

**Westminster School District
Personnel Commission Rules and Regulations**

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Westminster School District
Personnel Commission Rules and Regulations

ARTICLE I
RULE – MAKING AUTHORITY AND DEFINITIONS

Section 1 Authority and Application of Rules

1.1.1 Statutory Authority for These Rules

Article 6 (Merit System) in Chapter 5 of Part 25 in Division 3 of the California Education Code provides the Personnel Commission with the right and responsibility for establishing rules and regulations to govern the District's Classified Service.

The rules and regulations contained herein are established by the Personnel Commission pursuant to its authority under Education Code Section #45260; as well as other provisions of law that have been made applicable to classified school employees.

It is recognized, however, that some rules and regulations established by the Personnel Commission may venture into substantive matters within the prerogative of the District's Board of Trustees. For that reason, the initially adopted rules and regulations were submitted to the Board of Trustees for its approval. Thereafter, the Commission has continued the policy of submitting new rules, proposed amendments, or the deletion of existing rules to the Board of Trustees for review, and for its approval when: (a) the rule obviously requires Board approval, or (b) it is difficult to define the division of Commission and Board authority regarding the rule in question. In such cases, the rule in question does not become effective until such time as it has also received the approval of the Board of Trustees.

Since the implementation of new rules or amendments to existing rules can affect members of established classified bargaining units, the Commission has hereby established the policy of submitting copies of all proposed rules, amendments to, or the deletion of existing rules to the exclusive bargaining representatives and the designated representatives of the Board of Trustees for their review and reaction at least fourteen (14) days prior to adoption by the Personnel Commission.

References: E.C. #45241 and #45260; G.C. #3543.2

Adopted: May 23, 1989

Reviewed: October 27, 2008

1.1.2 Interpretation and Application of Rules

The Commission recognized that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent. However, specific and applicable provisions of the rules shall not be waived, ignored, or suspended because of the special circumstances of particular cases. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Director, Human Resources Classified; subject to appeal to the Personnel Commission.

The Commission is open to responsible suggestions to amend rules which prove to be unclear, unworkable, or subject to more than one interpretation. However, no rule amendment or new rule shall have retroactive application.

References: E.C. #45260

Adopted: May 23, 1989

Reviewed: October 27, 2008

1.1.3 Generic Terminology

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

References: E.C. #73, #74, and #45260
Adopted: May 23, 1989
Reviewed: October 27, 2008

1.1.4 Judicial Review

If a judicial review or a change in law causes any portion of these rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other rules or regulations.

Reference: E.C. #6 and #45260
Adopted: May 23, 1989
Reviewed: October 27, 2008

1.1.5 Printing and Distribution of Rules and Regulations

The Rules and Regulations of the Personnel Commission shall be made available in the offices of the Superintendent, Deputy Superintendent, Assistant Superintendents, Directors, Administrators, each department head, each supervisor, each school principal, CSEA Chapter President, as well as the Classified Personnel Office. A copy will also be given, upon request, to employees. Copies of Article 6 of Chapter 5 of Part 25 of the California Education Code (commencing with Section #45240) will be available in the Classified Personnel office.

Reference: E.C. #45260
Adopted: May 23, 1989
Revised: October 27, 2008

1.1.6 Subjects of Rules

The Rules and Regulations shall provide for the procedures to be followed by the District as they pertain to the Classified Service regarding such matters as applications, examinations, eligibility, appointments, promotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job examinations and evaluations, rejection of unfit applicants, and any other matters deemed necessary for the selection and retention of qualified classified employees.

References: E.C. #45260
Adopted: May 23, 1989
Reviewed: October 27, 2008

Section 2 Definitions

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

ACT or THE ACT: The act shall mean those sections of the Education Code of the State of California applying to the “Merit System” for classified employees in certain school districts (that have adopted “the Merit System” for personnel management). It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 Chapter 5 in Part 25.

ALLOCATION: The official placing of a position in a given class by the Personnel Commission, and the assignment of a class title to the position, or the assignment of a class to a salary schedule or rate.

ANNIVERSARY DATE: The date on which an employee is granted, or is to be granted, an earned salary increment (synonymous with “Salary Anniversary Date”).

APPEAL: A formal protest by an applicant or candidate for employment, or by an employee, to an administrative action which is perceived to be actually or potentially detrimental to him/her.

APPLICANT: A person who has filed an application to participate or compete in the District’s selection process.

APPOINTING AUTHORITY or POWER: The Westminster School District Board of Trustees (governing board), or Personnel Commission (for members of its staff), or their designees.

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

ASSIGNMENT: (1) Placement of an appointee in a position; and/or (2) the position into which a person is placed.

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

BEREAVMENT LEAVE: A paid leave of limited duration granted to an employee upon the death of a member of his/her immediate family or household.

BOARD OF TRUSTEES: The governing body (board) of the Westminster School District; comprised of five (5) elected representatives living within the school district’s attendance boundaries.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace another employee with less seniority within his/her classification or class.

CANDIDATE: A person who has successfully competed and participated in one or more portion’s of the District’s selection processes.

CAUSE: Those specific activities, behaviors, or events which are listed within these rules as being subject to disciplinary action.

CERTIFICATED SERVICE: Those persons and positions required by law to possess credentials issued by the State of California; permitting those persons and positions to teach K-12 children in a public school system.

CERTIFICATION: The submission of names, by the Director, Human Resources Classified, of candidates from an appropriate eligibility list (established by the Personnel Commission), or from some other source of eligibility, to the appointing power or to the department head authorized to make selections subject to the approval of the appointing power.

CLASS: (Sometimes referred to as “Classification”) A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be assigned by the Personnel Commission to designate each position allocated to the group.

CLASSIFICATION: The action of the Personnel Commission in placing a position into a “Class” (see also the definition for “Class”).

CLASSIFIED SERVICE: All persons and positions in the District to which “the Act” applies.

CLASS SPECIFICATION: (Sometimes referred to as a “class description”) A formal statement of duties and responsibilities of the position(s) in the class; illustrated by examples of typical tasks, as well as the qualification requirements for employment in the position(s) in the class.

CLASS TITLE: A definite descriptive title or name applied to a class and to all positions of the class to be taken with the meaning set forth in the description of the class as embodied in the specifications, and to be as descriptive as possible of the duties and responsibilities.

COMMISSION: A three-member committee established pursuant to the requirements of "the Act"; to establish rules and regulations to govern the classified service of the school district, and to oversee the actions of the school board and/or administration in carrying out the requirements of "the Act" and the rules and regulations of the Commission.

CONFIDENTIAL EMPLOYEE(S): Although all school employees are responsible for maintaining the confidentiality of information regarding students and their families, as well as other school employees, only a few members of the classified service can be designated as "confidential." The term applies only to an employee, who, in the course of his/her duties, has access to or possesses information relative to the school district's collective bargaining matters which, if divulged, could adversely affect the interest of the school district. Employees designated as "confidential" are precluded from participating in or belonging to any organization which represents classified employees in their employer-employee relationship with the school district.

CONTINUOUS EXAMINATIONS: A procedure or procedures authorized by the Personnel Commission; in which the last day for filing applications is not specified and examinations are conducted on a semi-regular basis.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class which is allocated to a lower maximum salary rate. A demotion may be voluntary, or the result of a disciplinary action (involuntary).

DESK AUDIT: A personnel job evaluation technique by which the analyst personally observes an employee in the actual performance of his/her daily work routine in order to evaluate the employee's job duties and responsibilities. NOTE: this procedure is rarely used at the present time since it is extremely time-consuming and provides insufficient and/or misleading data. (see "Job Audit" for alternative procedure).

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

DISCHARGE OR DISMISSAL: Separation from the classified service for cause (in accordance with the Rules and Regulations of the Personnel Commission). Requires action by the Board of Trustees for implementation.

DISTRICT (OR "THE DISTRICT"): The Westminster School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission which provides for simultaneous certification, under certain specific conditions, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates.

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position or class of positions. It is sometimes referred to as a "position description" or "class description."

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified for possible employment through one of the District's competitive examination processes.

ELIGIBLE: (As an adjective) Legally qualified to be appointed to a position. (As a noun) A person whose name appears on an appropriate eligibility list.

EMERGENCY APPOINTMENT: The assignment of an individual to a regular classified position for a period of time, not to exceed fifteen (15) working days, in order to prevent the stoppage of public business when persons on an eligibility list are not immediately available to fill a position vacancy.

EMPLOYEE: A person who is legally an incumbent of a position, or one who is on an authorized leave of absence from his/her position.

EMPLOYMENT LIST: A list of names from which Certification(s) may be made. The term includes eligibility lists, reemployment lists, as well as lists of individuals who wish to be transferred, demoted, reinstated or reemployed after resignation, or those who wish to be reinstated to positions in a former class after voluntary demotion or reduction to limited-term status.

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

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

FIELD OF COMPETITION: A group of people (either from within or outside the District) who have been identified by the Personnel Commission or its designated representative as possessing the necessary qualifications for participation in the District's selection process.

FISCAL YEAR: July 1st (of one year) through June 30 (of the following year).

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

GOVERNING BOARD: The Board of Trustees of the Westminster School District (see "Board of Trustees" and/or "Appointing Authority or Power").

GRIEVANCE: An employee complaint concerning conditions of employment. This term does not apply to appeals from disciplinary actions, requests for classification studies, or salary reviews.

GROUP: A number of classes of positions sufficiently related in duties and responsibilities as to be placed in a hierarchical relationship to one-another as promulgated by the Personnel Commission.

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

HIRE DATE: Date of original or most recent employment with the District.

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

ILLNESS LEAVE: Paid or unpaid time off from work provided an employee because of personal illness or injury. Paid illness leave (also known as sick leave) may also be used for specified personal emergencies of limited duration.

INCUMBENT: An employee assigned to fill a particular position within a class.

INTERVIEW: Part of a selection process, usually the final portion of an examination, for the purpose of evaluating the education, experience, and personal qualifications of the candidate(s); also known as an "oral interview." This term also applies to a meeting between an eligible and the appointing power, or its designated representative, to discuss appointment to a specific position vacancy within the District.

INVOLUNTARY LEAVE: A leave of absence resulting from a disciplinary action; a suspension.

JOB AUDIT: A personnel job evaluation technique by which an analyst uses various combinations of job audit questionnaires, personal interviews, as well as work site observations and conversations, to collect data on the duties, tasks, and responsibilities of a position. NOTE: This is the job analysis technique most often used by personnel analysts because of the efficient use of

time and effort, and the amount of appropriate data that can be collected relative to a position. (See "Desk Audit" for alternative method).

LAYOFF: Separation from a permanent position because of the lack of work, or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave rights and privileges and is still unable to return to work following an illness or injury. Layoff for lack of work or for lack of funds also includes any reduction in hours of employment or assignment to a class or grade lower than that in which an employee has permanence, voluntarily consented to by the employee in order to avoid interruption of employment by layoff.

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

LIMITED TERM: A term used in the Education Code (and these rules) to designate employment for periods of time not to exceed six (6) calendar months, or employment of a temporary employee to substitute during the authorized absence of a permanent employee.

LIMITED TERM EMPLOYEE: A person or employee who is serving as a substitute for a regular employee, or serving in a position established for a limited and specified period of time of six (6) months or less.

LOYALTY OATH (OR AFFIRMATION): A statement required for each new employee concerning his/her support of the United States and California Constitutions; as required by State law and/or school district policy.

MERGING: The act of combining two or more eligibility lists for the same class, which were established no more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one (1) year following the date on which it was established by the Personnel Commission; not following the date on which they were merged.

MERIT SYSTEM: A personnel management system in which comparative merit and fitness govern each individual's selection and progress through the classified service.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than eighty-seven and a half percent (87 1/2%) of the normally assigned time of full-time employees in the classified service.

PERFORMANCE EVALUATION: A formal written statement of the quantity and/or quality of the work performed or the manner in which duties and responsibilities are carried out by a person employed in the District's classified service.

PERMANENT EMPLOYEE: In reference to District employment status, an employee who has completed an initial probationary period of one-hundred-thirty (130) days of paid regular service in the classified service, or two-hundred-sixty (260) days for positions designated as executive, administrative, or supervisory. In reference to employment status in a specific class, an employee who has completed a probationary period for that class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time, or for a fixed period of time in excess of six (6) months.

PERSONAL NECESSITY LEAVE: A leave of absence with pay for a limited duration which may be taken for reasons of personal need; as specified in the Education Code and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave bank, and is limited to a maximum of seven (7) days per school year.

PERSONNEL COMMISSION: (also referred to as "Commission") A three member Committee established pursuant to the requirements of "the Act" to administer the "Merit System" in the Westminster School District.

PERSONNEL DIRECTOR: (also referred to as "Human Resources Classified Director") As used in these rules, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the "Merit System" under the provisions of law and the Rules and Regulations established by the Personnel Commission.

PERSONNEL STAFF: (also know as "Personnel Commission staff") Those persons employed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

POSITION: A group of duties and responsibilities assigned by competent authority which requires either full-time or part-time employment of one person on a permanent or limited-term basis. A position can only be established by action of the Board of Trustees, or by the Personnel Commission for a member of its own staff.

POSITION CLASSIFICATION: The process of categorizing jobs by occupational groups, series, class, and grade; according to similarities and differences in duties, responsibilities, and qualification requirements.

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

PROBATIONARY PERIOD: A trial period of one-hundred-thirty (130) days, or two-hundred-sixty (260) days (for executive/ administrative/supervisory employees), of paid service following appointment to a permanent position from an appropriate eligibility list.

PROBATIONER: An employee who has not completed the required probationary period established for the classification to which assigned.

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

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate; or the assignment of a permanent employee in one class to fill a position in another class with a higher maximum rate on a regular basis while continuing regular employment in the lower classification.

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

PROVISIONAL APPOINTMENT: A temporary appointment of a person to a permanent or limited-term position which is made in the absence of an appropriate eligibility list for a period of time not to exceed ninety (90) working days except in specified circumstances.

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

QUALIFIED APPLICANT: A person who has passed the application screening process, and is eligible for further consideration in the selection process.

RANK: When referring to "rank" on an eligibility list, it shall mean all of those eligibles whose scores fall within a single whole number. For example, if three scores were 85.49, 85.25, and 85.10, all three eligibles would constitute the single rank of 86.00.

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

RECLASSIFICATION: The removal of a position or positions from one class and placement into another. A change in class assignment (upward or downward) as a result of a change in duties.

REEMPLOYMENT: Return to duty of a former employee who has been laid off. Also applies to former employees of the District who are returned to duty for limited periods of time following their retirement(s).

REEMPLOYMENT LIST: A list of names (in rank order of seniority) of persons who have been laid off from permanent positions by reason of a lack of work, lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in the Rules and Regulations of the Personnel Commission, and who are eligible for reemployment without examination in their former class or classes (within a period of thirty-nine months following the last day of employment with the District).

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a regular full-time or part-time position vacancy.

REGULAR EMPLOYEE: A person (employee) who has probationary or permanent status with the District.

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

REHIRE DATE: The date of the most recent regular employment with the District.

REINSTATEMENT: A reappointment of a former employee, within a period of thirty-nine months following the date of his/her resignation, without examination; to a position in one of the person's former classes, or in a related lower class. Such reappointment requires the District to restore all rights and benefits previously earned by the person prior to the resignation.

RESIGNATION: Voluntary termination by an employee of his/her employment.

RESTORATION: The reinstatement to duty of an employee or former employee with all of the rights, benefits, and burdens held prior to the break in service. This term includes reemployment as well as reinstatement following demotion or dismissal when an appeal has been sustained by the Personnel Commission.

RIGHT: A benefit which is bestowed on a person by law or rule and must be granted to the person.

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

SALARY ANNIVERSARY DATE: The date on which the employee is granted an earned salary increment.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range usually consists of six (6) steps.

SALARY RATE: That amount of money authorized to be paid on an hourly, daily, weekly, monthly, or annual basis for a particular classification, assignment, or contract.

SALARY SCHEDULE: The complete list of ranges, steps, and rates of pay established for the classified service; sometimes known as a salary matrix.

SALARY STEP: A specific rate of pay in a salary range. One of the consecutive rates that comprise a salary range, and paid on an hourly or monthly basis.

SALARY SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work. The data is usually secured from other public agencies and from private sector businesses in the labor market area. The term also includes the written report containing the data collected.

SENIORITY: Status secured by length of service (in a classification) to which certain rights attach; including, but not limited to, the calculation of extra points for employees taking promotional examinations, and for determining the order of layoff when positions within a classification are being eliminated.

SEPARATION: Leaving one's employment with the District. This term includes resignation, dismissal, layoff, retirement, etc. The ending of all status as an employee.

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

SPECIFIED TEMPORARY ASSIGNMENT: The appointment of a regular classified employee to a permanent or limited-term position on a temporary basis; the duration of which is spelled out in the personnel action and made known to the employee at the time of appointment to the position.

STATUS: The employee's present standing in the classified service, e.g., temporary, limited-term, probationary, permanent, etc.

STEP ADVANCEMENT: Movement (on the established anniversary date each year) to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding year; until the maximum step (usually the sixth step) has been achieved.

SUBSTITUTE EMPLOYEE: A person who is temporarily occupying a regular position during the absence of the incumbent; may also be referred to as a "limited-term employee."

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes, or pending the outcome of an investigation of charges that have been filed against the employee.

TEMPORARY: Employment on the basis of other than permanent or probationary status, e.g., limited-term or provisional status.

TRANSFER: The reassignment of an employee without examination from one position to another position within the same class, or to a position in a similar or related class (as determined by the Personnel Commission) having the same salary range.

UNCLASSIFIED SERVICE: All positions which (by law) are not a part of either the classified service or the certificated service of the District.

UNSATISFACTORY SERVICE: The performance of assigned duties and responsibilities in a manner which is considered detrimental to the good of the District, or the failure to perform them adequately; or the performance of actions detrimental to the good of the District while not on duty.

VETERAN'S CREDIT: Five points (or ten points for persons disabled as the result of military service) for military or related service rendered during time of war or national emergency, and which are to be added to the final passing score of such person or persons competing in an "open examination."

WAIVER: The voluntary relinquishment (by an eligible) of a right to be considered for appointment from an employment list to one or more position locations, or for a specified or unlimited period of time (not to exceed the limited duration of the employment list).

WORKDAY: That part of a twenty-four-hour period during which an employee is scheduled to work (in accordance with his/her specific assignment).

Reference: E.C. #45127, #45194, #45207, #45256, #45260, #45261, #45262, #45269, #45270, #45285, #45286, #45287, #45290, #45292, #45294, #45296, #45298, #45301, #45302, #45305, #45307, #45309
Adopted: June 15, 1965
Amended: March 31, 1981; September 28, 1982; May 23, 1989; April 23, 1991; December 17, 1991; June 27, 1995; May 28, 1996; April 25, 2000, October 27, 2008.
Reviewed: October 27, 2008

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE II
THE PERSONNEL COMMISSION**

Section 1 Organization of the Commission

2.1.1 Term(s) of Office and Selection Procedures

The Personnel Commission is composed of three individuals who must be registered voters and reside within the Westminster School District boundaries.

The members of the Commission are appointed by the State Superintendent of Public Instruction, upon the recommendation of the Westminster School District Board of Trustees.

To be a member of the Commission, a person cannot be an employee of the Westminster School District or a member of the governing board of any school district or county board of education, but must be a known adherent of the "merit system."

By law, the term of office for each of the commissioners is for a period of three (3) years and expires at noon on December 1 of the third year. The terms of office have been scheduled so that the term of office of only one of the commissioners expires each December 1.

On or about August 1 of each year, the Director, Human Resources, shall notify the Board of Trustees and recognized classified employee organization(s) of the name and address of the Commissioner whose term will be expiring, and whether or not they will accept reappointment to another three-year term. The notification will also designate the procedures to be followed in filling the upcoming vacancy.

The Board of Trustees shall make its nomination in accordance with the provisions of Education Code Section #45246 which provide that: (a) the governing board shall announce the name of the person it intends to nominate for appointment or reappointment no later than September 30; (b) at a board meeting to be held after 30 days and within 45 days (of the date on which the Board of Trustees announced the name of its nominee), the governing board in open hearing shall provide the public, the employees of the school district and representatives of the employee organization(s) to express their views on the qualifications of the nominee; (c) following the public hearing, the governing board may then take action to approve the name of its nominee for submission to the Superintendent of Public Instruction for approval, or to name some other qualified person; without further notification or other public hearing.

In the event that a vacancy would otherwise exist on the Personnel Commission as of December 1 because of the failure of the appointing authority to take action on a new appointment, the prior appointee shall continue in office and to function as a member of the District's Personnel Commission until such time as a qualified successor has been appointed and that person is prepared to assume the duties and responsibilities of the position.

References: E.C. #45244, #45245, #45246, #45247, #45248, and G.C. #1302.
Adopted: June 15, 1965
Amended: March 31, 1981; June 27, 1989; February 15, 1994; August 19, 2014
Revised: November 25, 2008

2.1.2 Officers

A. The officers of the Personnel Commission are the Chairperson and Vice-chairperson, which serve one-year terms commencing December 1 and continuing through November 30.

B. The offices of Chairperson and Vice-chairperson are filled in the following manner:

(1) The Commissioner who is completing the third year of their three-year term on the Commission serves as Chairperson during that year.

- (2) The Commissioner who is completing the second year of their three-year term on the Commission serves as Vice-chairperson during that year.

- C. In the event that a vacancy occurs during the term of either of the officers noted in "A" above, the vacancy shall be filled by a vote of the Commissioners at any regular meeting or special meeting called for such purpose. Such election shall be for the duration of the unexpired term.

References: E. C. #45260, #45261, and G.C. #1302
Adopted: June 15, 1965
Amended: June 27, 1989; March 25, 1992
Reviewed: November 25, 2008

2.1.3 Quorum and Majority:

Two members of the Commission shall constitute a quorum for any regular or special meeting of the Personnel Commission. The affirmative vote of at least two (2) members of the Commission is required to carry any motion or action.

References: E. C. #45260, #45261, and G.C. #45952.6
Adopted: June 15, 1965
Amended: June 27, 1989
Reviewed: November 25, 2008

2.1.4 Vacancies

In the event that a vacancy occurs during the term of office of any of the Commissioners, a new appointee shall be selected by the original appointing authority (to complete the unexpired term) in accordance with the following procedures:

- A. The Director shall immediately notify the other Commissioners, the Board of Trustees, and the recognized classified employee organization(s) of the name of the Commissioner, the effective date of the vacancy, the duration of the unexpired term, the name of the appointing authority, and the procedures to be followed in filling the vacancy.
- B. Appointment Procedures: The Board of Trustees shall make its nomination in accordance with the provisions of Education Code Section No. 45246 as noted in Section 2.1.1 of these Rules and Regulations.

