide a full day's wage or salary.

8. Periods of leave of absence for industrial accident, paid or unpaid shall not be considered to be a break in service of the employee.

9. During all paid leaves of absence, whether industrial accident leave as provided in this section, illness leave, vacation, compensated time off or other available leave provided by law or the action of a governing board, the employee shall endorse to the district wage loss benefit checks received under the workers' compensation laws of this State. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.

10. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his position, s/he shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, s/he shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case, s/he shall be listed in accordance with the appropriate seniority regulations. It shall be the responsibility of the employee to notify the Classified Personnel Department when he is available for duty. (See Unit Contract)

11. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed. It shall be the responsibility of the employee to submit a medical release to the Personnel office within the 39 month period.

12. The District reserves the right to secure proof of industrial injury or illness of an employee. Before salary payments will be made to an employee absent because of industrial injury or illness, a report of such accident or illness in the form required by the State of California Employee's Report of Occupational Injury or Illness must be on file in the Payroll Office.

6.80.7 Bereavement Leave (Ed Code 45194)

A. Each employee in the classified service shall be allowed a leave of absence, with pay, for a period not to exceed three (3) days when such absence is occasioned by

reason of death in the immediate family. The Superintendent is authorized to extend such leave up to two (2) additional days on account of out-of-state or unusual travel time requirement. By definition, immediate family includes: mother, mother-in-law, father, father-in-law, spouse, son, son-in-law, daughter, daughter-in-law, grandparent, brother, sister, guardian, grandchild, anyone who served in the capacity of parent, or any relative living in the immediate household of the employee. This leave is independent of illness leave.

B. Leave to attend the funeral of a close friend or relative, not a member of the immediate family will be approved by the employee's immediate supervisor. Time for the attendance is up to one-half day when the funeral is in the immediate area (within one hour driving time) or up to one day, if the funeral is outside of the immediate area. This leave is independent of illness leave.

6.80.8 Personal Necessity Leave (Using Accumulated Sick Leave) (See Unit Contract) (Ed Code 45207)

A. A classified employee may elect to use up to seven (7) days of earned and accumulated sick leave annually for reasons of personal necessity. Employees will receive full pay if personal necessity days are taken within sick leave allotment. The he employee shall not be required to secure advance permission for leave taken for any of the following reasons:

1. Death or serious illness of a member of the immediate family. Immediate family is defined in A.R. 4351.3.

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

3. Hazardous conditions, such as floods, or fires, which make it dangerous for an employee to travel to or from work.

B. Personal Necessity Leave shall require two working days of advanced approval and be granted for the following reasons:

1. Specific family responsibilities and/or obligations which make it necessary for the employee to be absent during working hours.

2. Job related activities not specifically funded or sanctioned by the school district.

3. Obligations required by virtue of elected or appointed leadership positions in professional/educational organizations, youth activities that directly benefit youth, elected officials of city or county government, or elected public school board members.

4. Appearance in any court or before any administrative tribunal as a litigant.

5. Observance of recognized religious holidays.

C. All personal necessity leaves are subject to review by the immediate supervisor.

6.80.9 Family and Emergency Leave (Management/Confidential)

A. Six (6) days emergency leave per year, (no more than three (3) for any one illness) independent of sick leave, may be granted with pay to a Confidential/Management employee for any one of the following reasons or combinations thereof:

1. Critical illness or critical injury to any member of the immediate family of the employee as defined under Bereavement Leave. Whenever possible, the employee will provide a physician's statement as to the critical illness or injury. "Critical Illness or Critical Injury" is defined as being of such a nature that life or death may very well be of immediate concern and by its urgent nature and atmosphere of crisis.

2. Disabling dental or optical conditions (such as broken glasses) which cannot be classified as illness leave, but which impairs his/her effectiveness because of the nature of his/her job as an employee of the district. In case an immediate appointment to remove the disabling condition is not available, the Personnel Office should be so informed.

3. At the birth of an employee's child, an employee may be granted leave, not to exceed one (1) day.

B. Administrators may, at their discretion, permit classified employees serving under their supervision to be temporarily absent from duty during a portion of the day provided that satisfactory arrangements have been made to care for their duties, and provided that this can be done without financial loss to the district, or serious decrease in the efficiency of the program. It is understood that this indulgence should be exercised only under occasional urgent and emergency circumstances. It should not be a regular or frequent practice.

C. No salary will be paid to employees while absent from duty attending to matters involving their personal interest or advantage.

6.80.10 Jury Duty and Witness Leave (Ed Code 44037)

A. Leave of absence for jury service shall be granted to all classified employees who have been officially summoned to jury duty in local, state, or federal court. Leave shall be granted for the period of the jury service.

The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the district. Request for jury service leave should be made by presenting the official court summons to jury service to the department head.

B. Leave of absence to serve as witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant in

the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the school district. Request for leave of absence to serve as witness should be made by presenting the official court subpoena or other document requiring attendance to the department head.

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

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

6.80.11 Absence for Examination

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

6.80.12 Absence for Graduation

Any employee of the district shall be allowed time off not to exceed one day, with no loss in pay, to attend graduation exercises affecting a son, daughter or spouse as follows:

1. For morning or afternoon graduation within the immediate area.
2. For evening graduation where extensive travel is involved.

6.80.13 Military Leave (See Unit Contract)

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

6.80.14 Leave of Absence Without Pay (See Unit Contract)

A. A leave of absence without pay may be granted to a permanent classified employee upon written request of the employee, subject to the following restrictions:

1. A maximum of one month leave without pay may be granted an employee with approval of the supervisor and superintendent. Leaves of absence without pay for periods exceeding one month may be granted with approval of the supervisor and superintendent by the governing board and provided such leave does not seriously inconvenience the district. No more than two successive leaves will be granted to an employee.

2. The following reasons shall be considered in granting a leave of one month or more without pay to permanent classified employees whose service records are satisfactory:

a. Study for the purpose of retraining the employee to meet changing conditions of the district; attendance at educational institutions to improve skills, techniques and knowledge of assignment.

b. Illness or disability.

c. Military service of the United States.

d. Personal reason which is acceptable to the supervisor and cabinet-level administrator.

3. Leave of absence without pay may be granted for any period not exceeding one year, except the leave of absence for military service shall be granted as provided by the Education Code and 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.

4. The granting of a leave of absence without pay gives to the employee the right to return to his/her position at the expiration of his/her leave of absence, provided that s/he is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave.

5. A leave of absence will not be granted to a classified employee for the purpose of other employment.

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. Within ten days and in no case less than five working days prior to an authorized long-term leave (3 months or more), the employee shall notify the Personnel Department either by telephone or in writing of the date of his/her intended return to work.

D. Failure to report for duty within three 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 Education. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.