References: E. C. #45244, #45245, #45246, #45247, #45248, and #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.1.5 Compensation of Commission Members

The members of the Personnel Commission shall receive compensation at the rate of fifty dollars (\$50) per meeting; not to exceed two hundred fifty dollars (\$250) per month. The members of the Commission have also been approved (by the Board of Trustees) to participate in the district-paid health, life, dental, and eye-care programs.

References: E.C. #45250 and #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

Section 2 Meetings

2.2.1 Regular Meetings

Subject to cancellation or proper change, the Personnel Commission shall meet on the fourth Tuesday of each month at 3:00 p.m., in the Westminster School District Board Room, 14121 Cedarwood Street, Westminster, California. Whenever the regularly scheduled meeting date happens to fall on a holiday, the Commission shall meet on the next succeeding business day

unless the Commission (at a prior regular meeting) takes action to designate 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 forty-eight (48) hours notice is given to representatives of the employee organization(s) and the District's administration, as well as being posted on the Commission's official bulletin board and/or in the lobby of the District Office of the Westminster School District and/or the Westminster School District Website.

References: E. C. #45260 as well as G.C. #54952, #54952.3, and #54956.5
Adopted: June 15, 1965
Amended: March 31, 1981; June 27, 1989; Sept. 21, 1993; May 24, 1994; Sept. 2005; October 2006
Revised: November 25, 2008; February 25, 2014; September 23, 2025

2.2.2 Adjourned Regular Meetings

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

References: E. C. #45260, as well as G. C. #54952, #54952.3, #54956.5, #54955, and #54955.1
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.2.3 Special Meetings

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

References: E. C. #45260 and G.C. #45959
Adopted: June 27, 1989
Revised: November 25, 2008

2.2.4 Public Meetings

All regular and special meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any of the Commission's meetings except as provided for in Personnel Commission Rule #2.2.5. This rule shall not be construed as authorizing employees to be absent from duty for attendance at Personnel Commission meetings.

All votes or abstentions of the Commissioners relative to any actions during a meeting of the Commission, whether in open or authorized closed session, shall be recorded in the minutes of the meeting. No secret ballots are permitted.

References: E.C. #45260, as well as G.C. #54952, #54952.3, #54952.5, and #54953
Adopted: June 27, 1989
Amended: February 15, 1994
Reviewed: November 25, 2008

2.2.5 Closed Session

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

Prior to the holding of a closed session, the Commission shall state the general reason(s) for the closed session and must cite the statutory or legal authority under which the session is being held. In the closed session, the Commission may consider only those matters covered in its statement of reasons. In the case of a special, an adjourned, or a continued meeting, the statement of reasons shall be made as part of the written meeting notice for such special, adjourned, or continued meeting. In giving the general reason or reasons for holding a closed session, the Commission is not required or authorized to give the names or other information which might constitute an invasion of privacy or otherwise unnecessarily divulge protected facts and information for which the closed session is being held.

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

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

- A. Consideration of appointment, employment, dismissal or evaluation of an employee. However, any action taken to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment status of an employee must be reported at a public meeting following the closed session. Such report must include the title of the position and any changes in compensation. The reporting of actions on disciplinary matters may be deferred until the first public meeting following the exhaustion of any administrative remedies.
- B. Consideration of complaints brought against an employee. The Commission will consider such matters in open session during any regular or special meeting to consider the appointment, employment, performance evaluation, dismissal, or the hearing of complaints or charges brought against employees by another person or employee unless such employee (against whom charges or complaints are brought) requests that the matter be considered in a closed session. As a condition of holding a closed session on the complaint, formal charges, or a disciplinary matter, the affected employee shall be given a written notice regarding the matter and his/her right to have the matter heard in closed session rather than an open session; which notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time scheduled to hold the regular or special Commission meeting. If notice is not given as prescribed, any punitive action taken relative to the employee shall be null and void. During the examination of the complainant or a witness, the Commission may exclude other witnesses even though the hearing is held as part of a public meeting. If a hearing is held in closed session, the Commission may exclude other witnesses as well as the general public while the matter is being investigated. Following the public hearing or closed session, the Commission may deliberate on the matter and reach its decision in a closed session.
- C. Consideration of matters affecting national security.
- D. Consideration of legal matters coming within the purview of the attorney/client relationship. The Commission has the right to consider any legal matter(s) within the scope of the attorney/client privilege. This exception, though not expressed in the Brown Act, was found by the California Appellate Court to be implied by the Act (the Sacramento Newspaper Case). According to the Court, "there is a public entitlement to the effective use of legal counsel in civil litigation. Effective aid is impossible if opportunity for confidential legal advice is banned."

- E. Discussion relative to negotiations, conciliation, mediation, or other matters affecting classified employee labor relations as provided for in Government Code Sections #3500 et seq. However, the District's budget, funding priorities and/or available funds are not proper subjects and shall not be a matter of a closed session discussion.

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

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

Any meeting of a mediator with either party or both parties to the meeting and negotiating process.

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

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

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

A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor under the provisions of Government Code #1222 and #1770(h). Repeated violation of the confidentiality of a closed session by a Commissioner may be considered grounds for removal from office.

References: E.C. #35146, #49073, #54957, #54957.1, #54957.2, #54957.6, #54957.7, as well as G.C. #1222, #1770, #3543, #3543.2, and #3549.1
Adopted: June 27, 1989
Amended: February 15, 1994
Revised: November 25, 2008

2.2.6 Agenda and Supporting Data

At least seventy-two (72) hours prior to every regular Commission meeting, or twenty-four (24) hours prior to every special meeting, the agenda shall be provided to the designated representatives of all employee organizations representing classified employees, the Commission members, and the District's Superintendent. The agenda(s) will be posted on the Commission's official bulletin board and/or Westminster School District Website, and distributed to the news media having requested it/them. Each item on the agenda shall contain a brief general description of the item.

When practical, supporting data for agenda items will be furnished prior to the meeting date.

Individual employees, employee organizations, and other interested parties may submit their written views on any item on the agenda; except for those matters listed in Personnel Commission Rule #2.2.5 (Closed Sessions), and/or given a reasonable opportunity to present their views orally during the Commission meeting. Presentations before the Commission will normally be limited to ten (10) minutes per person for any one item on the agenda. However, the Commission Chairperson may allow additional time at his/her discretion (in the event that it appears important or necessary to do so). In reaching its decisions, the Commission has hereby made it a policy to consider all comments and recommendations made to it in this manner.

District personnel, representatives of recognized employee organizations, representatives of the Board of Education or of the District's administrative staff, or other interested parties may submit items to be placed on a Commission agenda by submitting the items to the Director not less than seven (7) days prior to the scheduled Commission meeting (at which the item is to be considered).

References: E.C. #45260
Adopted: June 27, 1989
Amended: February 15, 1994
Revised: November 25, 2008

2.2.7 Amendment(s), Deletion(s), or Addition(s) to Rules

All proposals, from any source, to amend, delete, or add to these rules and regulations will be considered for a "first reading" at the meeting in which they are first presented to the Personnel Commission. They will not, unless an emergency exists, be acted upon when presented for a "first reading."

On a "first reading," the Personnel Commission will set a date for Commission action on the proposal; which date shall normally be the next regularly scheduled Commission meeting. The Director will refer the proposed rule changes to the designated representatives of recognized employee organizations representing the District's classified employees, the Superintendent of Schools, the Board of Education, and others (who have indicated their interest in such matters) in order to provide them with an opportunity to submit their comments or recommendations.

Insofar as possible, the interested parties shall submit their reactions and/or recommendations to proposed rule changes in writing on or before the stipulated agenda deadline date (see P.C. #2.2.6); particularly, if the reactions and recommendations are lengthy or involved. However, those who also want to speak to the item(s) at the Commission meeting will be given an opportunity as provided in P.C. Rule #2.2.6 (Agenda and Supporting Data).

References: E.C. #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.2.8 Minutes

The Personnel Director, in his/her capacity as Secretary to the Personnel Commission, shall record (in the minutes) the time and place of each Personnel Commission meeting, the names of the Commissioners present, all official acts of the Commission, and the votes or abstentions of the Commissioners. When requested by a Commissioner, the Director shall record that Commissioner's approval or dissent and any expressed reasons therefore. The minutes of each meeting shall be reduced to written form and presented to the Commission for correction and/or approval at the next regularly scheduled meeting of the Commission.

The minutes of each Commission meeting or a true copy thereof, shall be open and available for public inspection.

Copies of the Commission's minutes shall be distributed to the designated representatives of all employee organizations representing the District's classified employees, the Commission, the District's Superintendent, and others (who have indicated their interest in such matters).

References: E.C. #45260
Adopted: June 27, 1989
Amended: February 15, 1994
Revised: November 25, 2008

Section 3 Commission Employees

2.3.1 Status of Commission Employees

The Director and other persons required to carry out the day-to-day responsibilities of the Personnel Commission shall be selected by the Commission or its designated representative, and shall be employees of the Personnel Commission. However, the persons so employed shall be part of the District's Classified Service and subject to all of the rules, procedures, benefits, and burdens pertinent to the classified service; except as the Commission may specifically direct.

References: E.C. #45260 and #45264
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.3.2 General Duties of the Director, Human Resources Classified

The Director shall perform all of the duties assigned and carry out all of the functions imposed upon him/her by law and these rules and regulations. The Director shall act as Secretary to the Personnel Commission, and shall issue and receive all notifications on its behalf. The Director shall direct and supervise the employees of the Commission, and conduct administrative transactions consistent with the law as well as the proper functioning of the office and staff of the Personnel Commission.

The Director shall conduct classification, salary, and rules studies, and shall make such other investigations as directed by the Commission or as deemed necessary in carrying out the responsibilities. The Director may be designated to act as a hearing officer in disciplinary matters effectuated under the provisions of these rules and regulations if so directed by the Commission.

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

References: E.C. #45260, #45261, #45266, and #45312
Adopted: June 27, 1989
Revised: November 25, 2008

Section 4 Miscellaneous Provisions

2.4.1 Communications

Communications and requests shall, when practical (in the opinion of the Commission), be in writing. Communications and requests shall be acknowledged and replied to; noting official Commission action whenever it is appropriate to do so.

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

Since it is against the policy of the Personnel Commission to take up or consider matters except at open meetings, individuals or groups who seek interviews with particular Commissioners regarding matters which may later be placed before the Personnel Commission for consideration shall be referenced to the Commission Office. Such individuals or groups will be asked to put the matter(s) in writing so that they may properly be placed on a Commission agenda.

References: E.C. #45260
Adopted: June 27, 1989
Revised: November 25, 2008

2.4.2 Budget

The Director shall, prior to the regular Commission meeting in April (of each year), prepare and submit to the members of the Commission a proposed operating budget for the next ensuing fiscal year.

After presentation and study, the Commission shall provide for a public hearing on its proposed budget; such hearing to be held not later than May 30 (of each year).

Prior to the public hearing on its budget, the Personnel Commission shall forward a copy of its proposed budget to the Board of Trustees indicating the time, date, and place of the public hearing,

and shall invite the Board and District Administration representatives to attend the meeting and to present their views regarding the proposed budget. The Commission shall fully consider the views and opinions expressed by the Board and Administration representatives in adopting its budget for the ensuing fiscal year.

Following its adoption of a budget for the ensuing fiscal year, the Commission shall forward its adopted budget to the Orange County Superintendent of Schools for action.

If the Board of Trustees of the Westminster School District does not feel that its views (as expressed during the Commission's public hearing on the budget) have been fully considered by the Personnel Commission in the adoption of the budget, the Board may then forward its concerns to the Orange County Superintendent of Schools. The Orange County Superintendent, upon receipt of the Board's objections or concerns, will schedule a public hearing on the budget concerns; such public hearing to be held within the boundaries of the Westminster School District.

The County Superintendent of Schools may reject the Personnel Commission's adopted budget, but may not amend the budget without the approval of the Commission. In the absence of agreement between the Personnel Commission and the County Superintendent of Schools regarding the amount of money to be budgeted for the Commission's operations, the amount of the prior year's budget shall determine the amount of the new Personnel Commission budget. However, the items of expenditure (within that new budget) shall be determined by the Commission.

References: E.C. #45253 and #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.4.3 Legal Counsel for the Personnel Commission

The legal counsel for the Board of Trustees shall also aid and represent the Personnel Commission in all legal matters. If such counsel refuses, or it is determined that a conflict of interest may exist, the Commission may employ its own legal counsel and the reasonable cost therefore shall constitute a legal charge against the District's general funds.

References: E.C. #45313
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.4.4 Organizational Memberships and Membership Dues

- A. The Personnel Commission shall become and shall remain members of each of the following organizations:
 - 1. The California School Personnel Commissioner's Association (CSPCA).
 - 2. The Personnel Commissioner's Association of Southern California (PCASC).
 - 3. The Cooperative Organization for the Development of Employee Selection Procedures (CODESP).
- B. In preparing the Annual Personnel Commission Budget (for adoption by the Personnel Commission each year), the Director shall include sufficient monies to cover the annual costs of membership (dues and fees) for participation in each and all of the above-noted organizations.

References: E.C. #45253 and #45260
Adopted: June 27, 1989
Revised: November 25, 2008

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE III
POSITION CLASSIFICATION PLAN**

Section 1 The Classified Service

3.1.1 Positions Included

- A. All positions established by the Board of Trustees which are not exempt from the classified service by law shall be a part of the classified service of the Westminster School District. All employees serving in the District's classified positions shall be classified school employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution to the District consists solely in the rendition of individual personal services and whose employment does not come within the scope of exemptions established by law shall be employed outside the classified service.

References: E.C. #44065, #44066, #44068, #44069, #45103, #45104, #45105, #45105.1, #45106, #45108, #45256, #45256.5, and #45259

Adopted: July 18, 1989

Reviewed: September 23, 2008; February 27, 2024

3.1.2 Exemption From the Classified Service

Positions required by law to have certification qualifications, full-time day students employed part-time, part-time students employed part-time in any college work-study program or in a legally authorized work experience program conducted by a community college district, apprentices, community representatives (as provided by law), and professional experts employed on a temporary basis for a specific project by the Board of Trustees or by the Personnel Commission provided that the Commission has agreed to designate such persons as professional experts, shall be exempt from the classified service.

References: E.C. #44065, #44066, #44068, #44069, #45103, #45106, #45108, #45204, #45205, #45205.1, #45256, #45256.5, #45257, #45258, #45259, #51760, #51760.3, and #51764

Adopted: June 15, 1965

Amended: July 18, 1989, February 27, 2024

Reviewed: September 23, 2008

3.1.3 "Part-time" Defined

A part-time position for the purpose of exemption under Personnel Commission Rule #3.1.2 is a temporary position for which the assigned time, when computed on a monthly basis is less than eighty-seven and a half percent (87 ½%) time of the normally assigned time for the majority of employees in the classification to which assigned or the majority of the employees in the classified service; whichever amount of time is the lesser.

References: E.C. #45256 and #45260

Adopted: July 18, 1989

Reviewed: September 23, 2008; February 27, 2024

3.1.4 Effect of Exemption

Any position or employee totally exempted from the classified service by law shall be excluded from the benefits and burdens imposed by these rules and regulations; except as otherwise provided by law or by the Board of Trustees.

References: E.C. #44065, #45103, #45105.1, #45106, #45256, #45257, #45258, and #45260

Adopted: July 18, 1989

Reviewed: September 23, 2008; February 27, 2024

3.1.5 Professional Expert Assignments

- A. Whenever the use of a professional expert assignment is being contemplated the administration shall submit a description of the project to the Executive Director, Human Resources, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the employee so assigned, or to avoid payment of overtime to other persons a part of the classified service, nor shall a limited-term position be filled by the assignment of a professional expert if the duties and responsibilities to be performed by the person fit an existing class for which a reemployment or an eligibility list exists.
- B. When the person who is to be employed as a professional expert is known, his/her name as well as the data relative to his/her qualifications shall be submitted to the Executive Director Human Resources. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession. Evidence of professional qualifications must be presented to the Personnel Commission at the time that the written request for such temporary appointment is made. The duration of the authorization for a person to serve as a professional expert shall be determined by the Commission; based upon the request of the Board of Trustees. However, authorization for service as a professional expert shall not exceed a maximum of eighteen (18) months.

References: E.C. #45256 and #45260
Adopted: June 15, 1965
Amended: July 18, 1989; August 22, 2000; February 27, 2024
Reviewed: September 23, 2008

3.1.6 Restricted Positions

A. Definition:

If specifically-funded programs of the District are required, as a part of such program, to employ persons of low-income groups from designated impoverished areas and such other criteria that limits the privilege of all other citizens to compete for employment in such positions, those positions (in addition to the regular class title) shall be classified as "Restricted." The selection and retention of employees in such positions shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school district program; except that persons employed in the following "Restricted" classifications need not participate in the same type of selection processes as other similar non-restricted positions:

1. The position of Instructional Assistant-Restricted; and
2. Any other position involving personal contact with pupils or parents established to assist regular school personnel that are responsible for school-community relations, educational support services, or prevention of behavioral problems.

B. Rights and Benefits of Persons Serving in "Restricted" Positions:

1. Persons employed in "Restricted" positions shall be classified employees for all purposes except:
 - (a) they shall not attain permanent status; and
 - (b) they shall not be accorded seniority rights; in the event of layoff; and
 - (c) they shall not be eligible for promotions within the classified service until they have complied with the provisions of subdivision B.2 (below).
2. Employees serving in "Restricted" positions may, after completion of six (6) months of satisfactory service, be given the opportunity to take an appropriate competitive examination being given for the class in which they are serving. Should such persons successfully complete the examination process for placement on the eligibility list, as a result thereof, and regardless of his/her numerical standing on the eligibility list, he/she

shall become a member of the regular classified service of the District; even though such person may continue to serve in the "Restricted" position. Employees who have attained regular permanent status with the District under the provisions of this rule shall be accorded the full rights, benefits, and burdens of a regular permanent classified employee including, but not limited to, seniority rights (from the date of his/her original employment with the District in the "Restricted" position).

References: E.C. #45105, #45260, and #45261
Adopted: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.1.7 Employment of College Students Under Certain Programs

Full-time students employed part-time and part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Education Code Sections 51760-51770, and which is financed by state or federal funds, shall not be a part of the classified service. The District may employ such students pursuant to the Education Code. However, employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for service.

References: E.C. #45256, #45260, #45261, and #51760 through #51770
Adopted: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

Section 2 General Classification Rules

3.2.1 Assignment of Duties

The Board of Trustees shall prescribe the duties and responsibilities of all positions in the classified service, either directly or through its designated administrative staff, except for those of the Personnel Commission staff. When the duties being performed by a member of the District's classified staff are found to be inconsistent with the duties officially assigned to his/her position, the Human Resources Classified Director shall report that fact to the appropriate administrator so that any necessary action may be taken.

References: E.C. #45100, #45104, #45105, #45105.1, #45109, #45240, #45241, #45264, and #45266
Adopted: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.2.2 General Nature of the Classification Plan

The Executive Director, Human Resources shall make recommendations to the Personnel Commission regarding the establishment and maintenance of a district classification plan.

The Personnel Commission shall classify all positions in the classified service and those classifications or classes will be placed into groups by the Commission according to their general occupational nature and, within groups, shall be listed in series by specific occupation. The classification plan shall indicate the class or classes in each series which are likely to be filled by open competitive examination. Those classes not so designated shall be considered to be promotional classes unless the Personnel Commission decides otherwise. The Personnel Commission shall decide whether an examination will be open, promotional, or open and promotional at the point that it orders or authorizes that an examination be held.

In establishing and maintaining a classification plan, the list of classes that the Commission establishes shall contain designations of the salary rate or range applicable to each class.

References: E.C. #45100, #45104, #45105, #45105.1, #45109, #45241, and #45256
Adopted: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.2.3 Allocation of Positions to Classes

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

References: E.C. #45256, #45260, #45273, #45276, #45277, #45285, and #45285.5
Adopted: June 15, 1965
Amended: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.2.4 Creating and Abolishing Classes

The Commission may create new classes as needed and abolish or combine existing classes within the Classified Service, as the needs of the service require.

References: E.C. #45241, #45256, #45261, and #45276
Adopted: June 15, 1965
Reviewed: September 23, 2008; February 27, 2024

3.2.5 Class Specifications

For each classification or class of positions in the Classified Service, as initially established or subsequently altered by the Personnel Commission, the Commission shall establish and maintain a class specification, which shall include:

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

References: E.C. #45256, #45260, #45273, #45276, #45277, #45285, and #45285.5
Adopted: June 15, 1965
Amended: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.2.6 Class Definitions

The Commission reserves the right to amend and amplify the definitions established for each class. It is the intent of the Commission that the class specifications shall present a true picture of the positions and classes described.

References: E.C. #45256, #45260, #45273, #45276, #45277, #45285, and #45285.5
Adopted: June 15, 1965
Reviewed: September 23, 2008; February 27, 2024

3.2.7 Interpretation of Class Specifications

- A. The definition and typical tasks (representative duties) are descriptive and explanatory and are not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any one position. The use of 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 a similar kind and/or quality; as determined by the Personnel Commission.
- B. In determining the class to which any position may be allocated, the specification for each class shall be considered as a whole. Consideration shall be given, not to isolated clauses, phrases, or words, apart from their context and/or illustrative information in other parts of the specification(s), but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Each class specification is construed in its proper relationship to other classes and class specifications, particularly those in the same group or series of classes; in such a manner as to maintain a proper gradation in the series to which the class has been allocated, as well as the proper differentiation between classes.
- D. Qualifications commonly required of all positions and incumbents within the District, such as good physical condition, citizenship or other legal right of employment in this Country, integrity, industry, sobriety, initiative, resourcefulness, dependability, good judgment, good moral character, and loyalty, are included as part of the minimum qualifications requirements in the specifications even though they are not specifically listed therein.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement of position vacancies and in the preparation of tests and other selection procedures as well as the evaluation of the qualifications of applicant/candidates seeking employment in positions allocated to the class, but does not require a particular form or content of test or testing (selection) procedure.

References: E.C. #45256, #45260, #45273, #45276, #45277, #45285, and #45285.5

Adopted: July 18, 1989

Revised: September 23, 2008

3.2.8 Change(s) In Duties of Positions

Any substantial changes in duties of existing positions shall be promptly reported in writing by the appointing authority or designated representative to the Executive Director, Human Resources, who shall determine whether or not the position should be recommended to the Personnel Commission for allocation to a new or different classification. Should a change in classification be warranted or necessary, the Executive Director, Human Resources shall submit his/her recommendation to the Personnel Commission for action.

References: E.C. #45256, #45260, #45273, #45276, #45277, #45285, and #45285.5

Adopted: June 15, 1965

Amended: July 18, 1989

Reviewed: September 23, 2008; February 27, 2024

3.2.9 Working Out of Classification

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

The Human Resources Classified office will provide all new employees with a copy of the appropriate class description (for their positions) at the time of employment into such classification. In addition, the Human Resources Classified office will make certain that all existing employees

have received copies of their class descriptions. An employee may be worked beyond the scope of the duties normally assigned to his/her position provided that his/her salary is adjusted as follows:

- A. When a regular employee in the classified service works in a higher classification for a period of time which exceeds five (5) working days within a fifteen (15) calendar-day, the salary of the employee shall be adjusted upward for the entire period of working out of classification.
- B. Whenever an employee is allowed to assume or is required to perform all or the majority of the functions and duties of a higher classification, the salary shall be adjusted upward to the salary range of the higher classification, and then to the step of that range that will provide the employee with at least a four percent (4%) salary increase. An employee may receive less than a four percent (4%) increase if the top step of the higher classification's salary range is less than four percent (4%) above the employee's regular salary. In such an event, the employee shall be placed at said top step and the employee shall not be entitled to further compensation.
- C. Whenever an employee is allowed to assume or is required to perform duties for which no classification has been established, "salary adjustment upward" compensation shall be determined by the Personnel Commission as provided in "E" below. Compensation granted under this provision shall provide for a minimum increase of four percent (4%) and a maximum increase of twenty percent (20%).
- D. Claims for out-of-class pay will be submitted on appropriate forms and will include a description of the out-of-class duties performed. The completed claim form (s) shall be submitted to the Executive Director, Human Resources Classified Director as soon as possible. But, in no event shall a claim be accepted if filed later than one-hundred-twenty (120) days following the completion of the out-of-class assignment(s).
- E. The Executive Director, Human Resources shall review all out-of-class claims, secure any back-up information necessary and, except for claims filed under the conditions noted in paragraph "C" above, take action to make the necessary adjustments. For claims filed under the conditions noted in paragraph "C", the Executive Director, Human Resources will submit a report to the Personnel Commission no later than twenty-five (25) days following receipt of such out-of-class claim form. The out-of-class claim will then be placed on the agenda for the first regular Commission meeting scheduled thereafter. The Commission shall take such action as it necessary; based upon the facts presented.

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

The Personnel Commission may grant retroactive compensation for out-of-class work performed. However, such retroactive compensation shall be limited to a maximum period of eighteen months immediately preceding the month in which the out-of-class is filed.

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

References: E.C. #45110, #45256, #45260, #45285, #45285.5
Adopted: July 18, 1989
Amended: April 23, 1991; March 25, 1992
Reviewed: September 23, 2008; February 27, 2024

Section 3 Reclassification(s)

3.3.1 Reclassification Policy

The Personnel Commission maintains a system whereby classification reviews of positions will be on a continuing basis. The Commission will conduct studies of positions and classifications as it deems necessary in order to maintain appropriate internal alignments and the integrity of its established classification plan.

- 3.3.1.1 The basis for reclassification can be a district-initiated reorganization or a gradual accretion of duties or responsibilities over a period of time.

The Executive Director, Human Resources shall submit his/her reclassification recommendations to the Personnel Commission (which has the ultimate authority in such matters) for consideration and action.

- 3.3.1.2 Requests for classification studies of existing positions shall be presented to the Executive Director, Human Resources, with a statement setting forth the reasons for the request. Requests for such studies may be initiated by an employee, District Administration, or a recognized employee organization.

- 3.3.1.3 Whenever a reclassification study of an individual position is initiated at the request of the incumbent in a position, the requesting employee shall secure and complete an approved "Position Information Questionnaire" as the initial step in the process.

Requests for reclassification from individual employees shall not be accepted for processing during school recess periods.

The completed questionnaire shall be submitted to the requesting employee's immediate supervisor for review and comment.

After the immediate supervisor has had an opportunity to review and comment on the information provided by the requesting employee, he/she shall sign, date, and forward the completed document to the Executive Director, Human Resources. Unless extended by mutual agreement of the employee and his/her supervisor, the review must be completed and the document forwarded to the Executive Director, Human Resources within thirty (30) working days.

In the event that the immediate supervisor fails to forward the completed document to the Executive Director, Human Resources in a timely manner (as noted in the previous paragraph), the requesting employee may submit his/her request for reclassification to the Executive Director, Human Resources for processing.

Upon receipt of the request for reclassification, the Executive Director, Human Resources shall have forty (40) working days in which to conduct a study of the duties and responsibilities of the employee's position, and to submit his/her response to the employee. In the event that the Executive Director, Human Resources is in agreement that a reclassification is warranted that recommendation shall be submitted to the Personnel Commission for action at the next regularly-scheduled meeting. In the event that the Executive Director, Human Resources response indicates that his/her findings do not support a need for reclassification, or the Director fails to complete the study in a timely manner, the requesting employee may appeal the matter to the Personnel Commission by submitting a written appeal to the Commission office within fifteen (15) working days.

- 3.3.1.4 In the event that a request for reclassification is denied by the Personnel Commission or an employee fails to participate in a Commission-designated study covering the employee's classification, the requesting employee must wait a minimum of eighteen (18) months before reapplying for reclassification; unless the employee's duties are significantly altered as the result of a District initiated reorganization.

References: E.C. #45256, #45260, #45268, #45285, and #45285.5
Adopted: June 15, 1965
Amended: July 24, 1979; July 22, 1980; July 18, 1989; July 20, 1993; September/October 1997
Reviewed: September 23, 2008; February 27, 2024

3.3.2 Effective Date of Reclassification

The reclassification of a position or positions shall become effective on the date prescribed by the Personnel Commission, but shall not have retroactive effect. Effective dates may be set as of the first day of the month following the date of the Commission's action or it may be set sufficiently in the future to allow time for an examination process to be completed (if necessary), but not more than three (3) months from the date of the reclassification action.

References: E.C. #45256, #45260, #45268, #45285, and #45285.5
Adopted: June 15, 1965
Amended: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.3.3 Notice of Possible Reclassification

Prior to submitting his/her classification/reclassification(s) to the Personnel Commission for action, the Executive Director, Human Resources shall notify the affected employee(s), supervisor(s), District Administration, and recognized employee organizations (if any) of the impending action(s); providing copies of the proposed duty statement(s).

References: E.C. #45256, #45260, #45268, #45285, and #45285.5
Adopted: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.3.4 Effects on Incumbents

- A. Whenever a position or entire classes of positions are reclassified upward, the rights of incumbents will be determined in accordance with these rules and regulations.

When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for three (3) or more years may be reclassified (by the Personnel Commission) with their positions.

When one or more positions within a class, but not all the positions within that class, are reclassified upward, the incumbents(s) in the position(s) who has (have) a continuous employment record of three (3) or more years in one or more of the positions being reclassified may be reclassified (by the Personnel Commission) with his/her (their) positions(s).

In order for an incumbent to be reclassified upward with his/her position, the basis for the reclassification of the position must be the gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignments of entirely new duties and responsibilities. Determinations as to the gradual accretion of duties will be on the basis of the guidelines provided by the Rules and Regulations of the Personnel Commission.

An employee who has been reclassified upward with his/her position shall be ineligible for subsequent upward reclassification with his/her position for a period of at least three (3) years from the date of the prior reclassification action. Those incumbents who are not reclassified (by the Personnel Commission) with their positions shall be afforded an opportunity to take a qualifying examination or to compete in the District's selection process for promotion into the higher class.

- B. When one or more positions within a class, but not all of the positions within that class, are reclassified to an equal or lower wage or salary range, the incumbent(s) in the reclassified position(s) shall have the following rights:

1. The right to bump a less senior employee in the same class pursuant to bumping procedure contained in the layoff provisions of these rules and regulations.
2. The right to bump a less senior employee in any equal or lower class in which the incumbent has previously served and holds permanent status.
3. The right to demote or transfer, without examination, with his/her position to the new classification.

The employee may elect to transfer, demote, or exercise bumping rights at his/her option and that choice shall not affect his/her rights under Personnel Commission Rule 3.3.5.

- C. For purposes of these guidelines, three or more years of regular service shall be interpreted to mean assignment for at least three (3) complete years within the assignment basis of the class or position being reclassified.

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:

1. The nature and scope of each identified change in duties and responsibilities.
2. The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
3. The conditions which led to the association of the added duties and responsibilities with the subject position(s).
4. Evidence of the employee's performance of the added duties and responsibilities.

References: E.C. #45256, #45260, #45268, #45285, and #45285.1
 Adopted: July 18, 1989
 Reviewed: September 23, 2008; February 27, 2024

3.3.5 Reemployment Lists for Displaced Incumbents

Any displacement of a regular employee resulting from a reclassification of a position, positions, or a class of positions, shall be considered as a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these rules. These rules shall be followed in all instances of reclassification; whether or not it results in an upgrading, downgrading, lateral class movement, bumping, or a complete displacement of incumbents:

- A. Persons laid off because of a reclassification are eligible for reemployment for a period of thirty-nine (39) months, and shall be reemployed in preference to new applicants. In addition, such laid-off persons have the right to participate in promotional examinations within the District during that thirty-nine month period.
- B. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff due to a reclassification, 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 twenty-four (24) months, provided that the same tests of fitness still apply as determined by the Personnel Commission.

References: E.C. #45260, #45285, #45298, and #45308
 Adopted: July 18, 1989
 Reviewed: September 23, 2008; February 27, 2024

3.3.6 Salary Placement Resulting From Reclassification

The salary placement of an incumbent who is reclassified with his/her position, or otherwise affected by a reclassification action, shall be determined as provided in Commission Rule #17.2.4 (Promotional Salary Rate) and/or #17.2.5 (Salary Placement Upon Demotion).

References: E.C. #45260, #45261, and #45268
Adopted: March 28, 1995
Reviewed: September 23, 2008; February 27, 2024

Section 4 Occupational Hierarchies

3.4.1 The Personnel Commission has hereby established the following:

- A. That the Classified Service is hereby divided into occupational hierarchies.
- B. That hierarchies are, in turn, subdivided into class series. Class Series are developed by vertically separating closely-related classes into multiple levels. For example, Food Service Manager, Food Service Lead Cook, Food Service Cook, Food Service Worker might comprise a food services series. The number of levels in a series is not preordained, but is dependent upon class definitions. The number of levels within a class series should reflect substantive differences between jobs which can be specifically defined. Care must be exercised to refrain from creating artificial levels and classifications in a class series since such a practice can only result in salary compression and difficulty in delineating separate jobs.
- C. It must also be noted that, although separate, hierarchies are intertwined to such an extent that the classification and related compensation decisions made for one occupational group have a direct impact on the other occupational groups or series. If not carefully set up and monitored, changes in salary schedules in one series may be increased in such a manner that the salary for a subordinate position could exceed the amount paid that position's supervisor or to so compact the salary schedule as to make promotions undesirable. Classification decisions, including salary placement, must be made with consideration given to the classified service as a whole; not just the impact on one classification or occupational series.

References: E.C. #45100, #45104, #45105, #45105.1, #45109, #45241, and #45256
Adopted: July 18, 1989
Reviewed: September 23, 2008; February 27, 2024

3.4.2 With the foregoing rules and guidelines in mind, the Commission has hereby established the following occupational hierarchies (see Sections 3.4.2.1 though 3.4.2.13)

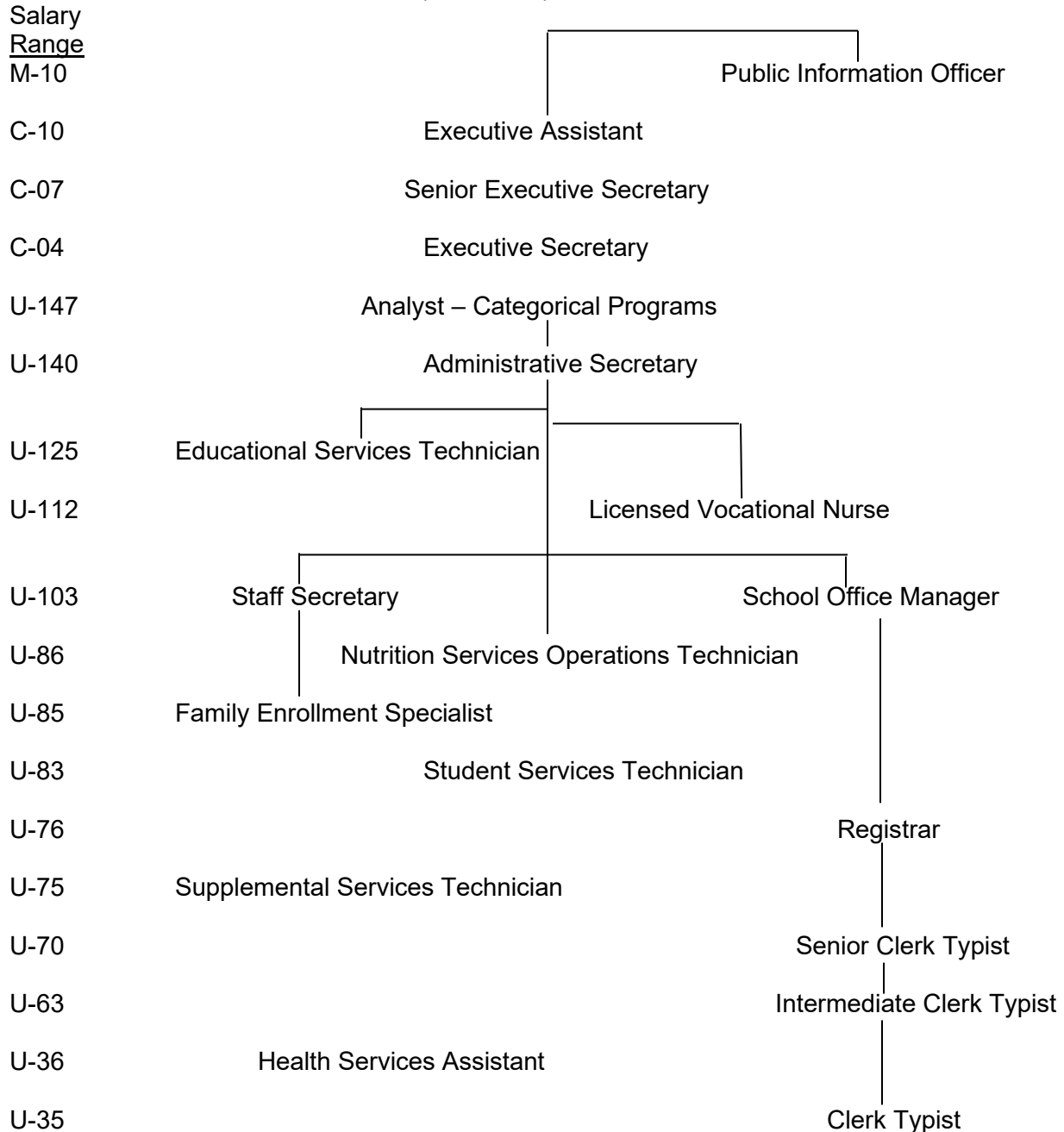
- A. Salary range codes on the schedule and hierarchy charts (to follow) reflect a new numbering system. The former numbering system can be found by review of the previous Personnel Commission Rules and Regulations book.

Adopted: September 23, 2008; February 27, 2024

Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.1 Clerical/Secretarial Series



The solid lines indicate normal career paths (upward and downward).
C = Confidential Schedule M = Management Schedule U = Unit Member Schedule

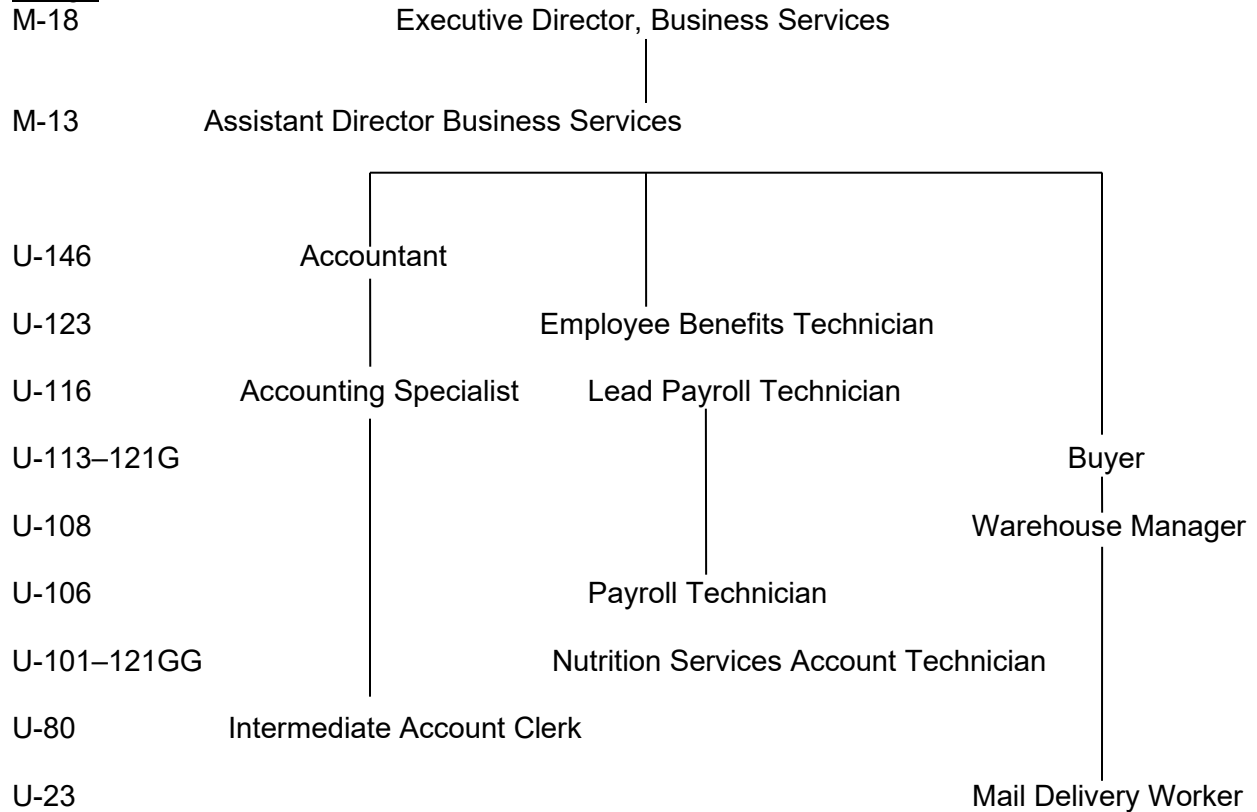
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.2 Fiscal/Purchasing/Warehouse Series

*Salary

Range



The solid lines indicate normal career paths (upward and downward).

C= Confidential Schedule

M= Management Schedule

U= Unit Member Schedule

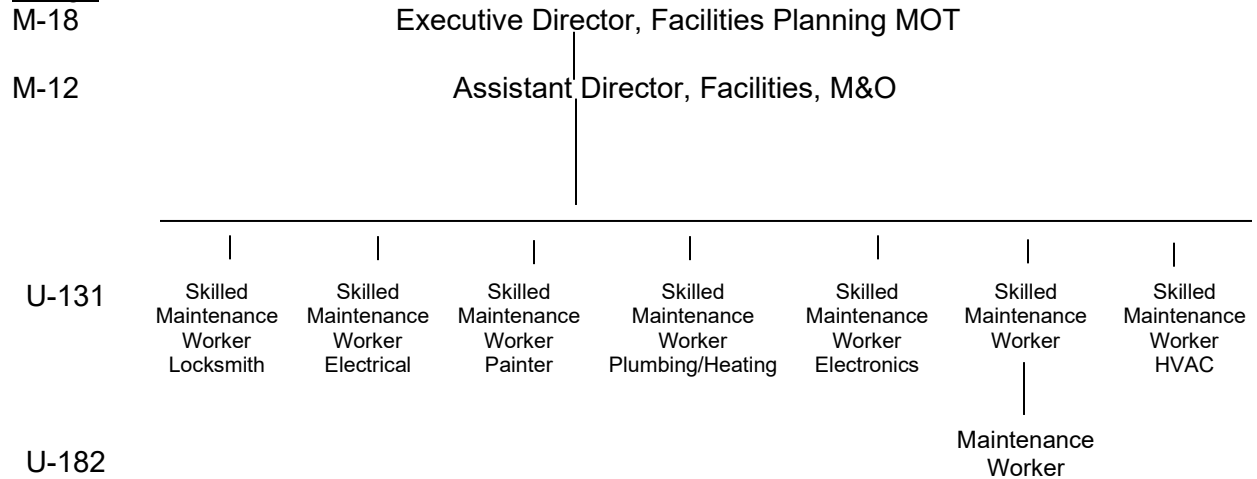
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.3 Maintenance Series

*Salary

Range



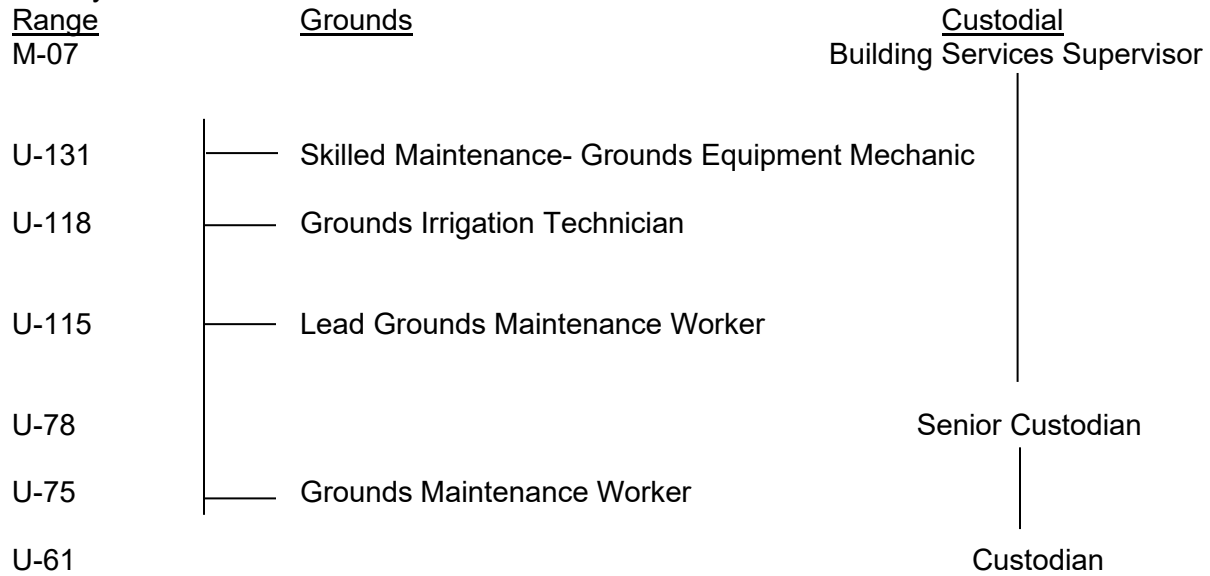
The solid lines indicate normal career paths (upward and downward).
C= Confidential Schedule M= Management Schedule U= Unit Member Schedule

Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.4 Operations Series (Grounds and Custodial)

*Salary



The solid lines indicate normal career paths (upward and downward).