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

6.80.15 Pregnancy Leave (Ed Code 45193)

Leave of Absence due to pregnancy shall be granted to any employee who is required to be absent from duty because of pregnancy, miscarriage, childbirth and recovery therefrom under the following conditions:

1. The length of the pregnancy leave, including the date on which the leave should commence and the date on which the employee shall resume duties, shall be determined by the employee and her physician.

2. The employee is entitled to use accumulated illness leave when she is temporarily disabled or otherwise incapacitated from performing her duties because of pregnancy, miscarriage, childbirth, and recovery therefrom. Use of sick leave benefits under these circumstances must be verified by medical certification.

3. Such leave shall not be used for child care, child rearing, or preparation for child bearing, but shall be limited to those disabilities as set forth above.

4. A certificate of good health from the attending physician shall be submitted prior to reinstatement for maternity reasons.

5. At the expiration of the leave of absence of the employee, she will, unless she otherwise agrees, be reinstated in the position held by her at the time of the granting of the leave of absence.

6.80.16 Leave of Absence to Serve in an Exempt, Temporary, or Limited Term Position

(Ed Code 45199)

A. Any permanent Classified employee who accepts an assignment within the district to any exempt, temporary, or limited term position, shall during such an assignment, be considered for status purposes as serving in his/her regular position, and such assignment shall not be considered separation from service. A leave of absence must be granted by the immediate supervisor in order for the employee to return to his/her regular position at the completion of his/her leave of absence.

B. The employee, may with the approval of the appointing authority, voluntarily return to his/her 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. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

6.80.17 Unauthorized Leave

A. An employee may be docked pay or suspended without pay by the department head for frequent tardiness or intermittent absence without satisfactory notice or acceptable explanation.

B. An employee absent for three consecutive working days without authorization, satisfactory notice, or acceptable explanation shall be suspended immediately by his department head.

C. The length of any suspension and date of reinstatement following suspension shall be determined by the Cabinet-Level Administrator and approved by the Superintendent.

D. Continued tardiness or unauthorized absence following reinstatement from suspension shall result in dismissal.

E. For procedures on suspension and dismissal, see Rule 6.70.

F. A permanent employee has the right of appeal to the Personnel Commission.

6.80.18 Transfer of Illness Leave from Another District (Ed Code 45202)

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

In cases where an employee was terminated for cause, such a transfer may be made with the approval of the appointing authority.

(Professional conference leave - See Unit Contract)

6.90 LAYOFF

6.90.1 Procedure Regarding Layoff (Ed Code 45308 and 45117)

A. Reason for Layoff

The District may layoff or reduce the assigned hours of classified employees for reasons authorized by law: lack of work and/or lack of funds. Layoffs shall be implemented in accordance with Education Code 45117. The Board of Education shall initiate such layoff by Board resolution adopted no later than March 15th of each school year, with the exception of 6.90.1 B(l) below.

B. Notice of Layoff shall be as follows:

1. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29 informing them of their layoff

effective at the end of such school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than 60 days prior to the effective date of their layoff.

2. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work or lack of funds, affected employees shall be given notice of layoff no later than March 15th of each school year, and informed of their displacement rights, if any, and reemployment rights.

3. 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 (1) or (2) above.

C. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the classification in which the layoff occurs. The employee who has been employed the shortest time in the classification, plus higher classifications, shall be considered to have the least seniority and, therefore, shall be laid off first. Length of service includes all hours in paid status as a regular (probationary or permanent) employee, but does not include any hours compensated on an overtime basis.

D. The names of regular employees thus laid off shall be placed upon the reemployment list for the classification from which they were laid off. Names on the reemployment list shall be in the relative order of seniority.

E. Seniority for the purpose of establishing retention lists shall be computed as follows:

1. Regular assigned time in the classification, or in a higher classification, with the exceptions provided below.

2. Time on informal leave and on the following leaves of absence shall be counted towards seniority: Military leave, Red Cross leave, Merchant Marine leave, Peace Corps leave, Illness leave, leave to accept other work within the Simi Valley Unified School District, leaves resulting from an industrial accident or industrial illness. Time on leaves of absence for other purposes shall not be credited towards seniority.

3. Laid off employees do not accumulate seniority credit while on reemployment lists.

4. Problems involving reclassification actions which have not indicated seniority status shall be referred to the Personnel Director. Appeals from the Director's findings may be made to the Personnel Commission. Problems of a policy-making or precedent-setting nature shall be referred to the Personnel Commission for determination.

When reclassification results either in the merger of two or more classifications or the separation of a classification into two or more classifications, seniority rights of regular employees who are reclassified with their positions and whose former classification or classifications have been abolished or separated shall be computed from the date of their earliest entrance into regular service in such classifications.

5. When employees have equal seniority on a retention list for a classification, the employee with the greatest amount of seniority credit in classifications in the same job category as listed in the Classified Salary Schedule shall be retained. If a tie remains, the employee with the greatest total amount of seniority with the district shall be retained.

   If a tie still remains, the employee with the highest standing on the eligibility list from which appointed shall be retained.

F. Regular employees who are to be laid off may exercise bumping rights in an equal or lower classification in which they have had previous service and hold seniority credit greater than that of an incumbent provided that s/he can meet the requirements and pass the entrance level examinations for the lower classification. The employee to be bumped shall be the one with the least seniority in the current classification and higher classifications.

Whenever a classified employee is laid off, the order of layoff within the classification shall be determined by length of service. The employee who has been employed the shortest time in the affected classification, plus service in any higher classification, shall be laid off first.

An employee subject to layoff may elect demotion to a lower classification in which s/he had not served in a permanent or probationary status provided that the employee is qualified and there is a vacant position in the lower classification. The appointing authority must approve the voluntary demotion.

6.90.2 Rights of Laid-off Employees (Ed Code 45298)

A. The reemployment list for a classification shall be used before any other means of filling vacancies for that classification with the exception of the exercise of bumping rights. (Rule 5.10.3 and 5.20.1.A)

B. Offers of reemployment shall be made in inverse order of layoff.

C. An employee accepting a transfer, voluntary demotion, or voluntary reduction in status or assigned time in lieu of layoff, shall have his/her name placed on a reemployment list for the classification.

D. An employee on a reemployment list may decline three offers of reemployment in his former classification and status. After his/her third refusal, no additional offers need be made and the employee shall be considered unavailable until s/he indicates otherwise and until his/her rights to reemployment are exhausted.

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

F. If an employee is on an eligibility list and laid off, s/he shall retain his place on the eligibility list for the life of that list.

G. Laid-off employees shall hold reemployment rights for a period not to exceed 39 months. In addition, such persons laid off have the right to participate in promotional examinations within the district during the 39 months.

H. 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 under which they qualified for appointment to the classification shall still apply. The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a classification-by-classification basis.

I. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former classification or to positions with increased assigned time as vacancies become available, and without limitations of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

J. The salary rights of employees on reemployment lists are described in Rule 6.20.3.

K. During the 39 months or reemployment rights, a laid off employee's reemployment into a vacancy in any classification for which the employee is qualified, except promotional positions, shall take preference over new applicants.

1. "New applicants" are those candidates for positions in the classified service who are not currently employed by the District in probationary or permanent status.

2. Current probationary and permanent employees of the District, and employees on a reemployment list, are not "new applicants."

3. There is no preference over current probationary and permanent employees or employees on a reemployment list except as otherwise provided by these rules.

4. Qualification for a vacancy, except for a promotional position, shall be established by any of the following:

A. The employee is already ranked on an eligibility list for the classification for which an application is filed; or

B. The employee is already ranked on an eligibility list for a higher classification within the same job category, and the Personnel Director considers the two classifications are sufficiently similar to deem the employee qualified; or

C. The employee completes the application process, including any paper screening of applications, and obtains a passing score on applicable tests, including written, oral, and practical examinations, resulting in the employee receiving a rank on an eligibility list for the classification for which he or she applied.

5. If a laid off employee on a reemployment list is deemed qualified through the process described above, and all other eligible are new applicants, the laid off employee shall be appointed to the vacant position in preference to new applicants.

6. If a laid off employee on a reemployment list is deemed qualified through the process described above, but other qualified employees who are not new applicants are on the eligibility list, there is no preference and the normal hiring processes established by these rules shall be utilized.

7. If a laid off employee is appointed to a position under this Rule and fails to complete the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time shall be calculated as the time remaining in the 39-month period from the effective date of layoff. The time spent in the new position as a probationary employee shall not toll the 39 months.

6.90.3 Certification from a Reemployment List (Ed Code 45298)

A. Persons shall be certified from reemployment lists in order of seniority in the classification, provided that the former employee is willing and able to report for duty on the effective date of the appointment or within 14 days after the offer of reemployment has been made, whichever is later. In cases of limited-term appointment, the former employee must be willing and able to report for duty on the effective date of the appointment, or he will be considered unavailable for that appointment.

B. A name may be removed from a reemployment list only for the following causes:

1. Conviction of a crime or crimes which would be sufficient to support dismissal of a permanent employee.

2. Conduct which would cause dismissal under the provision of Section 45303 of the Education Code.

3. Failure to report for review of loyalty or criminal record as directed.

4. Making a false statement or omitting a statement as to any material fact on an application form or health history form.

5. Dismissal for cause from employment subsequent to layoff. Written notice of removal and the reason therefore shall be provided to the employee. S/he shall be afforded and notified of appeal rights identical to those provided in Rule 4.10.4.

C. A person whose name appears on a reemployment list may be given a medical examination prior to certification. Subject to the conditions described below, s/he may be considered unable to report for duty and may be passed over in the order of certification until he meets the prescribed standards.

1. The standards applied in the medical examination shall be no more stringent than those which would be applied to a continuing employee to determine fitness for duty.

2. No person shall be withheld from reemployment because of a health or medical condition which existed prior to layoff or because of a normal progressive deterioration of such medical or physical condition. Failure to report for medical examination as directed shall be sufficient reason to deny the benefits of this paragraph.

3. Written notice of removal and the reason therefore shall be provided to the employee. S/he shall be afforded and notified of appeal rights as identical to those provided in Rule 4.10.4.

D. A person whose name appears on a reemployment list may be considered unable to report for duty and may be passed over in the order of certification if he cannot satisfy the laws of the State of California applicable to the position.

6.90.4 Limited-Term Positions

A. No regular employee shall be laid off from any position while employees serving under limited-term appointments are retained in positions of the same classification in the same organizational unit unless the regular employee declines the limited-term position.

B. A limited-term employee may be terminated without regard to the procedure set forth in rule 6.70.

6.100 RESIGNATIONS

When an employee desires to resign from his/her position, s/he shall present his/her resignation in writing to the appointing authority, and a copy of such resignation shall be immediately filed by the appointing authority with the Personnel Director.

A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights to other positions which s/he may hold on eligibility lists except that an employee who resigns shall have his/her name removed from any promotional eligibility lists. A resignation may be withdrawn, by the employee, at any time prior to the acceptance by the Board of Education.

ARTICLE 7

WAGE AND SALARY PROVISIONS

7.10 DETERMINATION OF SALARY SCHEDULES

7.10.1 Factors in Salary Determination (Ed Code 45268)

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

1. Wages and salaries paid for similar work in private industry in the recruitment area when applicable and available.

2. Wages and salaries paid by other governmental agencies which may be in competition with the district in the labor market.

3. The principle of like pay for like service within the classified service.

4. Appropriate differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.

5. Such other information as the Commission may require.

7.10.2 Salary Studies

A. A salary study shall be made:

   1. Whenever a new class is created.

   2. Annually of all classes (Management, Confidential and Unit) in the classified service.

   3. When directed by the Commission.

B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.

C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The staff shall indicate its tentative recommendations to and shall meet and confer with employee organization representatives and district administration. An effort shall be made to resolve all differences before recommendations are submitted to the Commission.

7.10.3 Salary Recommendations (EC 45268)

A. After making its findings, the Commission shall present salary recommendations to the governing board for approval. The Board may approve, amend, or reject the recommendation, but may not alter the relationships among classes as established by the classification plan.

B. After Personnel Commission approval the annual Like Pay for Like Work salary recommendation for the classified service shall be presented to the Board of Education in February each year using salary data obtained as of November 30, with a prospective effective date of March 1. A salary recommendation shall be made each time a new class is created. Salary recommendations at other times of the year shall be based on clear evidence that the class in question is substantially overpaid or underpaid in relation to comparable unified district rates or alignment with other classes. Nothing in this paragraph shall prevent adjustments in salary based on classification studies resulting from changes in duties and responsibilities, regardless of when such changes occur.

C. By adoption of this rule, the governing board reserves the right to increase or decrease the salaries of classified employees at any time during the school year, pursuant to Education Code Section 45162, in accordance with its approval of the recommendation of the Personnel Commission.

7.10.4 Appeals of Recommendations

A. An employee or his/her representative may appeal the recommendation of the Personnel Director in regard to the salary of his class. S/he shall have the opportunity to present his/her case in writing and orally at a regular meeting of the Commission. The administration shall have the same privilege.

B. If the governing board desires reconsideration of salary recommendations, it may return the recommendations to the Commission which shall immediately reconsider them. After reconsideration, the Commission will advise the Board of its findings and the reasons therefore.