C= Confidential Schedule M= Management Schedule U= Unit Member Schedule

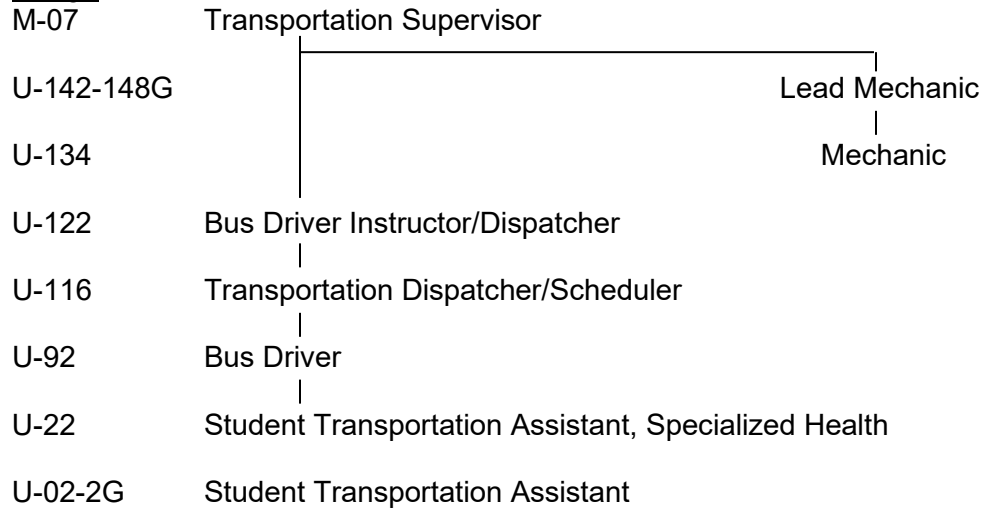
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.5 Transportation Series

*Salary

Range



The solid lines indicate normal career paths (upward and downward).

C= Confidential Schedule

M= Management Schedule

U= Unit Member Schedule

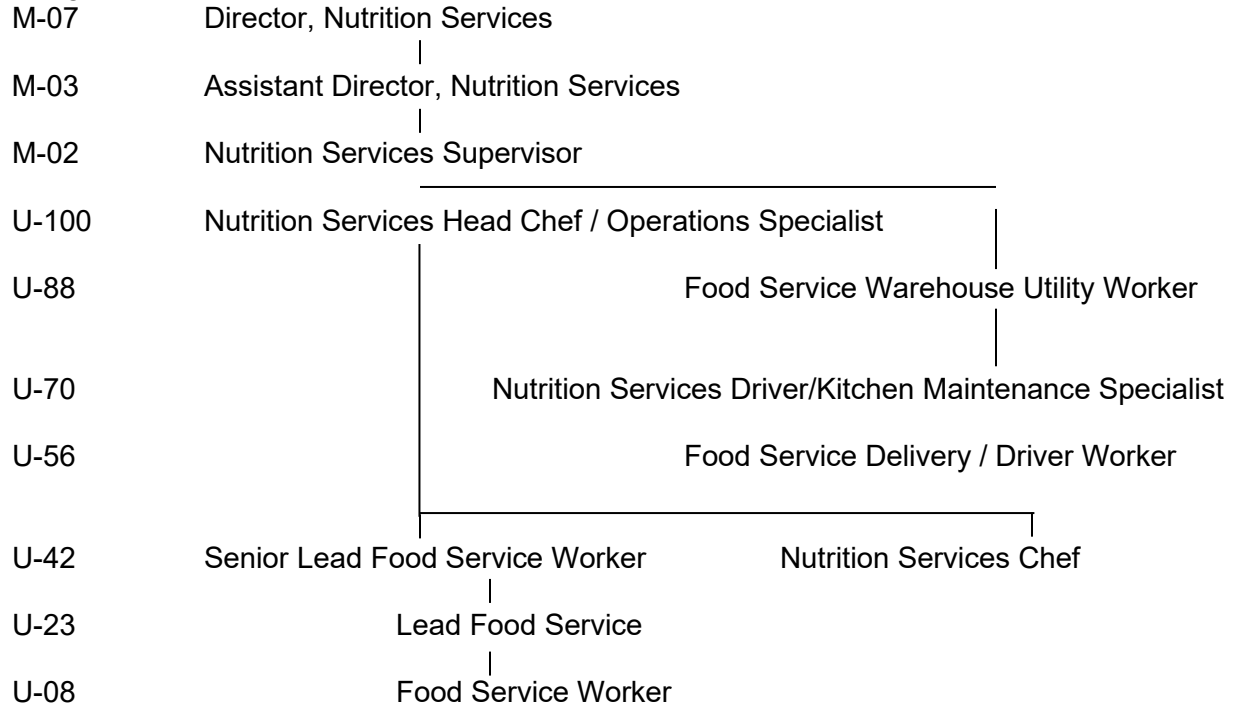
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.6 Food Services Series

*Salary

Range



The solid lines indicate the normal career paths (upward and downward).

C= Confidential Schedule

M= Management Schedule

U= Unit Member Schedule

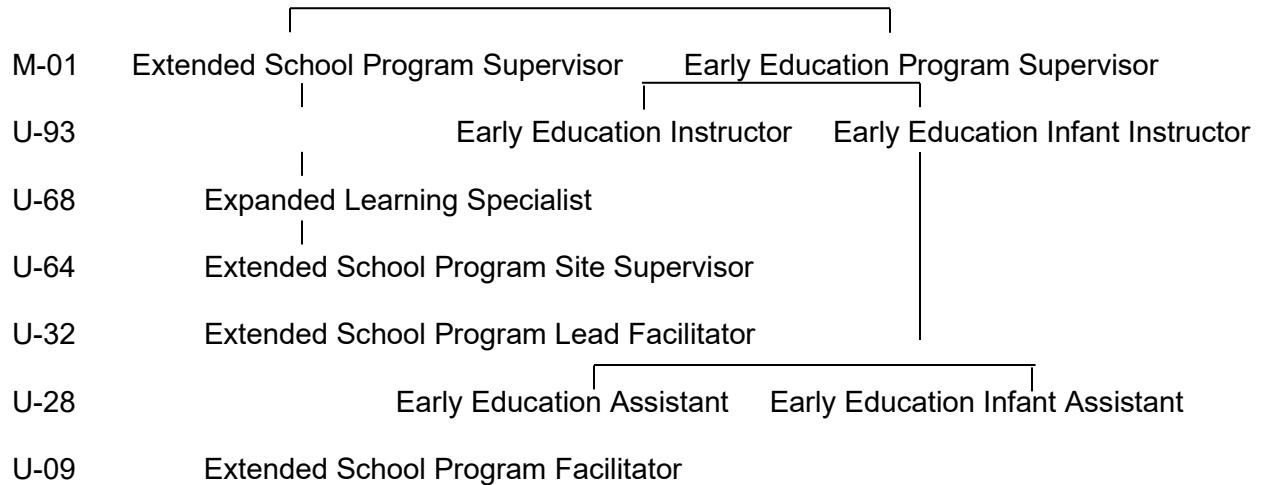
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4. Occupational Hierarchies (Continued) 3.4.2.7 Child Care and Development Series

*Salary

Range



The solid lines indicate normal career paths (upward and downward).

C= Confidential Schedule

M= Management Schedule

U= Unit Member Schedule

Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4 Occupational Hierarchies (Continued) 3.4.2.8 Instructional Series

*Salary

Range

U-104	Speech and Language Assistant
U-73	Lead Paraeducator / Behavior and Instructional Support
U-39	Paraeducator / Behavior and Instructional Support
U-37	Testing Technician – English Language Assessments
U-33-33G	Paraeducator / Specialized Health and Instructional Support
U-25	Paraeducator Instructional Support
U-21	English Language Assessment Assistant (sub only position)
U-17	Paraeducator
U-10	Physical Education Assistant / VAPA Assistant

The solid lines indicate normal career paths (upward and downward).

C= Confidential Schedule

M= Management Schedule

U= Unit Member Schedule

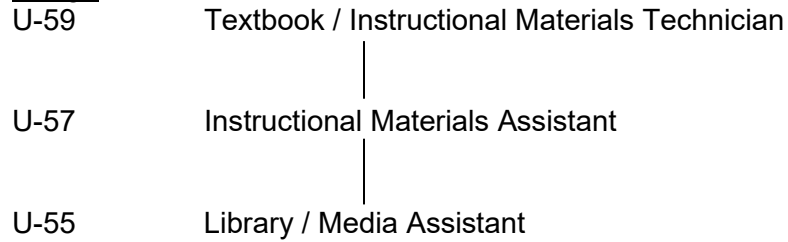
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4 Occupational Hierarchies (Continued) 3.4.2.9 Library Series

*Salary

Range



The solid lines indicate normal career paths (upward and downward)
C= Confidential Schedule M= Management Schedule U= Unit Member Schedule

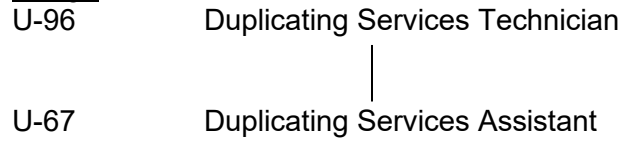
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4 Occupational Hierarchies (Continued) 3.4.2.10 Duplicating Series

*Salary

Range



The solid lines indicate normal career paths (upward and downward)
C= Confidential Schedule M= Management Schedule U= Unit Member Schedule

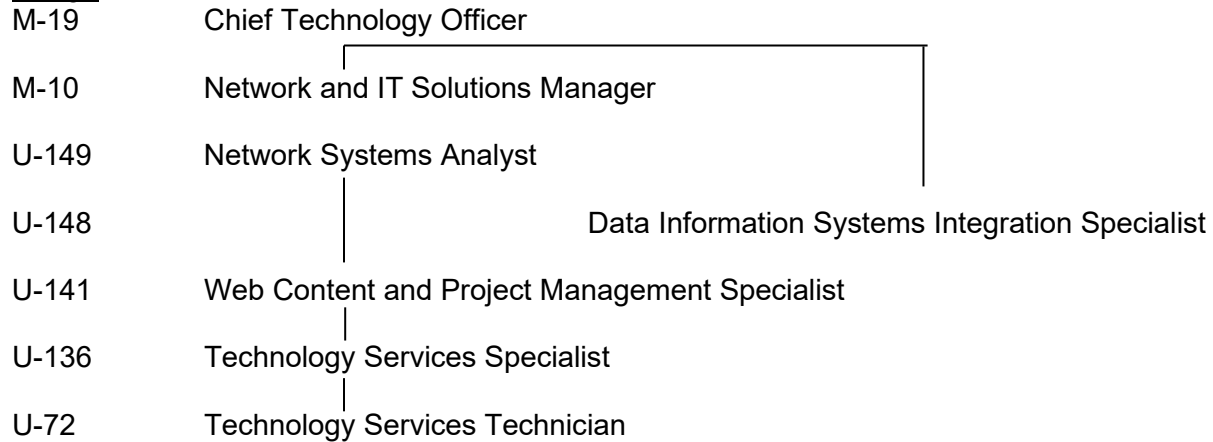
Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4 Occupational Hierarchies (Continued) 3.4.2.11 Computer/Technology Series

*Salary

Range



The solid lines indicate normal career paths (upward and downward)
C= Confidential Schedule M= Management Schedule U= Unit Member Schedule

Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4 Occupational Hierarchies (Continued) 3.4.2.12 Community Series

*Salary
Range

U-98	District Parent and Family Engagement Specialist
U-78	District Special Education Parent Liaison
U-71	Translator / Interpreter
U-44	Community Liaison Worker
NTS 01	Campus Supervisor Assistant

*Salary Range to be updated once the Salary Schedule revisions are complete.

The solid lines indicate normal career paths (upward and downward)
C= Confidential Schedule M= Management Schedule U= Unit Member Schedule

Westminster School District
Personnel Commission Rules and Regulations

These graphs do not necessarily represent lines of authority.

Section 4 Occupational Hierarchies (Continued) 3.4.2.13 Human Resources Series

*Salary

Range

M-20	Executive Director, Human Resources	
C-10	Lead Human Resources Specialist	
C-03		Personnel Analyst (Confidential)
U-130		Personnel Technician
U-91	District Attendance Technician	
U-87		Personnel Services Specialist
U-46	District Office Receptionist	

The solid lines indicate normal career paths (upward and downward)

C= Confidential Schedule

M= Management Schedule

U= Unit Member Schedule

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE IV
APPLICATION FOR EMPLOYMENT**

Section 1 Applications

4.1.1 Filing of Applications

- A. All applications for employment shall be made on the official forms furnished by the Personnel Commission. Every item shall be answered in full and the application filed in the Personnel Commission Office on or before the time and date specified in the official vacancy notice.
- B. Applicants who wish to compete in more than one of the District's selection processes (examinations) must file a separate and complete application for each examination unless otherwise allowed or directed by the Director, Human Resources Classified.
- C. The application form shall not contain any questions or references to an applicants race, religious creed, color, national origin, ancestry, military and veteran status, mental and/or physical disability, medical condition, marital status, sex, sexual orientation or age.

For purposes of affirmative action and/or federal/ state reporting requirements, as well as providing veteran's credit(s), questions regarding an applicant's ethnicity, sex, age, military status and mental and/or physical disability may be asked. However, such questions shall be contained in a separate and separable form. The answers to such questions shall be totally voluntary on the part of the applicant, and no other information will be requested relative to an applicant's race, religious creed, color, national origin, ancestry, mental and/or physical disability, medical condition, marital status, sex, sexual orientation or age prior to employment with the District.
- D. All applications and examination materials are to be held in confidence and are deemed to be the property of the Westminster School District Personnel Commission and, once submitted, shall not be returned to the applicant.

References: G.C #12940, E.C. #45260 and #45272
Adopted: June 15, 1965
Amended: August 22, 1989; June 6, 2017
Reviewed: November 25, 2008

4.1.2 General Applicant Requirements

- A. Applicants must possess all of the requirements specified in the minimum qualifications established for the class for which application is being made. Every applicant must be in all respects mentally and physically able to perform the basic functions and essential duties of the position for which they apply, with or without reasonable accommodations.
- B. Job descriptions shall contain any and all physical requirements necessary for the performance of the essential duties of the position/classification.
- C. Following an offer of employment, each candidate may be required to take a physical and/or mental examination as a condition of employment. When a physical and/or mental examination is required, it shall be provided under the auspices of the District at no cost to the candidate; at such time and place as the District shall designate.
- D. Following an offer of employment, each candidate shall be required to complete a medical history questionnaire. Such questionnaire to be reviewed by a licensed physician to determine whether or not the candidate is capable of performing the basic functions and essential duties of the position for which they have applied.

- E. Candidates for designated classes, including Bus Driver shall be required to produce, at the time application is submitted, a medical examination certificate issued within the last two years. Following employment with the District, all bus drivers must receive a physical examination annually.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45272, and V.C. #12804, #12522, and #14606

Adopted: June 15, 1965

Amended: February 24, 1981; August 22, 1989; August 24, 1992; June 18, 1996; July 18, 2000; November 25, 2008; June 6, 2017

Section 2 Disqualification of Applicants and Candidates

4.2.1 Causes For Disqualification

An applicant or candidate shall be refused initial admittance to an examination or may be disqualified from further competition for any of the following reasons:

- A. Advocacy of the overthrow of the Government of the United States of America or the State of California by force, violence, or other unlawful means.
- B. Making a false statement or intentionally omitting a significant statement of a material fact requested as part of the application process.
- C. Practicing any deception or fraud in connection with an examination or to secure employment.
- D. Obtaining or attempting to obtain, either directly or indirectly, privileged information regarding test questions or examination content.
- E. Previous dismissal from the District.
- F. A refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or Board of Trustees.
- G. Making contact with any member of the Board of Trustees or the Personnel Commission in an attempt to influence the recruitment, examination, and/or selection process. Exempted from this restriction would be any formal appeal of the recruitment/ examination/selection process to the Personnel Commission through the established appeal processes (see Rules 4.2.3 and 5.3.7).
- H. Failure, after due notice, to report for review of any of the above-noted causes for disqualification.
- I. Failure to report for duty after an assignment has been offered and accepted.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45261, #45293 and #45303

Adopted: June 15, 1965

Amended: August 22, 1989; August 24, 1992; July 18, 2000; November 25, 2008; June 6, 2017

4.2.2 Other Causes for Disqualification:

An applicant or candidate may be refused initial admittance to an examination or may be disqualified from further competition for any of the following reasons:

- A. Failure to meet the general requirements of Personnel Commission Rule #4.1.2.
- B. Conviction by pleading guilty or "nolo contendere," a jury verdict or a court decision for a serious crime or a record of one or more convictions which would indicate that the applicant or candidate is a poor employment risk. A person's conviction record will be evaluated on the following basis: (1) nature, seriousness, and circumstances of the offense(s); (2) age of the person at the time of the offense; (3) how recent the offense occurred; (4) relationship of the offense to the position applied for; (5) evidence of rehabilitation and maturation based

upon subsequent employment records.

- C. Dismissal from a previous employment for cause; provided that such cause would have also subjected the person to dismissal had they been an employee of the Westminster School District.
- D. A record of unsatisfactory service with the District as evidenced by a disciplinary action, a recorded need for improvement or unsatisfactory job performance notice, or a resignation in lieu of dismissal.
- E. Dishonorable discharge from the Armed Services of the United States.
- F. Following the interactive process, health conditions which clearly indicates that the applicant or candidate would be unable to perform the basic functions and essential duties of the job with or without reasonable accommodations or would endanger their health or the health and safety of others.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45261, and #45303
Adopted: June 15, 1965
Amended: August 22, 1989; August 24, 1992; November 25, 2008; June 6, 2017

4.2.3 Appeal From Disqualification

Appeals from disqualification shall be made in accordance with the following:

- A. Any applicant or candidate who is disqualified in accordance with the provisions of Rules 4.2.1 and 4.2.2 shall be notified in writing; indicating the reason(s) for disqualification and advising the person that they have seven (7) calendar days in which to appeal. Such appeal shall be submitted to the Director.
- B. Any applicant who appeals their disqualification in accordance with these rules and regulations shall be permitted to participate in the selection process pending a final decision on the appeal.
- C. Upon receipt of an appeal, the Director shall investigate the matter and render a decision. If the decision is in favor of the applicant, they shall be so notified and allowed to participate in the selection process as though the disqualification had not occurred. If the appeal is denied, the Director shall so notify the applicant in writing; noting that they may appeal the decision by submitting a written appeal to the Personnel Commission within seven (7) calendar days.
- D. Upon receipt of an appeal, the Personnel Commission shall conduct a hearing and render a decision within fourteen (14) calendar days. If the Commission rules in favor of the applicant/candidate, they shall be accorded all rights of other applicant/candidates as though there had been no rejection.
- E. Unless otherwise ordered by the Personnel Commission pending its decision on an appeal, appointments may be made from available candidates, and such selections shall not be negated as a result of a favorable ruling on the appellant's behalf unless the selection/appointments were fraudulently made.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45261, #45293 and #45303
Adopted: June 15, 1965
Amended: August 22, 1989; November 25, 2008; June 6, 2017

Section 3 Veteran's Credits

4.3.1 Number of Credits and Application Procedures

Veterans shall be allowed an additional credit of five (5) points and disabled veterans allowed a credit of ten (10) points to be added to their passing scores in entry level or "open" competitive selection processes.

- 4.3.2 In order to obtain Veteran's credit(s), the applicant must have served at least thirty (30) days of active service in the United States Army, Navy, Marines, Air Force, Coast Guard, Merchant Marines, National Guard, or CBees between the dates listed as follows:

June 27, 1950 through January 31, 1955
(Korean Conflict)

August 5, 1964 through May 7, 1975
(Vietnam Era)

August 2, 1990 through Present
(Gulf War)

Or any other war, national emergency or conflict declared by the President of the United States.

- 4.3.3 To receive Veteran's Credit(s), the applicant must provide satisfactory proof, such as a DD214, regarding the qualifying military service. Normally, such proof shall be submitted at the time of submitting the application, but must be submitted prior to the establishment of the eligibility list. No adjustment of rank on the list shall be made thereafter; even if such proof of eligibility is forthcoming.

To receive additional credits as a disabled veteran, the applicant/candidate shall present military records or other satisfactory evidence that they have sustained a disabling or significantly limiting condition as a result of their military service as noted in Personnel Commission Rule & Regulation #4.3.2.

References: E.C. #45260, #45261, #45294, #45295, and #45296

Adopted: June 15, 1965

Amended: February 24, 1981; August 22, 1989; August 24, 1992; November 25, 2008; June 6, 2017

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE V
RECRUITMENTS AND EXAMINATIONS

Section 1 Recruitments

5.1.1 Authority

The Personnel Commission shall direct and administer the recruitment processes and examinations for the purposes of filling vacancies or creating employment eligibility lists for the Classified Service.

Recruitment and examination processes shall be conducted in accordance with the rules and regulations specified in this article (Article V).

References: E.C. #45260, #45261, and #45262
Adopted: September 26, 1989
Revised: December 15, 2008; September 24, 2019

5.1.2 Announcement of Vacancies or Examinations

5.1.2.1 No vacancy and/or examination announcement may be made, and no part of any examination process may be held for a new position until the Commission has completed the process of classifying the position including the establishment of the minimum qualifications, essential duties assignment of a class title and appropriate salary range placement, and the Board of Trustees has approved the positions to be filled. (NOTE: A newly-created position is one which does not have a previously separate existence).

5.1.2.2 Whenever it is necessary to fill existing or anticipated vacancies and an appropriate eligibility list does not exist (as determined by the Commission) the Personnel Commission shall announce each examination on an "Employment Opportunity" bulletin which shall be distributed to all work sites within the District for posting for a period of at least ten (10) working days.

The Director, Human Resources Classified shall determine the appropriateness of utilizing other forms of advertising and may place advertisements in newspapers, trade and business journals, online recruitment sites, or other media, as well as the distribution of "Employment Opportunity" bulletins to local agencies and community-based organizations. However, the Director shall ensure that local agencies and community-based organizations which advocate employment for women, minorities or protected groups, and the physically/mentally/emotionally challenged are notified of any and all "Open," "Open and Promotional," and "Open and Continuous" examinations.

5.1.2.3 Any "Employment Opportunity" bulletin issued shall contain the following:

- A. The title of the position or class for which the recruitment is being conducted.
- B. A description of the scope of duties and responsibilities of the class.
- C. The minimum qualifications and requirements established for the class, and any other conditions of employment.
- D. Salary, benefits, and other compensation data.
- E. Application filing procedures, and the final date for filing an application.
- F. The general content of the examination and the types of tests (written, oral, performance, or combinations thereof) to be given; including minimum passing score and examination weighting.

- G. Information concerning the number of vacancies, employment locations, and regularly scheduled hours of work if known.
- H. Such other information as will assist interested persons in fully understanding the nature of the employment, and the procedures to be followed in order to participate in the selection process.

References: E.C. #45109, #45260, #45261, #45272, and #45278
Adopted: June 15, 1965
Amended: September 26, 1989; June 25, 1991; March 15, 1994
Reviewed: December 15, 2008; September 24, 2019

Section 2 Examinations

5.2.1 Determination of Examinations

The Personnel Commission, or designee shall determine the standards of proficiency to be required for each examination and shall determine whether the examination will be:

- A. Open;
- B. Promotional only;
- C. Open and promotional
- D. Merged open and promotional.

References: E.C. #45261, #45272, and #45284
Adopted: September 26, 1989
Revised: December 15, 2008; September 24, 2019

5.2.2 Open Examinations

Open examinations shall be given for all classifications designated by the Commission as being "entry level" (see Personnel Commission Rule 3.4.1); with veterans' credits allowed as specified in Personnel Commission Rule 4.3.1.

References: E.C. #45260, #45261, #45272, #45344.5, and #45361.5
Adopted: September 26, 1989
Revised: December 15, 2008; September 24, 2019

5.2.3 Promotional Examinations

Whenever it is determined by the Director that an adequate field of competition exists within the District and examinations can reasonably be expected to provide at least three (3) ranks of qualified candidates or the eligible candidates, the selection process will normally be limited to qualified promotional applicants.

Only classified employees who have completed an initial probationary period with the District and whose most recent (within a 24-month period) evaluation indicates an overall rating of satisfactory or better shall be eligible to participate as a promotional applicant.

References: E.C. #45103, #45260, #45261, and #45272
Adopted: September 26, 1989
Amended: July/August, 1997
Reviewed: December 15, 2008; September 24, 2019

5.2.4 Open and Promotional Examinations

- A. Whenever it is determined by the Director that an adequate field of competition does not exist within the District or there is doubt as to the availability of an adequate number of promotional candidates, the Director may elect to recruit and test qualified applicants from within the District as well as applicants from outside the District.

- B. Qualified probationary employees (those who have not completed an initial probationary period with the District) may compete in such examinations as "open" candidates.
- C. In determining passing scores, the test scores of all participating applicants shall be considered.
- D. Those applicants who successfully complete each and every part of the selection process shall have their name placed on an eligibility list.

The names of those open and promotional candidates passing all parts of the selection process shall be merged into a single eligibility list. Rating and ranking of candidates will be in accordance with the final score(s) attained by each of the candidates plus any additional credits that have been authorized by the Personnel Commission.

References: E.C. #45103, #45260, #45261, and #45272
 Adopted: September 26, 1989
 Revised: December 15, 2008; September 24, 2019

5.2.5 Merged Examinations

Examinations for management positions in the classified service, including those in Article III, Section 3.4.2.1 through 3.4.2.13, shall be held on an open as well as a promotional basis, in accordance with the following:

- A. When such examinations are held, permanent employees of the District (classified and certificated) who meet the minimum qualifications established for the position(s) shall be allowed to compete in the selection process(es).
- B. The names of those open and promotional candidates passing all parts of the selection process shall be merged into a single eligibility list. Rating and ranking of candidates will be in accordance with the final score(s) attained by each of the candidates plus any additional credits that have been authorized by the Personnel Commission.
- C. Since management positions in the classified service are not entry-level positions, military or veteran's preference credits are not authorized and shall not be included in determining the final ranking of names on the eligibility list(s).
- D. Promotional candidates (those having successfully completed all parts of the selection process) for any of the above-noted positions shall have seniority credits added to their final overall passing scores in the amount of one-half (1/2) point for each year of service with the District to a maximum of ten (10) points.

References: E.C. #45260, #45261, #45272, #45280, #45281, and #45282
 Adopted: September 26, 1989
 Amended: December 18, 1990; March 15, 1994; April 30, 1996
 Revised: December 15, 2008; September 24, 2019

5.2.6 Continuous Examinations

The Commission may designate certain classes of positions for continuous examination. When so designated, applications will be accepted on every working day, and examinations held periodically throughout the year; based upon need and the availability of applicants.

Classifications designated for continuous examination may include: Custodian, Early Education Assistant, Early Education Instructor, Extended School Program Facilitator, Extended School Program Lead Facilitator, Food Service Worker, Paraeducator/Instructional Support, Special Education Caseworker, Student Transportation Assistant.

References: E.C. #45260, #45261, #45273, and #45292
 Adopted: September 26, 1989
 Amended: December 18, 1990; July 21, 1992; February 15, 1994; April 30, 1996
 Revised: December 15, 2008; September 24, 2019

5.2.7 Character of Examinations

Examinations shall be conducted by the Commission's staff and shall be administered in an objective manner and shall consist of test parts that relate to job performance. Selection processes (examinations) shall comprise any or all of the following:

- A. Written examinations(s).
- B. Practical demonstration(s) of skill (performance tests).
- C. Evaluation of applicants' training and experience; based upon information provided in applications and supplemental applications.
- D. Evaluation of training, education, and experience by a Qualifications Appraisal Interview (QAI) Panel.
- E. Any other test(s) of fitness established by the Personnel Commission.

References: E.C. #45260 and #45273
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.2.8 Examination Scores and Weighting

The relative weights of the different parts of the examination shall be determined by the Director and set forth in the examination announcement.

All examination materials shall be prepared and rated (scored) under the direction of the Director.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.2.9 Interview Panel Examinations

If a selection process provides for the use of an interview panel, the Director shall assure that the following rules are strictly adhered to:

- A. The panel shall consist of at least two persons.
- B. An employee of the District or of the Commission may be assigned to serve on a panel provided that such employee is not at the first or second level of supervision over a vacant position in the class for which the examination is being held.
- C. Unless specifically directed to evaluate the technical knowledge and skills of the candidates, the interview panel shall confine itself to evaluating general fitness for employment in the class.
- D. When an interview panel is established and directed to evaluate the technical knowledge and skills of the candidates, at least one member shall be technically qualified in the specified occupational areas under examination.
- E. No member of the Board of Trustees will be allowed to serve on an interview panel.
- E. No member of the Personnel Commission will be allowed to serve on an interview panel for non-management positions.
- G. Interviews shall be electronically recorded and retained on file in the Commission Office for a period of at least two (2) years.
- H. Scores achieved by the candidate(s) on other parts of the examination process shall not be made available to the interview panel(s).

- I. In no case will an oral or performance examination panel be provided with confidential references on employees of the District who are competing in examinations.

References: E.C. #45260, #45261, and #45273
Adopted: September 26, 1989
Revised: December 15, 2008; September 24, 2019

5.2.10 Admission to Examination

Each person whose application has been approved for participation in a selection process shall be notified in a reasonable amount of time in advance of the date, time, and location of the examination and such notice shall be the applicant's authority to take the examination. No candidate may be admitted to an examination without this authorization or other satisfactory means of evidence of having filed an acceptable application. In addition, each candidate must provide personal identification, e.g., a picture I.D., at the time of the examination admittance in order to take the test.

References: E.C. #45260 and #45261
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.2.11 Examination Procedural Rules

Unless otherwise approved by the Director, applicant/candidates must take the test on the prescribed date, and in accordance with the following:

- A. Copies of the test materials, including notes or calculations made during the testing process, shall not be taken from the testing room.
- B. Whenever written tests are required, they shall be managed in such a way that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination have been marked and rated. The only exception to this rule will occur when and if the Commission maintains a computerized automated scoring system which automatically scores the exams of all competitors; with built-in safeguards against fraudulent scoring.
- C. Any participant in any examination who places an identifying mark upon his/her test papers (other than the identifying mark prescribed at the time of the examination) or makes any effort to disclose to others the identity of his/her papers prior to the completion of the selection process may be disqualified.
- D. Whenever a candidate chooses to repeat an examination, the most recent score will be the score of record whether higher or lower than the previous examination score.

References: E.C. #45260, #45261, and #45273
Adopted: September 26, 1989
Revised: February 27, 2013; September 24, 2019

5.2.12 Required Rating

Applicant/candidates may be required to attain a designated minimum rating in each part or in combined parts of the selection process to qualify for participation in the next succeeding part.

References: E.C. #45260, #45261, and #45273
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.2.13 Seniority Credit(s)

Seniority credit(s) shall be added to the final passing scores of permanent employees of the District (including those whose names appear on a valid layoff/reemployment list) in the amount of one-half (1/2) point for each year of service with the District; not to exceed a maximum of ten (10) points.

Credit shall be granted for all time spent in regular status as well as any paid leaves of absence. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis and/or less than a forty-hour week.

References: E.C. #45260, #45261, #45272, and #45281
Adopted: June 15, 1965
Amended: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.2.14 Notice of Final Score

The Personnel Commission staff shall notify each applicant/candidate who qualifies for placement on an eligibility list of his/her final score and standing on the eligibility list. Such notification shall be provided within fifteen (15) working days following completion of the examination.

Those applicant/candidates who do not qualify for placement on an eligibility list shall be so notified within fifteen (15) working days following completion of the examination process.

References: E.C. #45260 and #45261
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.2.15 Violation of Examination Laws and Rules

Whenever the Personnel Commission, following a public hearing, finds that an appointment has been made in violation of the Education Code and/or these rules as they pertain to the examination and selection process, the Commission may order that no salary warrant shall thereafter be drawn or issued to the employee (for any services rendered after the date of said order) so appointed.

Any violation of the merit system sections of the Education Code or the rules of the Personnel Commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees found guilty of such violation.

References: E.C. #45260, #45261, #45310, and #45311
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

Section 3 Review and Protest of Examinations

5.3.1 Retention of Examination Records

All examination records, including test answer sheets, tape-recorded interviews, and interview rating sheets, shall be retained by the Personnel Commission for a period of at least two (2) years from the date of the examination.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.3.2 Confidentiality of Examination Records

All examination records shall be confidential. Records, such as identifiable ratings of oral panel members and confidential references of previous employers, shall not be available for review.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.3.3 Availability of Records for Review

Except for those records/materials noted in Personnel Commission Rules 5.3.2, an applicant/candidate or his/her designated representative will be permitted to review the applicant/candidate's test materials; including tests, answer sheets, and recorded interviews.

Neither the applicant/candidate nor his/her designated representative will be allowed to review the applications or test records of any other person.

No applicant/candidate will be allowed to remove or copy information from the examination materials.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.3.4 Notification of Test Results and Review

The Personnel Commission staff shall notify applicant/candidates of the test results as soon as practicable following the administration of the examination.

An applicant/candidate will be permitted to review test segments within seven (7) working days following notification. At the time of review, the applicant/candidate may submit a written protest relative to any part of the examination process; outlining the basis for the protest and stating the remedy being sought.

No applicant/candidate will be allowed to remove or copy information from the examination materials.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.3.5 Failure To File A Protest

An applicant/candidate's failure to review and/or file a protest with the Director in accordance with the provisions of Personnel Commission Rule #5.3.4 shall constitute a waiver of the right to appeal that part of the selection process.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.3.6 Review and Response to Protests

The Director shall review and act upon all protests submitted in accordance with the provisions of Personnel Commission Rule 5.3.4. In taking action on a protest, the Director may allow more than one (1) answer to a question, or may disqualify a question in its entirety if the protest is found to be valid.

Should a protest result in any changes, the test results of all applicant/candidates will be reviewed and re-scored accordingly.

References: E.C. #45260, #45261, and #45274
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

5.3.7 Appeal(s) to Commission

The Director shall inform the applicant/candidate of his/her decision relative to the protest (submitted in accordance with the provisions of Personnel Commission Rule 5.3.4). That decision shall be in writing and submitted to the protesting applicant/candidate in person or by certified mail (to the person's last known home address on file in the Personnel Commission office). Failure of the applicant to retrieve delivered mail, or respond to notifications by the United States Postal Service of attempted delivery, shall not be grounds for voiding the notification or for staying the time lines specified in these rules.

The responsibility for keeping the District informed regarding an appropriate home or mailing

address is a requirement of the applicant/candidate.

For purposes of this rule, if a notice is mailed, the second working day following the postmark date of the notice shall be considered to be the official date of receipt.

Should the Director rule against the protest, the applicant/candidate may appeal the decision to the Personnel Commission as follows:

- A. Appeals to the Personnel Commission shall be in writing (which may be a simple note stating a desire to appeal the Director's decision), and shall be submitted to the Personnel Commission office within three (3) working days of receipt of the Director's decision.
- B. The Personnel Commission shall establish a date and time to consider the protesting applicant/ candidate's appeal. The decision of the Personnel Commission shall be in writing and submitted to the applicant/candidate in accordance with the procedures noted above. The decision of the Personnel Commission shall be final, and binding on all parties.

The filing of an appeal shall not stop or otherwise delay the selection (examination) process unless it is so ordered by the Personnel Commission.

References: E.C. #45260 and #45261
Adopted: September 26, 1989
Reviewed: December 15, 2008; September 24, 2019

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE VI
EMPLOYMENT LISTS AND CERTIFICATIONS**

Section 1 Eligibility Lists

6.1.1 Eligibility List Rankings

The eligible candidates shall be placed on the eligibility list in rank order according to scores attained in the selection process. The final scores of eligible candidates shall be rounded to the nearest whole percent. All the eligible candidates with the same percentage score shall be placed in the same rank.

References: E.C. #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008; January 28, 2020

6.1.2 Establishment and Life of Eligibility Lists

- A. Following completion of a selection process, the names of successful candidates shall be arranged on a list in the order of the examination score(s) attained, plus additional credits or points (when applicable).
- B. Eligibility list(s) shall become effective for use upon the written approval of the Director, Human Resources Classified. However, all eligibility lists shall be submitted to the Personnel Commission for ratification at the next regularly-scheduled meeting of the Personnel Commission following completion of the selection process.
- C. Once approved, an eligibility list shall remain in effect for a period of one (1) year unless the list of available candidates is exhausted in less than a year.
- D. Eligibility lists may be extended (beyond a year) for additional periods of time, at the discretion of the Personnel Commission, up to a maximum of one (1) additional year, provided that the Commission's action to extend is taken prior to the list's expiration date.
- E. Eligibility lists may be established for a period of six months upon the approval of the Personnel Commission as long as the six months' duration of such a list is noted in the recruitment bulletin announcing the examination. Such list automatically expires at the end of the six months.
- F. Names of successful candidates may be added to existing eligibility lists as the result of continuous testing for classes of positions which the Commission has approved for "continuous testing" (see Personnel Commission Rule 5.2.6) upon the written approval of the Director.

References: E.C. #45300
Adopted: June 15, 1965
Amended: February 23, 1982; October 31, 1989; December 12, 2000
Reviewed: December 15, 2008; January 28, 2020

6.1.3 Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one (1) year from the date of its approval.
- B. An eligibility list that has been extended for an additional year as per Personnel Commission Rule 6.1.2.D shall terminate automatically two (2) years from the date of its original approval unless previously terminated.
- C. An eligibility list is automatically terminated when there are none of the eligible candidates remaining on the list.
- D. An eligibility list may be terminated by action of the Personnel Commission under any of the following conditions:

- (1) When there are no eligible candidates on the list available for appointment to a specific permanent position in the class.
- (2) When there are fewer than three ranks of the eligible candidates remaining on the list, necessitating additional testing under new or different conditions than those used in establishing the current list.

Should the Commission take action to eliminate an eligibility list under this provision of the rules, the Director shall notify each of the remaining eligible candidates of that fact in writing.

- (3) When the position or class for which the eligibility list was established no longer exists.

NOTE: See Personnel Commission Rule #7.3.4.B for rule on use of eligible candidates as substitutes, or other limited-term assignments following expiration of eligibility lists.

References: E.C. # 45300
 Adopted: October 31, 1989
 Amended: December 12, 2000
 Reviewed: December 15, 2008; January 28, 2020

6.1.4 Merging of Eligibility Lists

- A. If a new examination for a class is given during the first year of life of an existing eligibility list, the examination should be sufficiently similar to the previous examination to ensure the comparability of the scores of the eligible candidates. The new list shall then be merged with the existing list, with the eligible candidates ranked in the order of their examination scores, plus any additional point credits (when and where applicable).
- B. When lists are consolidated under this rule, the earlier list shall automatically terminate one year after the date of its initial approval (unless extended as provided in Personnel Commission Rule #6.1.2.D) and the names of the eligible candidates removed from the merged list.
- C. When lists are to be merged as noted above, the existing eligibility list shall be presented to the Commission at its next regularly-scheduled meeting, in order for a determination to be made on the desirability of extending the duration of the existing list to coincide with the date of the newly-established eligibility list.

References: E.C. # 45291
 Adopted: October 31, 1989
 Amended: January 19, 1993
 Revised: December 15, 2008; January 28, 2020

6.1.5 Eligibility After Appointment

An eligibility list shall be used to fill full-time, part-time, permanent, and limited-term positions in the class for which the list was established. An eligible candidate who accepts appointment to a permanent full-time position or a permanent part-time position in the class shall have their name removed from the eligibility list. An eligible candidate who accepts any limited-term assignment shall continue to have their name remain on the eligibility list.

NOTE: Following assignment to a permanent full-time position, changes in assignments in the class are governed by transfer rules (see Personnel Commission Rules #11.1.1 et seq.). Following assignment to a permanent part-time position, employment in positions of greater assigned time, including full-time employment, in the class is governed by Personnel Commission Rule #10.1.10.

References: E.C. #45278, #45286, and #45300
 Adopted: October, 1989
 Amended: December 12, 2000
 Revised: December 15, 2008; January 28, 2020

6.1.6 Removal of Names from Eligibility Lists

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

- A. A written request by the eligible candidate requesting removal from the list.
- B. Failure to respond within five (5) calendar days following the post-marked mailing of written inquiry regarding availability for regular employment.
- C. Waiver of two offers of regular employment with the District.
- D. Any of the causes listed in Personnel Commission Rule #4.2.1.
- E. From a promotional eligibility list, with termination of employment with the District.
- F. Failure to respond for an interview after certification has been made.
- G. Refusing two (2) offers of employment after having been properly certified as eligible for appointment and interviewed by the appointing supervisor.
- H. Failure to present the license, regulatory certificate or any other credential required.
- I. Reference checks from previous supervisors or employers which substantiate less than satisfactory performance.

References: E. C. #45300
Adopted: June 15, 1965
Amended: October 31, 1989, December 12, 2000
Reviewed: December 15, 2008; January 28, 2020

6.1.7 Notification to Eligible Candidate of Removal From List

Whenever the name of an eligible candidate is removed from a list in accordance with the provisions of Personnel Commission Rule #6.1. 6, the Director shall notify the person in writing of the action taken and the reason(s) therefore, as well as their right to appeal the action in accordance with the provisions of Personnel Commission Rule #4.2.23.

References: E.C #45300
Adopted: October 31, 1989
Amended: December 12, 2000
Revised: December 15, 2008; January 28, 2020

Section 2 Certification From Employment Lists

6.2.1 Appointing Authority

The appointing authority shall be the Board of Trustees and its designated managers, except that the Personnel Commission or its designee shall be the appointing authority in the case of employees assigned to the Personnel Commission.

References: E.C. #45264, and #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008; January 28, 2020

6.2.2 Order of Precedence in Filling Vacancies

In filling vacancies within the District, the Director shall certify the eligible candidates for appointment in the following manner and sequence:

- A. Transfers within the same classification, all names (see Personnel Commission Rule #11.1.11).

- B. Layoff/Reemployment List(s), one name (see Personnel Commission Rules #20.1 et seq.).
- C. Transfers to related classifications and/or demotions, all names (see Personnel Commission Rule #11.2.1).
- D. Reinstatement, one name (see Personnel Commission Rules #11.3.1 and #11.3.2).
- E. Eligibility List, first three ranks of candidates (see Personnel Commission Rules #5.2.1, #5.2.2, #5.2.3, and #6.1.1).
- F. Open or other eligibility lists, first three ranks of candidates (see Personnel Commission Rules #5.2.1, #5.2.2, and #6.1.1).

References: E.C. #45272, #45278, #45298, #45308, and #45309

Adopted: October 31, 1989

Reviewed: December 15, 2008; January 28, 2020

6.2.3 Certification and Appointment From Eligibility Lists

- A. When a new position is to be or has been established and is ready to be filled, the appointing authority shall notify the Director of the date of anticipated need by submitting a completed Form P-31 (Personnel Action Notice).
- B. The Director shall ascertain the availability of the eligible candidates and shall certify names of the eligible candidates (who are ready, willing, and able to accept employment) to the appointing authority. Certification shall be in accordance with the provisions of Personnel Commission Rule #6.2.2 and #6.2.3.C.
- C. Once the Director determines that there are no eligible candidates from transfers, reemployment lists (of persons who have a right to the vacant position), or reinstatements to be considered, the Director shall certify the names of the eligible candidates from the top three (3) ranks of the appropriate eligibility list.
- D. The appointing authority shall, within five (5) working days of the interview, make a selection from the persons presented and shall notify the Director, who shall see that the necessary employment procedures are carried out.

Should the appointing authority fail to make a selection from the top three ranks as certified by the Director, the Director shall direct that the position be vacated (if there is a temporary person assigned to perform the duties of the position) and remain vacant until an appropriate selection is made.