7.20 APPLICATION OF SALARY SCHEDULES

7.20.1 Initial Placement

A. All new classified employees shall be paid in accordance with the salary range established for the class to which assigned. The hiring rate will normally be the first step of the salary range. However, upon approval of the Director of Classified Personnel Services, a new employee may be provided with advanced step placement up to Step 3 based upon such factors as:

1. Additional qualifying experience beyond that required for entry into the class (limited to no more than one step for each two years of experience related to the classification). Credit for work experience less than full-time will be granted on a pro-rated basis in the proportion that the amount of time worked per day, per week or per year bears to an eight hour day, forty (40) hour week.

2. Additional education at the college level beyond the educational requirements established for entry into the class (limited to no more than one step for an associate degree and two steps for a bachelor's degree or above).

B. Upon recommendation of the appointing authority if recruitment difficulties exist or when considering a candidate with qualifications significantly exceeding the minimum for the classification, and with the approval of the Personnel Commission and Board of Education, a new employee may be granted step placement up to Step 5.

C. New employees may be placed up to Step 5 to comply with either federal and/or state minimum wage requirements.

D. The Director of Classified Personnel Services shall evaluate the qualifications of all candidates recommended for employment into the classified service in accordance with the provisions above and make the recommendation regarding appropriate step placement. All experience and/or proof of education will be verified by the Director of Classified Personnel Services or designee for the purposes of determining and recommending advanced step placement.

7.20.2 Step Advancement

A. Employees placed on Step 1 of the range will advance to Step 2 on the first day of the pay period (month) following completion of twelve months of service in the class. Each succeeding step will be attained one year from the preceding step. New employees placed above Step 1 of any range will advance on one-year intervals until the maximum step has been achieved.

B. For the purpose of this rule, an appointment made between the first and fifth day of the pay period (month) shall be considered as effective on the first day. Later appointments shall be considered as effective at the beginning of the next pay period (month).

7.20.3 Promotions

An employee who is promoted to a class allocated to a higher salary range shall be placed on the step of the new salary range that is at least five percent above the rate the employee received in the previous class, excluding any differential. Advancement will be at one-year intervals thereafter until the maximum is achieved.

7.20.4 Additional Appointments

When an employee is appointed to an additional class on a permanent basis which is at a salary range equal to or below their current range, they shall be placed on the first step of the additional class provided the step is compliant with federal and/or state minimum wage requirements.

7.20.5 Placement After Leave of Absence

A. Upon return from leave of absence, an employee shall be placed on the same step of the range for the class which they had achieved prior to the leave provided the step is compliant with federal and/or state minimum wage requirements, regardless of changes in rate or range applicable to the class, except that step advancement within range shall be granted when:

1. The time period required for step advancement has elapsed and the employee had served in active duty on at least seventy-five (75%) percent of the working days in their assignment in the required time period prior to the leave, or

2. The law and/or these rules provide that credit for step advancement shall accrue during the leave of absence.

B. Credit for step advancement shall accrue during leaves of absence for military service or to serve in limited-term assignments in the district and during any paid absence, accident, and industrial leave.

C. When an employee is restored, after leave of absence, to their previous salary step, they shall receive credit for step advancement for service prior to the leave. Their anniversary date shall be adjusted accordingly in order that they shall be granted step advancement after having completed the amount of service required by Rule 7.20.2.

7.20.6 Placement When Demoted

A. An employee who is permanent in the class who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate they earned in the higher class, excluding any differential, provided that they shall not receive a salary increase thereby and that the rate is compliant with federal and/or state minimum wage requirements. If an employee has not become permanent in the higher class, they shall be placed on the step of the range of the lower class in which they served prior to the promotional appointment provided the rate is compliant with federal and/or state minimum wage requirements. They shall retain the anniversary date established in the higher class.

B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 7.20.2.

7.20.7 Differential Pay (See Unit Contract)

All regular positions, the regularly assigned time of which requires the incumbents to work one-half time or more between the hours of 4:00 p.m. and 7:00 a.m. shall be paid a shift differential at the rate designated in the bargaining unit contract. If such shifts normally occur less frequently than five days per week, such higher rates shall be paid only for those days on which the shifts occur.

Rule 7.20 Revised 12/9/2020

7.30 WORK PERIOD AND OVERTIME (Ed. Code 45132 and 45133) (See Unit Contract)

7.30.1 Workday and Workweek

The maximum number of hours of regular employment of an employee is eight hours a day and forty hours a week. However, the Governing Board may employ persons for lesser periods of time and may through authorized administrators, order and authorize employees to work in excess of eight hours in one day or forty hours in one week.

Alternate Workweek

1. The Governing Board may establish a 9-hour-per-day, 80-hour-per-2 week work schedule, provided the work schedule has the concurrence of the employee organization or in the absence of an employee organization, the concurrence of the affected employees.

2. When a 9-hour-per-day, 80-hour-per-2 week work schedule is established, it shall consist of nine work days, eight of which shall be nine-hour days, and one of which shall be an eight-hour day. The overtime rate shall be paid for all hours worked in excess of the required work day, which shall not exceed nine hours, at a rate equal to one and one-half times the regular rate of pay for the employee designated and authorized to perform the work.

3. When a 9-hour-per-day, 80-hour-per-2 week work schedule is established, the workweek shall be defined in either of two ways, as follows:

    A. The workweek shall begin on noon Friday and will end at noon the following Friday, with the employee working nine hours each day except on alternate Thursdays when the employee will work eight hours, and on alternate Fridays when the employee will not work; or,

    B. The workweek shall begin at noon on any other day of the week and shall be defined so that no employee will be required to work more than 40 hours during any given workweek.

The Governing Board may establish a 10-hour, 40-hour, four-consecutive-day workweek for all, or certain classes of its employees, or employees within a class when, by reason of the work location and duties performed by such employees, their services are not required for a workweek of five consecutive days, provided the establishment of the alternate workweek has the concurrence of the employee organization or in the absence of an employee organization, the concurrence of the affected employees.

When the Board has previously established the workweek of not less than 35 hours, it may require the established workweek to be performed in four consecutive days by any class or classes of employees or by employees within a class, when by reason of the work location and duties actually performed by such employees their services are not required for a workweek of five consecutive days, with the concurrence of employee personnel as provided therein.

When a four-day workweek is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed 10 hours. Work performed on the fifth, sixth and seventh days shall be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

An employee working an average workday of five hours or less during a workweek shall, for any work required to be performed on the sixth or seventh day following the commencement of his workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

7.30.3 Overtime Defined (Ed Code 45128 and 45131)

A. Overtime is defined to include any time required to be in excess of eight hours in any one day and in excess of forty hours in any calendar week.

B. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

C. The workweek for employees whose average workday is four hours or more, shall consist of five consecutive days with overtime rate to be paid for the work on the 6th and 7th days.