- E. If a candidate who has been certified as eligible for appointment to a position fails to keep his/her appointment interview, or declines the position at the time of the interview, the appointing authority may fill the vacancy from the remaining certified eligible candidates or may request certification of additional eligible candidates. The Director shall then determine the appropriateness of submitting the names of additional eligible candidates.
- F. In the event there is more than one authorized position in the class to be filled, the Director may certify additional ranks of eligible candidates to allow approximately two more candidates than the number required to fill the number of vacancies.
- G. When the position(s) to be filled require an ability to speak, or to speak, read and write a language in addition to English, or requires the person(s) selected to have a valid California driver's license, the Director may authorize selected certification. Such certification and appointment shall then be made from among the highest three eligible candidates who meet the requirements, provided that (1) the Personnel Commission has determined the need for the position or positions to have the additional requirements, and (2) the job announcement bulletin had indicated the fact that some positions in the class would need the special requirements.

References: E.C. #45272, and #45277

Adopted: June 15, 1965
Amended: February 23, 1982; October 31, 1989, December 12, 2000
Reviewed: December 15, 2008; January 28, 2020

6.2.4 Procedures When Fewer Than Three Ranks Remain

- A. When fewer than three ranks of eligible candidates are available on a promotional list, the Director shall certify sufficient ranks of names from the corresponding open list to allow a choice from among three ranks of eligible candidates.
- B. When fewer than three ranks of eligible candidates are available for certification, the available eligible candidates shall be certified to the appointing authority. However, the appointing authority may choose not to select any of them and may request additional eligible candidates be certified.

References: E.C. #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008; January 28, 2020

6.2.5 Certification From List for Another Class

If there is no eligibility list for the class in which a vacancy occurs, certification may be made from a list for another class at the same or higher salary level and in the same occupational series, provided that: (1) the duties and qualifications of the class for which the examination was given are significantly similar; (2) the selection process covered substantially the same tests of fitness and the skills, knowledge, and abilities required in the class of the position(s) to be filled.

In approving the use of a list to fill a vacancy or vacancies in another class, the Director and Personnel Commission must also find that such use is in the best interest of the District.

References: E.C. #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008; January 28, 2020

6.2.6 Withholding Names From Certification

The name of an eligible candidate may be withheld from certification by the Director when:

- A. The eligible candidate expresses an unwillingness or an inability to accept appointment.
- B. The eligible candidate fails to respond within five (5) working days following the notification (email, phone with voice mail) regarding availability.
- C. The eligible candidate cannot be reached in time for appointment when immediate temporary employment is required.
- D. The eligible candidate fails to present any license, registration, certificate, credential, or other documents required for employment in the classification or position.
- E. For any of the reasons listed in Personnel Commission Rule #4.2.1.

References: E.C. #45272, and #45277
Adopted: October 31, 1989
Reviewed: December 15, 2008; January 28, 2020

6.2.7 Certification of Relatives

The names of an eligible candidate may be withheld from certification by the Director when:

- A. The eligible candidate is a member of the Board of Trustees or a member of the Personnel Commission or within five years of having served in either capacity.

- B. The eligible candidate is the spouse or a member of the immediate family of a member of the Board of Trustees, or of the Personnel Commission, or that of a member of the District's administrative staff.
- C. The eligible candidate is a member of the immediate family of a supervisor or administrator in a direct line of supervision to the vacant position for which the family member is being considered.

For purposes of this rule, immediate family shall include the father, mother, grandparent or grandchild or the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person residing in the immediate household.

References:

Adopted: October 31, 1989
 Amended: May 24, 1994, December 12, 2000
 Reviewed: December 15, 2008; January 28, 2020

6.2.8 Waivers of Certification

- A. An eligible candidate may waive certification to specific locations or shifts, permanent part-time or full-time positions, as well as temporary or limited-term assignments, by filing a prescribed form or a similarly written and signed statement in the Classified Personnel Office.
- B. The Director will not certify an eligible candidate to positions or assignments specifically declined in the eligible candidate's written waiver, unless or until such time as the eligible candidate modifies or withdraws their waiver.
- C. An eligible candidate may waive certification twice without penalty. However, the third time an eligible candidate waives their right to be certified for a position, the Director may remove the eligible candidate's name from the eligibility list.
- D. An eligible candidate whose name has been removed from the eligibility list shall be notified in writing by the Director, and such eligible candidate may file an appeal under the provisions outlined in Personnel Commission Rule #4.2.2.
- E. At the time an eligibility list is established, each eligible candidate shall be notified of their responsibilities as an eligible candidate or provided with copies of Personnel Commission Rules #6.2.8 and #6.2.10.

References: E.C. #45272, #45279, and #45300
 Adopted: June 15, 1965
 Amended: October 31, 1989
 Revised: December 15, 2008; January 28, 2020

6.2.9 Restoration to Eligibility List

When the Director has withheld a candidate or eligible candidate from placement on, or certification from an eligibility list, the Director may subsequently restore the name to the list for certification, with the approval of the Personnel Commission, in accordance with the following:

- A. When the withholding or removal was the result of a waiver or inability to accept employment, and the eligible candidate subsequently provides assurance that they are ready, willing, and able to accept employment if offered.
- B. Failure on the part of the eligible candidate to respond to an availability inquiry, appear for a scheduled interview, or report for duty after accepting an assignment, and subsequently provides a good and valid reason for the failure which is satisfactory to the Personnel Commission.
- C. When the withholding or removal was for a reason listed in Personnel Commission Rule #4.2.1, and the Personnel Commission is satisfied that the defect or reason for ineligibility has

subsequently been corrected.

References: E.C. #45272, and #45277
Adopted: October 31, 1989
Revised: December 15, 2008; January 28, 2020

6.2.10 Notification to the eligible candidates

1. The date of the offer of appointment shall be the date on which the eligible candidate is notified by the Director, or designee of their selection.
2. Notification may be made by telephone, telegram, registered or certified mail, or in person.
3. The appointing authority may allow more than two weeks for reporting at its discretion.

Amended: December 12, 2000
Revised: December 15, 2008; January 28, 2020

6.2.11 Duties of the eligible candidates

It shall be the duty of each and every eligible candidate to comply with the following rules and procedures:

- A. To keep the Personnel Commission office informed regarding current mailing addresses and phone numbers where they can be contacted, and to promptly notify the office of any changes.
- B. The eligible candidate will be expected to respond within five (5) working days from the date of the certification notice.
- C. An eligible candidate who has been selected for a permanent position and is unable or unwilling to report by the end of two (2) full weeks (one full month in the case of management classes) may be considered to have refused appointment and the appointing authority may request certification of additional the eligible candidates.
- D. Failure of the eligible candidate to comply with the above-noted rules and procedures (A through C of Personnel Commission Rule #6.2.11) will result in removal from the eligibility list.
- E. When appointment is to a limited-term or substitute assignment, the eligible candidate must be available on the date specified by the appointing authority. The inability to report as required shall constitute an automatic waiver of the assignment.

References: E.C. #45272, #45277, and #45300
Adopted: October 31, 1989
Amended: December 12, 2000
Revised: December 15, 2008; January 28, 2020

6.2.12 Confidentiality of Lists

Eligibility Lists shall be considered confidential in nature, and as such the release of any information regarding such lists shall be limited to the following:

- A. Posting or providing information regarding the relative ranking of candidates only with no reference to the specific scores attained.
- B. Providing appropriate information to the appointing authority regarding certified eligible candidates only.
- C. Providing information to an eligible candidate, or their designated representative, relative only to their scores and their position on the eligibility list.
- D. Such other persons having a need to know as determined by the Personnel Commission.

References: E. C. #45272, and #45274

Adopted: October 31, 1989
Amended: December 12, 2000
Revised: December 15, 2008; January 28, 2020

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE VII
APPOINTMENT TO POSITIONS IN THE CLASSIFIED SERVICE

Section 1 Procedures for Appointment

7.1.1 Procedures for Selection

The appointing authority shall interview eligible candidates certified from appropriate employment or eligibility lists. A selection shall be required when sufficient eligible candidates are certified for a given vacancy to total three (3) or more ranks of eligible candidates.

Reference: E.C. #45260, #45261, and #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.1.2 Appointment(s)

Following the interview process, the appointing authority shall submit the name of the person selected to the Director, Human Resources Classified or designee who shall make the official offer of employment on behalf of the District; pending approval action by the Board of Trustees (except for Personnel Commission employees).

The prospective employee shall be allowed two (2) weeks to report for duty after an offer of employment has been made, or one (1) month in the case of management classes. Should the prospective employee be unwilling or unable to report for duty within the prescribed period, the appointing authority may allow the person additional time for reporting for duty, select another person from the list of persons who have been certified, or request the Director to certify an additional eligible candidate or candidates.

References: E.C. #45260 and #45261
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.1.3 Discrimination Prohibited

No applicant, candidate, or eligible candidate certified for appointment shall, in any way, be discriminated against because of his/her political or religious opinions or affiliations, race, age, color, national origin or ancestry, sex, sexual orientation, marital status, employee organization membership or non-membership or legal matters related thereto; mental and/or physical disability, or medical condition. No questions related to these matters shall be asked during the interview and selection process.

References: E.C. #45260, #45261, and #45293
Adopted: October 31, 1989
Amended: May 24, 1994
Revised: December 15, 2008; May 26, 2020

7.1.4 Nepotism Prohibited

- A. No person shall be employed in any position which is in a direct line of supervision under a supervisor or administrator who is a member of that person's immediate family.
- B. No employee shall be assigned or transferred to a work location under a supervisor or administrator who is a member of the employee's immediate family.
- C. For purposes of this rule, immediate family shall include the father, mother, grandparent, or grandchild of the supervisor/administrator or their spouse, as well as the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person

residing in the immediate household of the supervisor/administrator.

References: E.C. #45260 and #45261
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

Section 2 Provisional Appointments

7.2.1 Use of Provisional Appointments

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

- A. No eligibility list exists; or
- B. An eligibility list exists, but there is an insufficient number of candidates who are ready, willing, and able to accept appointment and the appointing authority is insistent upon having three (3) ranks of eligibles for interview and selection.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.2.2 Duration of Provisional Appointments

The duration of a provisional assignment may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall elapse before an employee is again eligible to serve in any full-time provisional assignment. In no case may a person be employed in full-time provisional assignments for a total of more than one-hundred-twenty-six (126) working days in any fiscal year.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.2.3 Extension of Provisional Appointments

The Personnel Commission may authorize the extension of the ninety (90) working days for a provisional appointment for a period of time (beyond the 90 days) which shall not exceed thirty-six (36) additional working days; provided that:

- A. An examination for the class was completed during the initial ninety (90) working days of the provisional employee's assignment.
- B. Satisfactory evidence is presented which indicates that: (1) an adequate recruitment effort was and is being made; (2) extension of the provisional assignment is necessary for carrying on vital functions of the District; and/or (3) the position cannot be satisfactorily filled by use of other employment lists or procedures.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.2.4 Successive 90-Day Appointments

In the absence of an appropriate eligibility list, the Director may approve successive ninety (90) working day provisional appointments to a position for periods of time in excess of one-hundred-twenty-six (126) working days provided that the position is in a classification authorized by the Commission for continuous examination (see Personnel Commission Rule #5.2.6) and/or the number of hours regularly assigned to the position totals less than twenty (20) hours per week.

Such appointments shall be continued only until such time as a selection can be made from an appropriate eligibility list.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.2.5 Qualification of Provisional Appointees

Provisional appointees must meet the qualifications established for the position/classification. The appropriateness of the intended appointee's qualifications shall be made by the Director prior to the person's appointment to the position.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.2.6 Status of Provisional Appointees

- A. Time served in a provisional assignment shall not be credited toward completion of a probationary period for the class in which the provisional appointment is made, or provide the person with any other vested rights in the position or class.
- B. To be eligible for appointment to the position or any other position in the class in which the person is serving as a provisional employee, the person must qualify through the competitive examination process for placement on an appropriate eligibility list.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.2.7 Terminating Provisional Appointments

The services of a provisional employee shall be terminated within twenty (20) working days following the date on which certification for interview from an eligibility list has been made. However, a provisional appointment may be terminated at any time; at the discretion of the appointing authority.

References: E.C. #45260, #45261, #45287, #45288, and #45289
Adopted: October 31, 1989
Revised: December 15, 2008; May 26, 2020

Section 3 Limited-Term And Substitute Appointments

7.3.1 Limited-Term Position/Employee Defined

- A. A "Limited-Term Assignment" is a position established to perform duties which are not expected to exceed six (6) months in duration, and a "Limited-Term Employee" is someone assigned to fill such a position.
- B. A person assigned to temporarily replace an absent employee is also a "Limited-Term Employee." However, a person serving in this kind of assignment shall be referred to or categorized as a "Substitute" or "Limited-Term/Substitute."

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, and #45290
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.3.2 Procedure For Creating Limited-Term Assignments

- A. To create and fill a Limited-Term position or assignment (as noted in 7.3.1.A), the appointing authority shall submit written notification to the Director; providing the nature of the duties to be performed, hours of work, starting date, and probable length of time the position or person will be needed.

- B. The creation of Limited-Term positions or assignments shall be subject to approval by the Board of Trustees and the Personnel Commission, and subject to classification by the Personnel Commission.

References: E.C. #45260, #452561, #45286, #45287, #45288, #45289, and #45290

Adopted: October 31, 1989

Reviewed: December 15, 2008; May 26, 2020

7.3.3 Procedure For Filling Substitute Assignments

- A. When someone is needed to serve as a "Limited-Term/Substitute," the appointing authority shall notify the Director of the need, effective date, the position to be filled, anticipated length of time the person will be needed, and the name of the absent employee.
- B. A "Substitute" or "Limited-Term/Substitute" assignment shall not exceed the duration of the absence of the regular employee.
- C. In assigning someone to serve as a Limited-Term Substitute, the person may be assigned to the same classification and be required to perform the regular duties and responsibilities of the absent employee, or the duties and responsibilities may be reduced in level to accommodate the skills, knowledge, and abilities of available substitutes.

Should the duties and responsibilities of a position be reduced in level, the Director shall classify the remaining duties and assign appropriate compensation which shall subsequently be submitted to the Personnel Commission for ratification.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, and #45290

Adopted: October 31, 1989

Reviewed: December 15, 2008; May 26, 2020

7.3.4 Eligibility For Appointment To Limited-Term Assignments

- A. "Limited-Term" or "Limited-Term/Substitute" appointments shall be made from eligibility and other established employment lists; except as otherwise provided.
- B. When a person is selected from an appropriate eligibility list to serve as a "Limited-Term" or a "Limited-Term/Substitute" employee, the individual so selected shall continue to be eligible for Limited-Term and Limited-Term/ Substitute assignments in the same or lower related classes after the eligibility list (from which the selection was made) has expired. This provision shall also apply to a former employee who has left the District in good standing, and is willing to accept a limited-term assignment or assignments in his/her former class or in a lower related class (as established by Personnel Commission Rule # 3.4.2.1 through 3.4.2.13).
- C. When no eligible is available to accept a "Limited-Term" or "Limited-Term/Substitute" assignment, the Director is hereby authorized to utilize other means to fill positions on a "Limited-Term" basis.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, and #45290

Adopted: October 31, 1989

Revised: December 15, 2008; May 26, 2020

7.3.5 Compensation For Limited-Term and Substitute Assignments

- A. A person who accepts a "Limited-Term" or a "Limited-Term/Substitute" assignment will normally be compensated on the first step of the salary range for the classification to which assigned. A person may be compensated above the first step, not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission.
- B. When a regular employee is given a Limited-Term assignment in a higher class in lieu of all or part of their regular assignment, such person shall be compensated on the first step of the higher salary range which provides the employee with at least a four percent (4%) increase in

salary; not to exceed the top step of the higher salary range.

- C. When a regular employee is given a Limited-Term assignment in a lower class in lieu of all or part of their regular assignment, such person shall be compensated through placement on the step of the lower salary range which is closest to the amount earned in his/her regular classification; not to exceed the top step of the assigned salary range.
- D. A former employee who accepts a Limited-Term or a Limited-Term/Substitute assignment in their previous class, or in a lower related classification, shall be compensated through placement on the step of the salary range (for the classification to which assigned) which is closest to the former employees' last regular rate of pay not including longevity pay. A former employee who accepts a Limited-Term or a Limited-Term /Substitute assignment is no longer eligible for longevity pay.
- E. A former employee who accepts a Limited-Term or Limited-Term/Substitute assignment in an unrelated classification to the one which they previously held with the District shall be compensated on the first step of the salary range for the classification to which assigned. A former employee who accepts an assignment in accordance with this provision of the rules may be compensated above the first step, not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission. A former employee who accepts a Limited-Term or Limited-Term/Substitute assignment in an unrelated classification is no longer eligible for longevity pay.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, #45290, and #45309
Adopted: October 31, 1989
Revised: December 15, 2008; May 26, 2020

7.3.6 Rights And Benefits Resulting From Limited-Term Assignments

- A. A regular classified employee who is serving in a Limited-Term or a Limited-Term/Substitute assignment while retaining regular status in another class shall continue to earn and be granted all rights and benefits accorded regular members of the classified service. All other Limited-Term and Limited-Term/Substitute employees shall be granted only those benefits specifically provided as part of these rules and regulations.
- B. No credit toward completion of a probationary period shall accrue from service in a Limited-Term or Limited-Term/Substitute assignment.

References: E.C. #45260, #45261, #45286, #45287, #45288, #45289, #45290, and #45309
Adopted: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.3.7 Termination Of Limited-Term Appointment

- A. Limited-Term appointments automatically terminate at the conclusion of the time period for which the assignment was established; such as six (6) months, or the return of the absent employee.
- B. A Limited-Term or a limited-term/substitute appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority. However, the appointing authority shall immediately notify the Director when a limited-term assignment is being terminated.
- C. A Limited-Term or a Limited-Term/Substitute employee, other than a regular permanent classified employee serving in such capacity, may be dismissed without right of appeal. However, the appointing authority shall immediately notify the Director who shall investigate the matter, and may take action to remove the person's name from any and all employment lists on which the name appears as an eligible candidate.

References: E.C. #45260 and #45261
Adopted: October 31, 1989

Revised: December 15, 2008; May 26, 2020

Section 4 Special Appointments

7.4.1 Emergency Appointment Procedures

Should it become necessary in time of declared emergency to fill position(s) in the Classified Service to prevent the stoppage of public business, the Board of Trustees, through its authorized management representatives, may request the Director to make emergency appointment(s) without reference to eligibility lists. However, such appointments shall not exceed a maximum of fifteen (15) working days.

In requesting the Director to make emergency appointment(s), it shall be the duty of the Board of Trustees or its designated management representatives to provide the Director with written information outlining the date(s) of appointment(s) and the nature of the duties to be performed, as well as a stated reason justifying the request for an emergency appointment(s), plus any other information requested by the Director so that an appropriate decision can be made under this rule.

References: E.C. #45260, #45261, and #45290
Adopted: June 15, 1965
Amended: October 31, 1989
Reviewed: December 15, 2008; May 26, 2020

7.4.2 Summer And Other Recess Period Assignments

- A. Temporary positions created to meet the needs of the District during the summer or other recess periods shall be filled, so far as practical, by regular members of the Classified Service.
- B. Appointments to summer/recess positions shall be made on the basis of seniority from employees in the classification (to which the position has been assigned by the Personnel Commission) who have requested summer/recess assignments.

Summer school/other recess assignments required by the District shall be offered to regular employees working less than twelve (12) months per year who have requested such assignments. Assignments shall be offered to qualified employees on a seniority rotation basis by classification. All employees with five (5) or more years of service in the classification will be included in the rotation. If there are fewer than two employees having five (5) or more years of service in the classification, summer/recess assignments will be offered and made on a straight seniority basis; with the most senior employee being given the first opportunity to fill the assignment.

Should the number of requests of employees in the class prove to be insufficient in meeting the needs of the District, appointments shall be made on the basis of seniority from employees in other related classes who are qualified to perform the duties and responsibilities, and have requested summer/recess assignments. The Personnel Director shall make the determination as to whether or not the requesting employee is qualified to perform the duties and responsibilities.

Should the number of qualified employees requesting summer/recess assignments prove to be insufficient in meeting the needs of the District, the Director is hereby authorized to use other available employment lists and established procedures in meeting those needs.

References: E.C. #45102, #45260, and #45261
Adopted: June 15, 1965
Amended: May 9, 1972; October 31, 1989; December 17, 1991
Revised: December 15, 2008; May 26, 2020

Section 5 Employment Of PERS Retirees And Use Of Volunteers

7.5.1 Employment of PERS Retirees

7.5.1.1 General Policy

Any person receiving a retirement allowance from the Public Employees' Retirement System (PERS) may be employed by the District in a substitute capacity up to nine-hundred-sixty (960) hours per fiscal year. However, the retired person must be informed that their retirement will be jeopardized should they work more than nine-hundred-sixty (960) hours in a fiscal year for this agency or any combination of agencies under contract with the Public Employees' Retirement System.

7.5.1.2 Compensation for Retirees

- A. Retired persons employed under the provisions of this rule shall be entitled only to the appropriate salary earned; including overtime compensation. Such persons shall become entitled to any other benefits made applicable to other "Limited-Term" employees by the District or provided in the Personnel Commission's Rules and Regulations; except for retirement contributions.
- B. Except as provided in "C" below, retired persons, employed under the provisions of Section 5 of Article VII, shall normally be paid on the first step of the salary range for the classification to which assigned.
- C. Former employees of the District employed under the provisions of this rule in positions in their former classifications, or in lower related classifications, shall be compensated through placement on the step of the salary range (for the classification to which assigned) which is closest to the last regular step placement prior to retirement. Former employees are no longer eligible for longevity pay.

Former employees of the District employed under the provisions of this rule in positions which are not related to the classification held prior to retirement shall be compensated on the first step of the salary range for the classification to which assigned. However, such persons may be compensated above the first step, but not to exceed the third step, upon the recommendation of the Director and the approval of both the Board of Trustees and the Personnel Commission. Former employees are no longer eligible for longevity pay.

7.5.1.3 Certification

Retired persons employed under the provisions of this rule (Section 5 of Article VII) are not subject to reinstatement to PERS, and such employment shall not provide any retirement allowance adjustment for the period of such assignment.

The appointing authority shall certify to the Director that a retiree employed under the provisions of this rule (commencing at 7.5.1 et seq) meets the requirements specified and that the employee's hours of employment during the fiscal year will not exceed nine-hundred-sixty (960) fiscal hours.

References: E.C. #45135, #45260, #45261, and G.C. #22150 et seq.

Adopted: October 31, 1989

Amended: September 25, 1990

Revised: December 15, 2008; May 26, 2020

7.5.2 Use of Volunteers

Parents and other volunteers may be assigned to perform non-instructional work which serves to assist certificated personnel. Such persons shall serve under the immediate control and supervision of a certificated employee of the District.