D. Employees whose average workday is less than four hours, with overtime to be paid for work performed on the 7th day.

7.30.4 Compensation for Overtime (See Unit Contract)

A. An employee who works authorized overtime shall be paid at a rate equal to one and one-half the regular rate of pay for the overtime worked. An employee who uses compensatory time-off in lieu of pay shall be credited with time equal to one-and-one-half the amount of over-time hours worked. Shift and special assignment differential regularly received by the employee shall be included in determining his regular rate of pay.

B. Food service employees who work on special dinners prepared by the school lunch department shall be paid for that time at time-and-one half based on their regular rates.

C. Arrangements for compensatory time off are subject to the approval of the appropriate administrative supervisor. Compensatory time must be taken in the same pay period in which the overtime work is performed. The District's pay period is a calendar month. Compensatory time earned will be at the rate of time-and-one-half.

D. Overtime shall be distributed equally among employees for that particular position or type of work for which overtime is required at a school site or within a department. If an overtime assignment is refused by an employee, the hours approved in the overtime assignment shall be charged against the overtime eligibility of the employee refusing the assignment unless there is an acceptable reason for refusing the overtime assignment as determined by the principal or department head. Overtime assignments shall be recorded on an accumulated basis by hours worked.

7.30.5 Classification Excluded from Overtime

A. The following classes are designated as management and are excluded from overtime provisions.

1. Assistant Superintendent
2. Director of Fiscal Services
3. Assistant Director of Fiscal Services
4. Director of Information Systems
5. Director of Maintenance and Operations
6. Maintenance Manager
7. Grounds Supervisor
8. Supervising Custodian, Night Shift
9. Plant Manager II
10. Plant Manager I
11. Director of Transportation
12. Dispatcher
13. Head Mechanic
14. Director of Purchasing
15. Director of Food Services
16. Food Services Operations Manager
17. Cafeteria Central Kitchen Manager
18. Director of Risk Management
19. Fast Food Cafeteria Manager
20. Elementary Cafeteria Manager
21. Director of Classified Personnel

B. Notwithstanding this exemption, if an incumbent thereof is required to work on a holiday, s/he shall be paid, in addition to his regular holiday pay, straight time for hours required to work.

7.40 HOLIDAY PAY

7.40.1 Eligibility

A. All Classified employees will be entitled to payment for authorized holidays, providing that they were in a paid status (during any portion of) the working day immediately preceding or succeeding the holiday.

B. Regular and part-time Classified employees are entitled to legal holidays when such holidays fall during the normal work week of the respective employees. When a local or legal holiday falls on a Sunday, the following Monday shall be observed, and when a local or legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

C. Incumbents in the exempt class of Campus/Playground Supervisor who have completed three (3) years of service are entitled to payment for Veteran's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day and the floating holiday as designated by the District.

Classified employees are entitled to the following legal holidays:

January 1

Third Monday in January (Martin Luther King, Jr. Day)
February 12
Third Monday in February (Washington's Day)
Last Monday in May (Memorial Day)
July 4
First Monday in September (Labor Day)
September 9 (Admission Day)
November 11 (Veteran's Day)
November (Thanksgiving)
December 25

Every day appointed by the President of the United States or the Governor of California for a public fast, Thanksgiving or holiday.

Additional holiday time is authorized as follows:

Good Friday
Friday after Thanksgiving
December 24
December 31

Any other local holiday established by the Board of Education.

7.40.2 School Holidays

Regular employees who are not normally assigned to duty during the school holidays which include December 25, January 1 and Good Friday shall be paid for the three holidays, provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

7.40.3 Exchange of Holidays by Board Action

A. The Board of Education may, prior to July 1 of any year, specify, if so authorized in law, that schools will be maintained and classified employees will be required to work on any or all of these holidays: September 9, November 11, February 12, Washington's Day, and/or Memorial Day.

B. If the Board lawfully takes such an action, it shall designate another day, during the same school year, as a holiday for classified employees in lieu of the regular, normal holiday.

1. The day specified as the "in lieu" holiday shall be a day when all classified employees who could normally have established eligibility for the regular holiday will also be able to establish eligibility for the "in lieu" holiday.

2. The day designated as an "in lieu" holiday shall provide classified employees with at least a three-day weekend.

C. If the Board fails to comply with Rule B.1 above, employees who will not normally be able to establish eligibility for the "in lieu" holiday, and who are required to work on the regular holiday, shall be paid, in addition to the normal pay for the holiday, at the rate of time and one-half for the time required to be worked.

7.50 PAYROLLS

7.50.1 Official Roster

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

7.50.2 Payroll Audit

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

B. The Personnel Director shall make periodic audits of all payrolls, and if he finds assignments not in accordance with the law and rules, s/he shall withdraw his certification and order payment stopped in accordance with the procedure described below.

C. If, upon examination of a payroll or service report, it is found that any person named therein has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report and such notice shall serve as official notification to the Governing Board and the county offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful.

7.60 BENEFITS FOR PART TIME EMPLOYEES (See Unit Contract)

A. Benefits for persons employed for less than full time are to be provided as authorized in Education Code Sections 45136 and 45137.

B. Sick leave and all other benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to eight hours, forty hours per week, weeks per month, or months to a calendar year.

C. If an employee works thirty minutes or more for twenty consecutive workdays in excess of the assigned time, the assigned time will be adjusted to reflect actual work time and becomes "assigned time".

D. If Rule C does not apply but an employee works, on an average, fifty minutes or more per day above the assigned time in any one quarter, s/he shall receive fringe benefits in the following quarter based on the average actual time worked in the preceding quarter.

E. Vacation - Unless vacation pay is provided on the basis of actual hours of paid regular service, rather than on an assigned time basis, vacation pay shall be granted on the basis of the average number of hours worked in a school year by the part-time employee.

F. All regular classified employees assigned four hours a day will receive health and welfare benefits. "Restricted" employees who work at least four hours per day will be entitled to the health and welfare benefits authorized regular employees.

7.70 SALARY AND FRINGE BENEFITS - SUBSTITUTE AND LIMITED-TERM EMPLOYEES

A. Substitute and limited-term employees shall be paid an hourly rate at the 1ST step of the appropriate range for the classification.

B. Substitute or limited-term employees shall not be entitled to fringe benefits except as specified in C and D following.

C. When a limited-term appointment covers the absence of a permanent employee on non-paid leave, the limited-term employee shall be placed on the step to which entitled on the regular salary schedule. S/he shall not receive fringe benefits except as provided in Rule 6.30.3.B.

D. An employee from a lower class reassigned on a limited-term basis to a position in a higher class because of lack of a qualified substitute and who assumes the full responsibilities of the higher position, shall:

1. Be entitled to the same salary placement as if promoted.

2. Retain fringe benefits.

3. Retain his anniversary date.

Upon termination of this type of limited-term reassignment, the employee shall be returned to his former position or class without loss in salary or benefits provided he is on authorized leave from his former position. The time served in the higher class may count as service in the lower class except when the employee is subsequently appointed to the position in the higher class via regular examination and appointment procedures; in which case, the time served in the limited-term reassignment in the higher class may be credited on his probationary period in the higher class. Service in a provisional assignment shall not count as time served in the higher class as part of the probationary period. Determination shall be made by the Personnel Commission and/or Personnel Director.

7.80 SALARY AND FRINGE BENEFITS - PROVISIONAL EMPLOYEES

Provisionally appointed employees shall be paid an hourly rate computed for the beginning step of the appropriate salary schedule, and shall not receive fringe benefits.

7.90 PROFESSIONAL GROWTH PROGRAM (See Unit Contract)

A. Professional growth is the continuous, purposeful engagement in study and related activities to retain the extended high standards for educational classified employees.

B. Professional growth is being developed if:

1. The experience reflects increased knowledge, understanding and skills in the participant's regular assignments.

2. The experience provides background materials for the activity in which engaged.

3. The experience manifests personal development through alertness and responsiveness to the human and social factors of others.

4. The experience assists in fields closely related to the activity in which engaged.

C. Professional growth may be achieved through participation in the following categories:

1. Approved college courses, Adult Education, or other related courses.

2. Workshops.

3. Conferences.

D. Credit shall be granted in the following manner:

1. Two (2) points will be awarded for each semester unit of coursework related to one's employment and successfully completed.

2. One and one-half (12) points will be awarded for each quarter unit of coursework related to one's employment and successfully completed.

3. One (1) point will be awarded for every fifteen hours of workshop or in-service training directly related to one's employment and successfully completed outside one's regular work schedule.

4. One (1) point will be awarded for every fifteen hours of adult education courses for a limit of three points for any one course. Exceptions to this may be granted by the Professional Growth Committee.

5. Successful completion in coursework completed with a grade of "C" or better, with the exception of workshop attendance. Workshop credit shall be granted on the basis of proof of attendance.

6. At least four (4) points toward professional growth credit must be earned in Category C.1.

E. Award for professional growth credit shall be made as follows:

1. An increment for professional improvement shall be $150.00 for each fifteen (15) points earned. A maximum of six (6) increments may be earned for a total of ninety (90) points of credit following the above criteria. All points must be earned prior to June 30th for payment during the subsequent year. A stipend of $15.00 per month shall be paid upon completion of one increment.

2. All courses not appearing on the course list must have prior approval of the committee for professional growth credit.

F. Professional growth is a joint enterprise between the District and the individual employee and should be planned together in order to assure maxim gain for both the participant and the District. Toward achieving this goal, a Professional Growth Review committee shall be composed of the following:

1. Four (4) members shall be from the classified staff, appointed by the Board of the local chapter of the CSEA.

2. One (1) member shall be from the administrative staff, who shall be the Director of Classified Personnel or designee.

3. Appointment of the classified staff members shall be for a period of two (2) years on staggered terms.

4. A quorum shall consist of a minimum of three (3) members.

G. The duties of the Committee shall be to:

1. Prepare course lists for recommendation to the Superintendent containing representative courses for each classification of employees or groups of employees.

2. Review application for professional growth credit.

3. Determine validity of such educational experiences as may be submitted for professional growth credit.

4. To serve as a Hearing and Appeals Board in disputed cases.

H. Limitations and Requirements:

1. It is the responsibility of the employee to apply to the Professional Growth Review Committee for approval of courses to be taken and to present evidence of successful completion of course with a "C" or better grade, or proof of workshop attendance.

2. Any unit member who changes his/her job classification (defined under Professional Growth increment above) may submit courses for specific course credit as they relate to any areas of employment held during the past three (3) years.

3. Points must be earned after July 1, 1964, or date starting with District, whichever is later.

4. Courses cannot be repeated unless special permission is granted from the Professional Growth Committee.

5. No more than one professional growth increment may be granted to a unit member in a single year.

6. Application for professional growth increments must be submitted on forms provided by the Classified Personnel Office by April 15.

7. All work must be verified by official transcript or by other acceptable official verification and must be filed in the Classified Personnel Office by July 30.

8. All regular unit members working on a ten or eleven month assignment basis or working less than eight (8) hours per day, shall receive the award prorated on the same basis as their vacation benefits.

9. In order for a unit member to be eligible to receive the Professional Growth Award, he/she must have qualified and be in paid status with the District at the time the award is made.

10. The effective date of the new increment stipend shall be July 1, 1982, and shall not be retroactive to already completed increments.

Supervision of the Professional Growth Program will be provided by the Office of Classified Personnel.

7.90.1 Professional Growth Program - Management/Confidential (Adm. Reg. 4031

A. Classified Management and Confidential employees are encouraged to participate in the Professional Growth Program which is a continuing and purposeful plan of study supplemented by in-service, workshop and conference participation.

B. Professional growth is being developed if:

1. The experience reflects increased knowledge, understanding and skills in the participant's regular assignment.

2. The experience provides background materials for the activity in which engaged.

3. The experience manifests personal development through alertness and responsiveness to the human and social factors of others.

4. The experience assists in fields closely related to the activity in which engaged.

C. Professional growth may be achieved through participation in the following categories:

1. Approved college courses, Adult Education or other related courses.

2. Workshops

3. Conferences

D. Credit shall be granted in the following manner:

1. Two (2) points will be awarded for each semester unit of coursework related to one's employment and successfully completed.

2. One and one-half (12) points will be awarded for each quarter unit of coursework related to one's employment and successfully completed.

3. One (1) point will be awarded for every fifteen hours of workshop or inservice training directly related to one's employment and successfully completed outside one's regular work schedule.

4. One (1) point will be awarded for every 15 hours of Adult Education courses for a limit of three (3) points for any one course. Exceptions to this may be granted by the Professional Growth Committee.

5. Successful completion is coursework completed with a passing grade. Workshop credit shall be granted on the basis of proof of attendance.

6. At least four (4) points toward professional growth credit must be earned in category C.1.

E. Awards for professional growth credit shall be made as follows:

1. An increment for professional growth shall be $150.00 for each fifteen (15) points earned. A maximum of six (6) increments may be earned for a total of ninety (90) points of credit following the above criteria. Course work must be completed by June 30. Payment of professional growth increment will be in the form of a salary adjustment for the December pay period each year.

F. Professional growth is a joint enterprise between the District and the individual employee and should be planned together in order to assure maximum gain for both the participant and the District. Toward achieving this goal, a Professional Growth Committee shall be formed composed of the following:

1. Four (4) members shall be from the Classified Management or Confidential staff, appointed by the Director of Classified Personnel Services.