Volunteers shall not be employees of the District and shall serve without any type of monetary compensation (wages or insurance benefits).

No classified positions shall be abolished in order to provide for the use of volunteers, and no volunteers shall be used to avoid filling vacant classified positions or to provide services in lieu of classified employees who have been laid off as the result of the abolition of positions.

References: E.C. #35021, #35212, #45260, #45261, and #45349
Adopted: October 31, 1989
Amended: September 25, 1990
Reviewed: December 15, 2008; May 26, 2020

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE VIII
EMPLOYMENT REQUIREMENTS**

Section 1 Criminal Records Check

8.1.1 Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The Personnel Commission office will notify each such person where to report for fingerprinting. The cost of such fingerprinting shall be borne by the District. Each new employee is responsible for scheduling the appointment to be fingerprinted and to complete the process no later than the tenth working day following an offer of employment.

References: E.C. #45125
Adopted: June 15, 1965
Amended: December 8, 1981; November 7, 1983; November 28, 1989; October 1997;
January/February 2001
Reviewed: January 13, 2009

8.1.2 Review of Criminal Records

- A. All criminal record reports are to be treated as confidential. Any employee of the District who violates this confidentiality by divulging information contained in a criminal record report to an unauthorized person shall be subject to disciplinary action.
- B. The criminal records report issued by the California Bureau of Criminal Identification and Investigation and/or The Federal Bureau of Investigation will be reviewed by the Director, Human Resources Classified in conjunction with the application form submitted by the eligible or employee. If said report(s) reflects a criminal conviction or convictions not disclosed on the application, the Director may order dismissal (if the person has been employed by the District) and take action to remove the person's name from all eligibility lists on which the name appears (as provided in Personnel Commission Rules #6.1.6, #4.2.1 and #4.2.2).
- C. If the Director takes action relative to the eligible/employee, the Director shall notify the eligible or employee of the action taken, the reasons therefore, and the person's right of appeal to the Personnel Commission under the provisions of Personnel Commission Rules #6.1.7 and #4.2.3.

The person will be provided with an opportunity to appeal the decision to the Personnel Commission in writing within five (5) days of the postmarked mailing of notification. The decision of the Commission shall be final.

Subsequent notification of a criminal record shall be handled in accordance with disciplinary procedures of these rules.

References: E.C. #45125
Adopted: June 15, 1965
Amended: December 8, 1981; November 7, 1983; November 28, 1989; January/February 2001
Revised: January 13, 2009

Section 2 Medical Examinations

8.2.1 Tuberculosis (TB) Examinations

8.2.1.1 Initial Employment

A new hire shall present the District with verifiable evidence that they have submitted to a TB examination within a sixty (60) day period immediately preceding employment with the District; such examination having been conducted by a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of the Business and Professions Code.

To be acceptable to the District, the TB examination shall consist of an approved intradermal test (Mantoux), which, if positive, shall be followed by an x-ray of the lungs. The x-ray film may be taken by a physician or surgeon or by a competent and qualified x-ray technician provided that the x-ray film is subsequently interpreted by a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of the Business and Professions Code.

If a new employee is transferring employment from another school (including private or parochial) or school district, the Director may waive the sixty (60) day requirement; provided that the new hire is able to produce a Certificate (as provided for in Section #3450 of the California Health and Safety Code) which shows that said employee has been examined within a four (4) year period immediately preceding the date of employment and found to be free of communicable tuberculosis. This requirement can also be met if the school district of prior employment verifies that such a certificate is on file with that agency and forwards a copy of said certificate to the Personnel Commission office.

Evidence that the candidate has complied with the requirements of this section must be on file in the Personnel Commission office prior to the first day in paid status.

8.2.1.2 Continuous Employment

As a condition of continued employment with the District, employees who were skin test negative shall be required to undergo TB testing at least once during each four (4) year period (following initial employment with the District).

Once an employee has a documented positive skin test, and confirmed by subsequent x-ray examination, the foregoing examination will no longer be required. Instead, the employee will be referred (within 30 days of completion of the positive examination) to the local health officer for determination as to the need for follow-up care.

8.2.1.3 Exemptions

The Personnel Director may exempt a pregnant person from the x-ray follow-up to a positive intradermal tuberculin test for a period of time which shall not exceed sixty (60) calendar days following the conclusion of the pregnancy.

8.2.1.4 Examination Costs

The District shall reimburse the employee for all pre-employment and continuing employment TB examinations provided that they are performed in accordance with these rules and procedures (Section 2 of Article VIII).

8.2.1.5 The right to select the clinic or hospital where compensated TB tests are to be conducted is reserved to the District.

References: E.C. #45122, and #49406; Health and Safety Code #3450; Administrative Code, Title 5, #5505

Adopted: June 15, 1965

Amended: November 28, 1989; November 28, 1995; January/February 2001

Reviewed: January 13, 2009

8.2.2 Physical Examinations

8.2.2.1 Initial Employment

At the direction of the Director, every person selected to fill a regular position in the Classified Service is required to pass a job-related physical examination prior to initial employment with the District.

References: E.C. #45122
Adopted: June 15, 1965
Amended: November 28, 1989
Reviewed: January 13, 2009

8.2.2.2 Promotional Candidates

Promotional candidates who have been offered employment in a classification with different physical demands (from those of the current classification) may be required to undergo a job-related medical examination. In the event that the District denies the promotion based upon the results of such examination, the employee may appeal the decision to the Personnel Commission as provided in Personnel Commission Rule #4.2.2.

References: E.C. #45122
Adopted: November 28, 1989
Revised: November 28, 1995
Reviewed: January 13, 2009

8.2.2.3 Examination Procedures:

- A. Physical examinations shall take place at a District-selected medical facility. Each eligible candidate and/or employee shall be responsible for scheduling the physical exam.
- B. Decisions as to the type and extent of the physical examination required shall be reserved to the District.
- C. The examination shall be administered after the initial offer of employment, but prior to the actual finalization of the appointment to the position.
- D. The physician shall examine the eligible, candidate, or employee and make a determination regarding the person's ability or inability to perform the duties and responsibilities of the position/class in which the person is to be employed. The findings of the physician shall be forwarded to the Director.
- E. Should the medical report indicate that the eligible, candidate, or employee is unable to perform the basic functions and essential duties assigned to the position to be filled, the Director will determine whether or not the basic functions and essential duties can be modified to accommodate the person's physical limitations.

If determined by the Director that the basic functions and essential duties can not be modified to accommodate the person's physical limitations, the eligible, candidate or employee may be disqualified as provided in Personnel Commission Rule #4.2.2; subject to appeal to the Personnel Commission as provided in Personnel Commission Rule #4.2.3.

References: E.C. #45122
Adopted: November 28, 1989; January/February 2001
Revised: January 13, 2009

8.2.2.4 Cost of Physicals and Other Medical Examinations

Required physicals and other medical examinations which are conducted in accordance with these rules and regulations (commencing with Personnel Commission Rule 8.2.2 et seq) shall be paid for by the District.

References: E.C. #45122
Adopted: June 15, 1965
Amended: November 28, 1989; November 28, 1995
Reviewed: January 13, 2009

8.2.3 Medical Release to Return to Work and Unscheduled Exams

8.2.3.1 Return to Work

Any employee who has been absent from work due to illness or injury may be required to submit to a medical examination to determine if said employee has recovered sufficiently to be able to return to work and perform the regularly assigned duties of their position or to perform modified duties assigned on a temporary basis.

The unit member may be required to provide verification of reasons for the taking or use of illness or injury leave for every absence over three (3) days in length. Such verification shall include a statement from a qualified physician, or a Christian Science Practitioner in case of religious requirement, verifying the reason and the dates the unit member was under physician's or practitioner's care and approving or recommending a return date.

References: E.C. #45122
Adopted: November 28, 1989; November 28, 1995; January/February 2001
Reviewed: January 13, 2009

8.2.3.2 Unscheduled Exams

At any time that there is reasonable cause to believe that an employee is physically, mentally, or emotionally unable to perform his or her regularly assigned duties in a satisfactory manner, the District may require such employee to undergo an examination; subject to appeal to the Personnel Commission.

References: E.C. #45122
Adopted: February 27, 1979
Amended: November 28, 1989
Reviewed: January 13, 2009

8.2.4 Bus Driver and Other Safety-Sensitive Position Medical Exams

In addition to any other examination that may be required by the District, school bus drivers and other employees in safety-sensitive positions must complete any state and/or federally-mandated medical examination, and have a valid medical card as required by state law.

The District shall make arrangements for such medical examinations (at no cost to the employee) or shall provide reimbursement for the cost of such examinations.

References:
Adopted: November 28, 1989; November 29, 1995
Reviewed: January 13, 2009

8.2.5 Appeals From Medical Disqualifications

- A. Any disqualification or rejection for employment or continued employment for medical reasons may be appealed to the Personnel Commission.

- B. Appeals shall be conducted pursuant to procedures outlined in Personnel Commission Rule #4.4.3.
- C. The Commission may employ outside medical experts to secure advisory medical opinions.
- D. The Commission shall determine whether or not the denial of appointment or discontinuance of employment shall be sustained. Such determination(s) shall be based upon evidence presented and expert medical advice which has been secured.

References: E.C. #45122
Adopted: November 28, 1989
Reviewed: January 13, 2009

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE IX
EMPLOYMENT STATUS**

Section 1 Certification of Payrolls

9.1.1 Payroll Certification

No person shall be appointed to a position in the Classified Service unless the assignment order is certified by the Director, Human Resources Classified. The Director shall certify that the assignment has been made in accordance with these rules and regulations and the provisions of the Education Code.

9.1.1.1 The Director shall audit all changes of status for classified employees and positions, and shall certify that any and all changes are in accordance with existing laws and these rules.

9.1.1.2 If and when it is deemed necessary, the Director is authorized to audit all payrolls as provided in Education Code #45310. Should the Director find that employment assignments are not in accordance with existing laws or the Rules and Regulations of the Personnel Commission, the Director will immediately notify the Superintendent of any irregularities and attempt to resolve the problems.

References: E.C. #45310
Adopted: December 12, 1989
Revised: February/March 1999, 2009
Reviewed: February 17, 2009; June 29, 2021

9.1.2 Withdrawal of Payroll Certification

Following notification of irregularities by the Director, the District will be given a reasonable amount of time to make the necessary corrections. Should the District fail to make the necessary corrections during the time allotted, the Director is hereby authorized to submit a notice of withdrawal of the certification to both the District and the County Superintendent of Schools and order that any salary payment or other warrant be stopped. Notice of violation(s) shall also be noted upon such payroll or service report(s), and such notice shall serve as an official notification to the Board of Trustees and the office of the County Superintendent of Schools that the drawing, signing, or issuing of any warrant will be unlawful.

References: E.C. #45169, #45310, and #45311
Adopted: December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

Section 2 Assignment of Employees

9.2.1 Assignment Data

Upon initial employment and upon each subsequent change in classification, each classified employee shall be furnished with the following:

- A. The employee's class specification (job description).
- B. Notice of salary data, including pay period and the hourly, daily, monthly, or annual salary rate, as applicable.
- C. Work location and duty hours, prescribed work week and work year.
- D. The terms and conditions of the probationary period, including performance evaluation procedures.

References: E.C. #45169,
Adopted: December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

9.2.2 Employee Signature Required

Each employee shall sign an acknowledgment of the receipt of the assignment data (form P-32). The original shall be placed in the employee's personnel file. The employee shall be provided with a copy, and a copy shall be sent to the payroll office.

Reference: E.C. #45169,
Adopted: December 12, 1989
Revised: February 17, 2009; June 29, 2021

9.2.3 Assignment Changes

The District shall have the right to assign and reassign daily hours of work and work shifts, in order to meet the operational needs of the District.

When such a change is made, the employee's supervisor shall notify the employee and the Director in writing at least five (5) working days prior to the effective date of the change.

References: E.C. #45169
Adopted: December 12, 1989
Revised: February 17, 2009
Reviewed: June 29, 2021

9.2.4 New Employee Orientation

Within five (5) working days of starting the assignment, each employee shall be advised by their immediate supervisor or designee of information relating to the employee's position, including reporting requirements, break times and lunch periods, work rules and department/school regulations, procedure for reporting absences, the terms and conditions of probation, and the procedures for performance evaluation.

Reference: E.C. #46260
Adopted: December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

Section 3 Probationary and Permanent Status

9.3.1 Probationary Status

9.3.1.1 Initial Probationary Period

Each new employee appointed from an eligibility list shall serve an initial probationary period of one-hundred-thirty (130) days of paid regular service (excluding holidays, and days of absence for illness or injury or any work performed on an overtime basis) in the classification for which employed.

For positions designated by the Personnel Commission as executive, administrative, or supervisory, the probationary period shall be two-hundred-sixty (260) days of paid regular service (excluding holidays and days of absence for illness or injury) in the classification for which employed.

Credit toward completion of the probationary period shall be granted only for service in regular positions in the class after appointment from an appropriate eligibility list. Time worked in other capacities or classifications shall not be counted toward completion of a/the probationary period.

References: E.C. #45269, #45270, and #45301

Approved: June 15, 1965
Amended: October 11, 1984; December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

9.3.1.2 Completion of Initial Probationary Period

Each probationary classified employee shall be evaluated a minimum of two (2) times during the probationary period in accordance with the following rules:

- A. A probationary employee shall be given written notice of a termination prior to the date on which the probationary period ends.
- B. A new probationary employee may be suspended and dismissed without cause at any time during the initial probationary period as provided by these Rules and Regulations.
- C. A probationary employee who is to be terminated for unsatisfactory work performance may be allowed, at the discretion of the Director, to resign in lieu of being terminated, provided that the resignation is submitted and received by the Director prior to the school board's action to terminate.
- D. A probationary employee who resigns in good standing during the initial probationary period shall, upon request, have their name restored in proper rank order on the eligibility list from which selected. However, such restoration shall not extend the life of that list or the person's period of eligibility.
- E. Should the work for which a probationary employee has been appointed prove to be temporary instead of permanent as certified, and should such person be laid off without fault or delinquency on their part before completion of the probationary period, the person's name shall be restored to the eligibility list and the time served in the defunct position shall be credited to them toward completion of the probationary period in any subsequent position to which appointed in that same classification.

References: E.C. #45256, #45269, #45270, #45272, #45281, #45301, #45302
Adopted: December 12, 1989
Revised: February 17, 2009; June 29, 2021

9.3.1.3 Subsequent Probation for Permanent Employees

A permanent classified employee who has been promoted, or laterally transferred to a related class, shall serve a new probationary period of one-hundred-thirty (130) days in the new class before attaining permanency in that class.

During such new probationary period, the employee may be demoted to a position in their former class which is equivalent to the one held prior to the change in classification. The person to be so demoted shall be notified in writing of the impending action and the reasons for it. Such employee shall have the right to appeal the action in accordance with the provisions of Personnel Commission Rule #19.5.1.

References: E.C. 45256, #45269, #45270, #45272, #45281, #45301, #45302, and #45305
Adopted: December 12, 1989
Revised: February 17, 2009; June 29, 2021

Section 4 Permanency

9.4.1 Permanent Status

Upon successful completion of the prescribed initial probationary period (see Personnel Commission Rule 9.3.1), a classified employee shall be deemed to be a part of the permanent classified service.

References: E.C. #45301
Adopted: December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

9.4.2 Rights/Benefits/Burdens of Permanent Employees

Every permanent classified employee shall be entitled to all the rights, benefits, and burdens conferred by law, the Personnel Commission's Rules and Regulations, or by action of the Board of Trustees for classified employees in the same or like classification, including a vested right in their position or classification. Such vested interests provide that a permanent classified employee may only be removed for cause or as the result of layoff because of a lack of work or lack of funds.

References: E.C. #45301
Adopted: December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

9.4.3 Classification Change Permanency

Upon successful completion of the probationary period, upon change of classifications (see Personnel Commission Rule 9.3.1.3), the classified employee shall attain permanency in the new classification.

References: E.C. #45301
Adopted: December 12, 1989
Reviewed: February 17, 2009; June 29, 2021

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE X
HOURS OF EMPLOYMENT AND OVERTIME

Section 1 Work Schedules

10.1.1 Workday

The length of the workday shall be designated by the District for each classified assignment in accordance with the provisions set forth in these rules and regulations. Each classified employee or position shall be assigned a fixed, regular, and ascertainable minimum number of assigned hours per day (with fixed, regular starting and ending times), days per week, and months per year. No classified employee shall be employed or compensated for less than two (2) hours for any day that he/she is scheduled or required to work.

References:

Adopted: January 23, 1990

Reviewed: March 17, 2009

10.1.2 Workweek

The workweek for classified employees will normally consist of five (5) consecutive days at eight (8) hours per day, or forty (40) hours per week. However, the District may establish a workday of less than eight hours per day, less than forty hours per week, or less than five days per week. In addition, the District, through its administrative and supervisory personnel, may authorize employees to work in excess of eight hours per day and/or forty hours per week.

References: E.C. #45127, #45132

Adopted: January 23, 1990

Reviewed: March 17, 2009

10.1.3 Nine (9)-Hour and Ten (10)-Hour Workdays

10.1.3.1 The District may establish a nine-hour-per-day, eighty-hour biweekly work schedule for some positions or classes of positions, based upon the needs of the District and/or the desires of its classified employees.

10.1.3.2 The District may establish a ten-hour-per-day, forty-hour, four consecutive day workweek for some positions or classes of positions, based upon the needs of the District and/or the desires of its classified employees.

References: E.C. #45132

Adopted: January 23, 1990

Amended: December 18, 1990

Reviewed: March 17, 2009

10.1.4 Adjustments in Assigned Time

10.1.4.1 Average Quarterly Hours

Whenever an employee's average paid time for a part-time assignment (defined for purposes of this rule as less than eight hours per day), excluding hours compensated on an overtime basis, exceeds his/her regular assigned time by fifty (50) or more minutes per working day in any quarter (three consecutive month period), such employee shall have his/her paid hours adjusted (based upon that quarter) for purposes of compensation for paid holidays, vacation days, sick leave, and other compensable leaves occurring during the next succeeding quarter.

10.1.4.2 Permanent Change; 20 Consecutive Day Rule

Except for limited-term or other specified temporary assignments, whenever a classified employee works an average of thirty (30) minutes or more in excess of such employee's regular part-time assignment (defined for purposes of this rule as less than eight hours per day) for a period of twenty (20) or more consecutive work days, such employee shall have his/her regular assignment adjusted upward to reflect the longer hours; effective with the next payroll period.

However, no such adjustment shall cause or be used to justify the establishment of a position of more than eight hours per day, or forty hours per week.

In the event that there are other part-time positions or assignments (as defined in this rule) in the same class at the work site of the adjusted position, the adjusted-hour position shall be deemed vacant and filled in accordance with Personnel Commission Rule #10.1.10.

References: E.C. #45137
Adopted: January 23, 1990
Amended: March 26, 1991
Reviewed: March 17, 2009

10.1.5 Decreases In Assigned Time

A District-initiated decrease in the hours per day, hours per week, days per year, or months per year for an existing regular classified position shall be considered a layoff, and shall be administered in accordance with the laws and rules governing layoffs. Therefore, the District's rules regarding layoff shall be used to determine the rights of employees affected by a reduction in hours or months of employment.

References: E.C. #45308
Adopted: January 23, 1990
Revised: March 17, 2009

10.1.6 Benefits for Positions of Less Than Eight Hours/Twelve Months

All classified employees assigned to positions of less than eight (8) hours per day and/or less than twelve (12) months per year shall be entitled to sick leave and all other benefits conferred by law to classified employees. With the exception of health, dental, and life insurance coverages, which the District has made applicable only to employees who regularly work thirty (30) or more hours per week, and retirement contributions which the District has made applicable only to employees who regularly work twenty (20) or more hours per week. Part-time employees shall be entitled to all leaves and other benefits conferred by law, these rules and regulations, or the Board of Trustees. Such benefits shall be provided on at least a prorated basis; based upon a standard eight-hour day, forty-hour week, and twelve-month year.

References: E.C. #45132
Adopted: January 23, 1990
Revised: March 17, 2009

10.1.7 Meal Periods

All classified employees who are scheduled to work six (6) or more consecutive hours per day shall be assigned an unpaid, uninterrupted meal period of at least thirty (30) and a maximum of sixty (60) minutes. Such meal period shall be assigned at or about the mid-point of each work shift.

References:
Adopted: January 23, 1990
Amended: March 26, 1991
Reviewed: March 17, 2009

10.1.8 Rest Periods

Classified employees shall be provided with paid rest periods in accordance with the following:

- A. Except as otherwise provided, all employees shall be granted paid rest periods at the rate of fifteen (15) minutes per four (4) hours worked. Rest periods shall be scheduled to the mutual convenience of the employees and supervisors.
- B. Bus Drivers and Student Transportation Assistants shall be afforded a single, fixed rest period of ten (10) minutes. This rest period may be taken at a school site or the District office.
- C. Employees will be allowed to leave District property during such rest periods. However, it is the responsibility of the employee to return to duty in a timely manner; within the limits of the time allotted for such breaks. Rest periods shall not be taken to alter the scheduled work day.

References:

Adopted: January 23, 1990

Amended: December 17, 1991; April 24, 2001

Reviewed: March 17, 2009

10.1.9 Split Shift Assignments

The District shall have the right to create positions requiring an unpaid split shift as part of the assignment provided that the split in the assignment is more than one (1) hour in duration. Split shifts of one (1) hour or less shall be paid at the appropriate regular or overtime rate of pay. Bonafide scheduled meal periods of at least thirty (30) minutes and not more than sixty (60) minutes shall not be considered a split shift and shall be considered as unpaid time.

References:

Adopted: January 23, 1990

Reviewed: March 17, 2009

10.1.10 Additional Hours for Part-time Employees

When additional hours are assigned to a part-time position on a permanent basis, the position shall be offered to the part-time employee in the same class with the greatest seniority at that site. Should the senior employee decline the position, it shall be offered to the remaining employees in the class at the site in descending order of seniority.

References:

Adopted: January 23, 1990

Reviewed: March 17, 2009

Section 2 Overtime and Related Matters

10.2.1 Overtime

All overtime hours as defined in this rule shall be compensated at the rate of pay equal to time and one-half (1 1/2) the regular rate of pay of the employee for all hours worked in an overtime status. Overtime is defined to include any time worked in excess of eight (8) hours in any one day or for any one shift, or in excess of forty (40) hours in any calendar week.