2. One (1) member shall be the Director of Classified Personnel Services or his/her assignee.

3. Appointment of the Classified Management or Confidential members shall be for a period of three (3) years on staggered terms.

4. A quorum shall consist of a minimum of three (3) members.

G. The duties of the Committee shall be to:

1. Prepare course lists for recommendation to the Superintendent containing representative courses for each classification of employees or groups of employees.

2. Review applications for professional growth or credit.

3. Determine validity of such educational experiences as may be submitted for professional growth credit.

4. To serve as a Hearing and Appeals Board in disputed cases.

H. Limitations and Requirements:

1. It is the responsibility of the employee to apply to the Professional Growth Committee for approval of courses to be taken and to present evidence of successful completion of courses with a passing grade, or proof of workshop attendance.

2. Any employee who changes his/her job classification (defined under Professional Growth Increment, first increment above) may submit courses for specific course credit as they relate to any areas of employment held during the past three (3) years.

3. Points must have been earned after July 1, 1964, or date staring with District, whichever is later except when courses start in September and the employee is hired in September.

4. Courses cannot be repeated unless special permission is granted from the Professional Growth Committee.

5. No more than one professional growth increment may be granted to an employee in a single year.

6. Application for professional growth increments must be submitted on forms provided by the Classified Personnel Office by April 15th.

7. All work must be verified by official transcript or by other acceptable official verification and must be filed in the Classified Personnel Office by July 30th.

8. In order for an employee to be eligible to receive the Professional Growth Award, s/he must have qualified and be in paid status with the District at the time the award is made.

9. The effective date of the new increment stipend shall be May 7, 1985, and shall not be retroactive to already completed increments.

7.100 UNEMPLOYMENT INSURANCE COVERAGE

Every regularly employed classified school employee is covered for unemployment pursuant to Sections 135.5, 605.2 and 802 of the Unemployment Insurance Code.

ARTICLE 8

EMPLOYER-EMPLOYEE RELATIONS PROCEDURES

8.10 PROCEDURE FOR THE ADJUSTMENT OF COMPLAINT OF CLASSIFIED PERSONNEL

8.10.1 Intent of This Article

The intent of this article is to establish an orderly procedure wherein employees may be afforded timely consideration concerning their complaints. Although specific chronological steps and time limits are set forth in the procedure, it is recognized that the expedient settlement of complaints may dictate an alternative procedure in certain situations. Under such circumstances, the Personnel Director, Personnel Commission or Superintendent may determine if modifications are necessary in specific cases and order that they be made. It is also the intent of this article to emphasize the need for employee complaints to be submitted through established chains of authority and for satisfaction of the complaint to be reached at the lowest possible level in that chain. If more than one supervisor or administrator has cognizance of an employee's activities as they concern a complaint, all should participate as necessary at appropriate stages in order to ensure compliance with the intent of this article. The Personnel Director shall interpret the steps of the procedure as necessary and may make adjustments which are mutually satisfactory to all parties.

8.10.2 Purpose of the Adjustment of Complaint Procedure

The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints stemming from the belief of an employee that established rules, regulations, laws, or administrative procedures, have not been followed or regarding working conditions and job relations including the complaint of one employee against another employee. Whenever "employee" is used in this rule, it also includes groups of employees.

8.10.3 Consideration of the Complaint

A. The subject of any particular complaint will determine whether it will be directed for consideration to the Board of Education or the Personnel Commission. The decision as to which official body may consider the matter will be made by the Personnel Director and/or Superintendent as early as possible, in the proceedings but not later than the stage of Administrative Review. A claim by one or more employees of a violation or misapplication of the Personnel Commission rules will be referred to the Personnel Commission and the claim of a violation or misapplication of the Board of Education or Administrative Regulation for classified employees will be referred to the Board of Education. For example:

The Personnel Commission rules set the procedure for examinations. A claim of a violation would be referred to the Personnel Commission.

The Board of Education and Administration sets the working hours and vacations. A claim of a violation would be referred to the Board of Education. The Personnel

Director and or Superintendent shall inform the parties involved in the complaint, the Board of Education and the Personnel Commission of his decision.

B. In the event established rules, regulations, laws, policies, and procedures of the Commission regulate less than the total subject matter of a particular complaint, or if it is whether the Commission or the Board would be the proper party to consider the complaint, the Board is hereby declared the proper party to consider the complaint.

8.10.4 Matters Excluded from the Adjustment of Complaint Procedure

A. Any complaint which relates to cause for disciplinary action as defined in Rule 6.70 may not be the subject matter of a complaint.

B. Complaint about the subject matter of a rule, policy, or administrative procedure rather than the administration thereof may not be subject matter of a complaint. An employee with such a complaint should direct his suggestions for change through administrative channels to the authority who established it, or if need be the Personnel Commission or the Board of Education.

8.10.5 Steps in the Adjustment of Complaint Procedure

A. The sequence of steps to be followed in the adjustment procedure is outlined below. At any step in the procedure, the services of the Personnel Commission and/or Classified Personnel Director will be available to all parties to provide requested information and to assist in the settlement of the problems. If settlement is reached without the involvement of the Personnel Commission or Classified Personnel Director, the Personnel Director shall be informed of the decision.

At all stages beyond informal review and discussion, the Personnel Director shall be informed of all proceedings, and receive copies of all communications submitted in the case.

1. Informal Discussion

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt a resolution of the problem. The conference shall be confined to the parties immediately concerned. A prompt and courteous examination of the facts to reach a satisfactory adjustment shall be attempted within one working day. The supervisor shall promptly communicate his decision and supporting reasons to the employee(s).

2. Informal Review

a. If the problem has not been resolved by the immediate supervisor, the employee may request, either orally or in writing, that an

informal review be made by the next higher-level supervisor in whom authority exists to take corrective action. In the case of school assigned personnel, the supervisor would be the principal unless the informal discussion was between the principal and the employee.

b. The supervisor shall hold a conference not later than three working days after s/he has received the employee's request for an informal review.

c. The employee must be in attendance; he may present his own views or may present the problem through a representative of his own choosing at the informal review and at any subsequent stage of the adjustment procedure. Any employee of the District may serve as a representative without prejudice or loss of salary, provided that he notifies his supervisor in advance.

d. The supervisor shall communicate his/her decision and supporting reasons to the employee, the respondent if other than the supervisor, the employee's immediate supervisor, and the appropriate cabinet level administrator(s) within five working days.

3. Administrative Review

a. If the employee remains dissatisfied following the informal review, s/he may submit a written complaint within five working days after receipt of the decision, requesting a formal administrative review.

b. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the informal review, the reasons why the decision is not satisfactory, and the name of the employee's representative, if any.

c. The employee shall submit the complaint directly to the appropriate cabinet administrator, and route one copy of the complaint through the employee's administrative chain of authority.

d. The administrator or his/her designated representative shall hold a conference with all interested parties regarding the complaint within five working days of receipt. Unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved.

e. The administrator or his/her designated representative shall submit written notice to the employee and the employee's supervisors of the decision in the matter within five working days after the conclusion of the conference. One copy shall be forwarded through the administrative chain of authority

f. The administrator shall implement the decision.

4. Superintendent's Review

If the employee or respondent is dissatisfied with the decision of the administrator, s/he may send to the Superintendent, within five working days after receipt of the decision, a written request for a review by the Superintendent or a hearing by the Superintendent. The Superintendent shall submit written notice to the employee or respondent of his/her decision in the matter within five working days after receipt of the request.

5. Board of Education or Personnel Commission Consideration

a. The employee or respondent may submit a written appeal of the cabinet administrator's or Superintendent's decision for consideration t the Board of Education or the Personnel Commission according to the decision of the Personnel Director and /or Superintendent as to which body may consider the matter within five working days after receipt of the decision of the cabinet administrator. A copy of the appeal shall be submitted to the Superintendent and the Personnel Director.

b. A copy of the appeal shall be provided to the employee or respondent, and he shall be required to submit his written reply to the Board of Education or Personnel Commission to the points made in the appeal within five working days of receipt thereof.

c. The Board of Education or Personnel Commission may but need not review the entire written records of the complaint and conduct its own hearing or investigation of the matter.

At the hearing or investigation before the Board of Education or Personnel Commission, all persons involved may appear personally or have a qualified representative to present documents or give oral testimony.

d. When the Board of Education or Personnel Commission has reached a decision, it shall notify the Superintendent or Personnel Director**,** and the individual involved as soon as possible and no later than 30 days after the completion of the consideration of the appeal. The Superintendent or Classified Personnel Director shall implement the decision.

8.20 EMPLOYER-EMPLOYEE RELATIONS

8.20.1 General Provisions

The Board of Education, agents, and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of (commencing with Section 44000) of the Education Code.

8.30 POLITICAL ACTIVITY

8.30.1 Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code.

8.30.2 Cause for Disciplinary Action

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

A. The use of any district property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.

B. The use of any district property, equipment, or facility for any political 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.

8.30.3 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 8.30.2.

8.30.4 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.

8.30.5 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the district, may request, and shall be

granted, an unpaid leave of absence which shall commence on the date he assumes the office and shall terminate not later than thirty days after his last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. He will be placed on an appropriate employment list(s) and notified that he may be offered limited-term employment.

8.30.6 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.

8.40 NEW EMPLOYEE CLEARANCES

8.40.1 Physical Examinations

A. Tuberculosis Examination

Each new employee of the Simi Valley Unified School District shall have an examination to determine that he is free from active tuberculosis. The date of this examination shall not be more than sixty (60) days previous to the employment. Thereafter, an examination shall be required at least once in four years. This examination shall consist of an approved intradermal tuberculin test which, if positive, shall be followed by an x-ray of the lungs. After such examination, each employee shall file with the Personnel Office, at the beginning of the school year, a report showing that the employee was examined and found free from active tuberculosis. The source of this intradermal tuberculin record must be acceptable in the Office of the Superintendent of Schools. Failure to comply with the above regulations will be considered sufficient cause for withholding of pay warrant and/or dismissal.

The Personnel Office shall advise every regular employee of the Simi Valley Unified School District of the date of the next required intradermal test for tuberculosis. This notice will usually be given well in advance of the due date. However, the ultimate responsibility for the awareness of the expiration date of a given tuberculin test period rests with the employee.

B. Other Examination

A physical examination including substance testing may be prescribed for any applicant or employee when the Personnel Director and/or Cabinet-Level administrator has reason to believe that a health problem exists which might affect

adversely the district, its employees, or pupils. The cost of such required physical examinations will be borne by the district.

When a physical examination is given at district expense and the employee is not satisfied with the results of the examination, s/he may have an additional examination at his/her own expense. The reports of both examinations will be considered by the Personnel Director and/or Cabinet-Level administrator before making a decision relative to the case.

No school building administrator and/or the employee's immediate supervisor shall require or permit any person to work in a school cafeteria, either preparing food or serving food, if the person appears to be infected with any contagious or communicable disease which can be transmitted by the food involved.

C. Responsibilities of the Classified Personnel Office include:

1. Identification and listing all licensed physicians in the area who are willing to perform required physical examination.

2. Send notices of required examinations along with medical report forms to employees, as required.

3. Initiate requisitions for payment to physicians, as appropriate.

4. Evaluate the significance of medical reports, making recommendations for initial employment or continued employment.

D. 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 State of California Vehicle Code, Division 6, Section 12804.

2. The district shall arrange for and defray the costs of the school bus driver's examination for its employees and shall reimburse District approved doctors for costs of the required examinations.

E. Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Commission.

2. The Commission may employ outside medical experts to give a medical advisory opinion.

3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

8.40.2 Criminal Records Check (Ed Code 45125)

A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. Employment will not start until the Department of Justice returns the fingerprint report. The cost of fingerprinting will be borne by the district.

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 Personnel Director shall decide whether or not the person is eligible to compete in the selection process. The decision of the Personnel Director shall be subject to appeal to the Personnel Commission. The appointing authority shall decide whether or not the persons shall be employed or retained in employment. If the records disclose no information beyond that supplied by the person on his application form, and s/he was accepted for examination and/or appointment, s/he shall be considered employable.

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

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

8.40.3 Availability of Personnel Records

A. Any member of the classified service may, by his/her request, inspect his/her personnel file whether maintained by the Commission, in the district office, or at a school or other district location.

B. Information of a derogatory nature, except material mentioned in the third 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. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

C. Prior to his/her examination of his/her file, all of the following data shall be removed; ratings, reports, or records which (a) were obtained prior to his/her employment with the district, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination.

8.50 VIOLATIONS (Ed. Code 45317)

Any person who willfully or through culpable negligence violates any of the provisions of Education Code Article 6 (commencing at Section 45240) is guilty of a misdemeanor. It is also unlawful for any person to:

A. Willfully by him/herself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under Education Code Article 6 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 Article 6 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 or an examination for the purpose of either improving or injuring the prospects or changes of any person examined, or to be examined, or to be examined under Article 6 or Commission rule.

ARTICLE 9

AMENDMENT

9.10 PROVISIONS FOR AMENDMENT

9.10.1 Provisions for Amendment

These rules or their provisions may be amended or suspended by the Personnel Commission at any regular or special meeting to respond to any extraordinary circumstances provided that such actions are not inconsistent with the law.