10.2.1.1 If the District establishes a workday of seven (7) or more hours but less than eight (8) hours per day, and a workweek of thirty-five (35) or more hours but less than forty (40) hours per week for all of its classified employees, all time worked in excess of the established workday or workweek shall be compensated on an overtime basis.

10.2.1.2 Any employee having an average workday of four (4) hours or more during the work week, shall be compensated for any work required to be performed on the sixth (6th) consecutive day at one and one-half (1/2) times and on the seventh (7th) consecutive day at two (2) times the regular rate of pay of the unit member authorized to perform

the work.

For employees who are assigned to work an average of less than four (4) hours per day during the regular work week, all hours worked beyond eight (8) hours on any workday and all hours worked on a seventh consecutive workday shall be compensated at the overtime rate.

- 10.2.1.3 All hours worked by an employee on a holiday designated by these rules, the law, or the Board of Trustees shall be compensated at the overtime rate of pay in addition to the regular pay received for that day for a total of two and one-half (2 1/2) times the regular rate of pay.
- 10.2.1.4 Whenever a 10-hour day, 4-day workweek is established by the District for all or a portion of the classified staff, whether on a temporary or permanent basis, all hours worked in excess of ten (10) hours per day, forty (40) hours per week, or on a fifth, sixth, or seventh day shall be compensated at the overtime rate of pay.
- 10.2.1.5 Whenever a 9-day, 80-hour biweekly work schedule is established by the District for all or a portion of the classified staff, whether on a temporary or permanent basis, all hours worked in excess of nine (9) hours per day, or eighty (80) hours in the biweekly schedule, or on a sixth or seventh day shall be compensated at the overtime rate of pay.
- 10.2.1.6 In determining the appropriate compensation for an employee, the District shall take the employee's regular hourly rate of pay, add any differential rates, premium rates, or longevity increments regularly received by the employee in order to arrive at the employee's regular rate of pay for calculating overtime. (Example: Employee receives \$6.00 per hour as their salary base plus \$0.25 per hour for his/her regular shift differential, plus \$0.50 per hour for longevity. The employee's regular rate of pay would be \$6.75 per hour.)
- 10.2.1.7 In determining the number of hours worked for purposes of computing overtime, time during which an employee is excused from work while remaining in a paid status, e.g., holidays, sick leave, vacation time, compensatory time off, or other paid leave of absence, shall be considered as time worked by the employee.

References: E.C. #45128, #45131, #45160, #45161
Adopted: June 15, 1965
Amended: January 23, 1990; December 18, 1990; April 24, 2001
Revised: March 17, 2009

10.2.2 Compensatory Time Off

By mutual agreement between the employee and their immediate supervisor, overtime may be compensated in the form of compensatory time off. However, compensatory hours shall not be allowed to accumulate to more than forty-five total hours (30 straight time hours plus 15 hours added compensation based upon time and a half) at any one time. Once an employee has reached and remains at the forty-five (45) hour maximum, such employee must be paid for any additional overtime worked as provided in Personnel Commission Rule 10.2.1.

A written record of overtime worked and compensatory time off shall be maintained, and made available for review by the affected employee.

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

References: E.C. #45129
Adopted: June 15, 1965
Amended: January 23, 1990
Reviewed: March 17, 2009

10.2.3 Assignment of Overtime

Overtime work shall be assigned equitably among all qualified classified employees who are in the same classification, the same organizational unit, and the same work location. In assigning overtime, the administrator/supervisor may consider:

- A. Special skills and/or training necessary for performance of the specific work to be accomplished; and
- B. The availability of regular part-time classified employees to perform the required work.

References:

Adopted: January 23, 1990
Reviewed: March 17, 2009

10.2.4 Call Back Time

Whenever an employee is called back to duty by their immediate supervisor or designee after the conclusion of the normal work shift, such employee shall receive a minimum of two (2) hours pay or pay for the number of hours worked, whichever is greater, at the appropriate rate of pay. An extension of work time either before or after the scheduled work day does not constitute a "call back." A classified employee subject to an extension of work time shall be compensated appropriately.

References:

Adopted: June 15, 1965
Amended: January 23, 1990
Reviewed: March 17, 2009

10.2.5 Call-In Time

Whenever an employee is called to work by their immediate supervisor or designee on a day which is not a regularly scheduled work day, the employee shall receive a minimum of two (2) hours pay or pay for the hours worked, whichever is greater, at the appropriate rate of pay.

References:

Adopted: June 15, 1965
Amended: January 23, 1990
Reviewed: March 17, 2009

10.2.6 Exemption From Overtime and Call-In Time Compensation

10.2.6.1 Positions or classes of positions which are designated by the Personnel Commission as executive, administrative, or supervisory may be exempted from the overtime and call-in time provisions of these rules and regulations. To be exempted, positions or classes of positions must clearly and reasonably be management positions. The duties and responsibilities, flexibility of hours, salary, benefit structure, and authority of the positions/classes must be of such a nature that they should be set apart from those positions or classes which are subject to the overtime and call-in rules, and will not be unreasonably discriminated against as a result of the exemption.

10.2.6.2 The following classes are hereby designated to be executive, administrative, or supervisory and thereby excluded from the overtime and call-in time provisions of these rules and regulations:

A. ADMINISTRATIVE/SUPERVISORY:

Supervisor, Accounting
Assistant Supervisor, Accounting
Assistant Director, Child Nutrition and Food Services Programs
Supervisor, Building Services
Supervisor, Child Development Program
Supervisor, Extended School Program
Supervisor, Food Service Operations
Supervisor, Maintenance and Grounds
Supervisor, Transportation
Supervisor, Business Services

B. EXECUTIVE:

Director, Child Care and Development Programs
Director, Child Nutrition and Food Services Programs
Director, Human Resources Classified
Director, Facilities Planning
Director, Maintenance, Operations, and Transportation
Director, Purchasing and Financial Services
Director, Technology and Information Services

- 10.2.6.3 Employees in exempt classifications shall, if required to work on a specified District holiday, be granted compensatory time off within twelve (12) calendar months following the month in which the holiday occurred.

References: E.C. #45127, #45130
Adopted: June 15, 1989
Amended: January 23, 1990; May 22, 1990; December 18, 1990; September 15, 1992; July 26, 1994; November 22, 1994; April 24, 2001
Revised: March 17, 2009

Westminster School District
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**ARTICLE XI
EMPLOYEE TRANSFERS AND REASSIGNMENTS**

Section 1 Transfers

11.1.1 Definition

The reassignment of an employee without examination from one position to another within the same class (position transfer), or to a position in a similar or related class at the same salary range (lateral transfer).

References:

Adopted: March 27, 1990

Amended: March 27, 2001

Revised: March 17, 2009

11.1.2 Position Transfer(s)

A position transfer may be initiated by the District Administration or at the request of the employee. An employee may request a position transfer if they have permanent status and is performing satisfactorily. An employee whose most recent evaluation (of one year or less) shows "unsatisfactory" or "needs to improve" in any category shall not be eligible for transfer, except with the approval of the Director, Human Resources Classified. Administration-initiated transfers or reassignments may be made at any time for the good of the District upon the recommendation of the department/site supervisor and the approval of the Director. Such transfers or reassignments shall be made only in accordance with the following:

- A. An employee who is about to be transferred or reassigned should be given at least ten (10) working days notice whenever possible. The employee shall be notified in writing by their immediate supervisor or the Director at least five (5) working days prior to the effective date of the transfer.
- B. An employee who is to be reassigned or transferred may request a conference or written statement regarding the reasons for the reassignment. Upon receipt of such request, the District will respond to the employee prior to the effective date of the transfer. The reasons for the reassignment shall be fully explained to the employee.
- C. Employees shall not be transferred or reassigned for punitive, preferential, arbitrary or disciplinary reasons except as provided or allowed under the disciplinary action provisions of these rules and regulations.
- D. Employees may appeal involuntary transfers or reassignments through the Personnel Commission's grievance/complaint procedure (Article XVIII).

References:

Adopted: June 15, 1965

Amended: April 26, 1983; March 27, 1990; February 28, 1996; March 27, 2001.

Revised: March 17, 2009

11.1.3 Lateral Transfer(s)

A transfer from a position in one class to a position in another related class shall be determined by the Personnel Commission based upon the recommendation of the Director as to the similarity of duties, minimum qualifications and examination content.

References:

Adopted: March 27, 1990

Reviewed: March 17, 2009

11.1.4 Probationary Period For Lateral Transfers

A classified employee who transfers to a position in a related class (as determined by the Personnel Commission) in which the employee has not previously completed a probationary period shall be considered probationary in that class for the standard probationary period outlined in Section #9.3.1.1 of the Personnel Commission Rules and Regulations.

- A. At any time during such probationary period, the employee may be returned (transferred) to their former class without right of appeal except for those rights accorded all other probationary employees by Personnel Commission Rule #9.3.1.2.
- B. If such transfer to a position in their former class would result in a layoff, demotion, or reduction in assigned time, the employee may appeal such action in the same manner as any other permanent classified employee; as provided in Personnel Commission Rule #9.3.1.3.

References:

Adopted: March 27, 1990

Revised: March 17, 2009

11.1.5 No Adverse Effect From Transfers

A transfer shall not change an employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation credit, or otherwise adversely affect any of the employee's rights established by law or these rules and regulations.

References:

Adopted: March 27, 1990

Reviewed: March 17, 2009

11.1.6 Seniority Credit Upon Transfer

Position transfers shall have no effect upon the seniority of a transferring employee. Where transfers are between positions in the same class, the employee shall retain their full seniority in that class. Where an employee transfers from a position in one class to a position in another class, such employee shall begin earning seniority credits in the new class at the time of transfer; while retaining earned seniority credits in the former class.

References:

Adopted: March 27, 1990

Amended: December 17, 1991

Reviewed: March 17, 2009

11.1.7 Transfers Shall Not Alter Effects of Layoffs

A transfer shall not be used to alter the effects of impending layoffs, except as provided elsewhere in these rules and regulations. (See Personnel Commission Rules #20.1.7 and #20.1.9)

References:

Adopted: March 27, 1990

Amended: February 28, 1996

Reviewed: March 17, 2009

11.1.8 Posting of Vacancy Notices

The District shall post known vacancies as they occur. Such vacancy notices shall be posted for not less than six (6) working days in prominent locations throughout the District.

For purposes of this rule, a vacancy shall occur when a new position is created or an existing position becomes vacant.

References:

Adopted: March 27, 1990

Amended: March 27, 2001
Reviewed: March 17, 2009

11.1.9 Submission of Request For Transfer

An employee may request a transfer to a vacant position by submitting a request to transfer (Transfer Application Form) to the Personnel Commission office no later than 4:00 p.m. on the closing date for those vacancies advertised in an Employment Opportunities Bulletin. Consideration shall be given to all requests for transfer which are properly submitted.

An employee may submit, at anytime, a written request for transfer to the Personnel Commission office. In the event that an eligibility list has been established or is subsequently established for the class in which a transfer request has been submitted, such request shall be attached to that eligibility list and remain on file during the life or duration of the list. The person requesting transfer shall have their name certified along with the names of eligibles from the eligibility list.

References:

Adopted: March 27, 1990
Amended: July 26, 1994; March 27, 2001
Revised: March 17, 2009

11.1.10 Transfer Applicants Ranked By Seniority

Whenever more than one employee files a transfer request with the Personnel Commission office for transfer to the same vacant position, the transfer candidates shall be listed in rank order on the basis of seniority.

References:

Adopted: March 27, 1990
Reviewed: March 17, 2009

11.1.11 Certification of Names For Transfer

The Director shall certify and submit to the appropriate administrator or supervisor the names on the list (in rank order of seniority as provided in Personnel Commission Rule #11.1.10) who are qualified for transfer.

References:

Adopted: March 27, 1990
Reviewed: March 17, 2009

11.1.12 Selection of Ranked Transfer Candidates

Whenever the selecting administrator or supervisor determines that at least two (2) of the transfer candidates are substantially equal in qualifications, the classified employee with the greater seniority shall be selected to fill the position.

References:

Adopted: March 27, 1990
Reviewed: March 17, 2009

11.1.13 Notification of Transfer Selection

The selecting administrator or supervisor shall notify the Director of their decision within three (3) working days following the completion of transfer candidate interviews.

Unless otherwise agreed to by all of the parties, the selected transfer candidate shall be released to accept the new assignment within ten (10) working days following the date of selection. The effective date of transfer shall be communicated in writing to all parties by the Director.

References:

Adopted: March 27, 1990
Reviewed: March 17, 2009

11.1.14 Appeal Rights of Employee Denied Transfer

An employee who has been denied a requested transfer, shall, upon request, be provided with a written response stating the reasons for the denial. In the event that an employee feels that the transfer denial was in violation of the Personnel Commission's rules and regulations, the employee may appeal under the provisions of the Personnel Commission's grievance/ complaint procedure (Article XVIII).

References:

Adopted: March 27, 1990

Amended: February 28, 1996; March 27, 2001

Section 2 Demotions

11.2.1 Voluntary Demotions

A permanent employee may request a voluntary demotion to a vacant position in a class with a lower maximum salary rate provided that:

- A) The employee has previously achieved permanent status in that class.
- B) The request for demotion is to a related class as determined by the Personnel Commission (See Personnel Commission Rules #3.4.2.1 through 3.4.2.13).
- C) A request to demote to a vacant position in an unrelated class in which the employee has not previously served a probationary period shall be in the form of an application and go through the regular selection process just as if the employee were applying for a promotion.

11.2.1.1 An employee may take a voluntary demotion or reduction in assigned time in lieu of layoff or to remain in their present position rather than be reassigned.

11.2.1.2 A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited-term position, and/or a summer or other inter-session assignment.

11.2.1.3 A voluntary demotion is available to a probationary employee (one who does not hold permanent status in the District) only in cases when the employee would otherwise be laid off because of a lack of work or lack of funds.

11.2.1.4 An employee who is allowed to demote into a class in which the employee does not hold permanent status shall be considered probationary and shall be required to complete the appropriate probationary period in the new class.

11.2.1.5 Salary placement for employees who demote to a class with a lower maximum salary rate shall be in accordance with these rules and regulations. (Article XVII).

11.2.1.6 All demotion requests must be approved by the Director before taking effect.

References: E.C. #45272

Adopted: March 27, 1990

Amended: March 27, 2001

Reviewed: March 17, 2009

11.2.2 Involuntary Demotions

11.2.2.1 Involuntary demotion is a disciplinary action and, as such, is subject to the disciplinary procedures in these rules and regulations. (Article XIX)

11.2.2.2 A permanent employee who has been promoted or reclassified to a higher class, or transferred to a new class, may be involuntarily returned to their former class during the probationary period due to unsatisfactory work performance, pursuant to the disciplinary procedures in these rules and regulations. (Article XIX)

- 11.2.2.3 Salary placement for employees who are involuntarily demoted shall be in accordance with these rules and regulations. (Article XVII).

References: E.C.#45302, and #45304
Adopted: March 27, 1990
Amended: March 27, 2001
Reviewed: March 17, 2009

Section 3 Reinstatement

11.3.1 Reinstatement of Former Employee

A former permanent employee who resigned in good standing may be reinstated to a vacant position in their former class and status within thirty-nine (39) months of the last date of their paid service with the District. In addition, such former employee may be reemployed to fill a vacant position in a lower-related class (as established by the Personnel Commission in Personnel Commission Rules #3.4.2.1 through 3.4.2.13) if qualified (as determined by the Director), or in a limited-term capacity in the same or lower class. Such employment actions are discretionary with the appointing authority.

References: E.C. #45309
Adopted: March 27, 1990
Amended: March 27, 2001
Reviewed: March 17, 2009

11.3.2 Reinstatement of Current Employee to Former Class

An employee who has taken a voluntary demotion from a class in which they held permanent status may be restored to a vacant position in the former class or to a vacant position in a related lower class (as determined and approved by the Personnel Commission) within thirty-nine (39) months following the effective date of the demotion. Except for demotions taken in lieu of layoff, which are covered by the layoff provisions of these rules and regulations, reinstatement is discretionary with the appointing authority.

References: E.C. #45309
Adopted: March 27, 1990
Amended: March 27, 2001
Reviewed: March 17, 2009

11.3.3 Effects of Reinstatement

Reinstatement or Reemployment of a current or former employee shall have the following effect:

- 11.3.3.1 A current employee being reinstated to a position in their former class, following layoff from that class, shall be placed on the step of the salary range in accordance with the salary placement procedures provided in these rules and regulations. (Article 17.2.10)
- 11.3.3.2 A former employee, reemployed within 39 months of layoff or resignation, shall be restored to their former step on the salary range for their former classification or, if reemployed in a lower-related class, to the rate closest to that of the step to which they would be assigned if the former employee were reinstated to their former class.
- 11.3.3.3 The District shall restore to the former employee all rights and entitlement to accumulated sick leave and seniority earned by such employee and held at the time of separation from the District.
- 11.3.3.4 The former employee will receive restoration of their former anniversary date, less the time away from the District, and without step advancement credit for the off-duty period.
- 11.3.3.5 The former employee will receive restoration of any longevity steps earned or granted prior to the effective date of such employee's resignation but without any longevity

step-advancement credit for the off-duty period.

References: E.C. #45309
Adopted: March 27, 1990
Amended: April/May, 1999; March 27, 2001
Reviewed: March 17, 2009

Section 4 Medical Reassignments

11.4.1 General Policy

Whenever a permanent classified employee of the District becomes unable to perform any or all of the duties normally assigned to their position (whether such incapacity is permanent or of a temporary duration) because of illness or injury, the District shall consider the possibility of making adjustments in the employee's regular work assignment to accommodate the disability, or consider (if necessary) the possibility of assigning totally new duties and responsibilities to such employee which shall be pursuant to and in accordance with these rules and regulations.

References: E.C. # 45279
Adopted: March 27, 1990
Review: March 17, 2009

11.4.2 Disabilities of a Temporary Nature

Whenever a permanent employee of the District is temporarily unable to perform the regularly assigned duties of their position, the District shall determine whether or not the duties of the employee's position can be altered to accommodate their temporary disability; provided that:

- A. A state-licensed physician has determined that the employee is unable to perform any or all of their customary duties and responsibilities.
- B. The possibility of altering the employee's duties has been discussed with the employee's immediate supervisor.
- C. The proposed modification of duties and responsibilities have been reported to the Director for review and approval prior to placing the employee in the restructured position.
- D. Unless approved by the Personnel Commission, the alteration or modification of the duties and responsibilities of a position shall not exceed sixty (60) working days. With the approval of the Personnel Commission, this period of time may be extended to a maximum of one-hundred-twenty (120) working days.

References: E.C. #45279
Adopted: March 27, 1990
Amended: May/June, 1999; March 27, 2001
Reviewed: March 17, 2009

11.4.3 Permanent Disabilities

Should a classified employee become permanently unable to perform the customary duties and responsibilities of their position, the District may permanently modify the duties and responsibilities of such employee, if possible, to accommodate the disability or to assign totally new duties and responsibilities to the person if necessary; provided that:

- A. The extent of the employee's working limitations and the duration of disability have been determined by a state-licensed physician designated or approved by the Personnel Commission.
- B. The proposed modification of the existing duties and responsibilities or a complete listing of all of the proposed new duties and responsibilities has been presented to the Director for purposes of classification.

- C. If the assignment of the employee is to an existing position or to a newly-created position in an existing less demanding classification, with an equal or lower maximum salary rate, such assignment shall require:
- (1) The acceptance/approval of the employee.
 - (2) The approval of the Personnel Commission.
 - (3) The employee to be assigned meets the minimum qualifications for the new class at the time of demotion or transfer.
 - (4) In the event that the reassignment is to a position in a classification with a lower maximum salary rate than the person's regular class, the employee shall be placed on the new salary range in accordance with these rules and regulations. (See Article 17.2.5).
- D. If the assignment of the employee is to a higher-level position or class (having a higher maximum salary rate), such assignment or reassignment shall require:
- (1) That the position has been appropriately classified.
 - (2) The acceptance/approval of the employee.
 - (3) That the employee meets the minimum qualifications for the position in the higher class.
 - (4) The approval of the Personnel Commission.
 - (5) That the assignment of the employee shall be considered a provisional appointment, and as such the employee shall receive no additional salary benefit (beyond the salary rate they would have earned in their regular class) from such assignment/reassignment until the employee can be appointed to the higher class in accordance with all rules and procedures on eligibility and appointment.

References: E.C. #45279
Adopted: March 27, 1990
Amended: March 27, 2001
Reviewed: March 17, 2009

11.4.4 Effect of Employee's Assignment/Reassignment Refusal

An employee who becomes unable to perform any or all of the duties and responsibilities of their position (whether such incapacity is permanent or of a temporary duration) because of illness or injury may refuse assignment or reassignment to other classes of positions without effect upon their rights under sick leave provisions established by law or these rules and regulations. However, once refused, the District is under no obligation to renew such offers or make any alternative offers.

References: E.C. #45279
Adopted: March 27, 1990
Amended: March 27, 2001
Reviewed: March 17, 2009

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE XII
EMPLOYEE PERSONNEL FILES

Section 1 Personnel Files

12.1.1 Maintenance of File

The Classified Personnel office shall maintain an official employee personnel file for each person employed in the District's classified service. Such personnel files shall be considered to be confidential, and shall be maintained as such.

References:

Adopted: April 24, 1990

Reviewed: May 12, 2009

12.1.2 Inspection of Personnel Files by Employees

An employee shall have the right to inspect their personnel file upon request. Such inspection shall take place in the Personnel Commission Office during regular District Office business hours. With the approval of their immediate supervisor, the employee shall be released from duty for this purpose without salary reduction.

An employee shall have access to all materials in their personnel file. However, such material shall not include confidential ratings, reports or records which were:

- A. Obtained prior to the person's employment with the District.
- B. Prepared by identifiable examination committee members.
- C. Obtained in connection with a promotional examination.

References: E.C. #44031, L.C. #1198.5; G.C.#6250

Adopted: April 24, 1990; February/March 2001

Reviewed: May 12, 2009

12.1.3 Availability of Personnel Records

Access to and use of the contents of personnel files shall be limited exclusively to those persons with a legitimate need for such data. Such inspection shall take place in the Personnel Commission office or in the presence of a member of the Personnel Commission staff (if viewed in a location other than the Personnel Commission office). The inspection of a personnel file by any person other than the employee or his or her official representative shall only be allowed when actually necessary in the proper administration of the District's affairs or the supervision of the employee.

An employee or their representative, as designated in writing, shall have the right to have copies of the contents made available, except those materials listed in 12.1.2 A, B, or C.

References: #44031

Adopted: April 24, 1990

Amended: August 30, 1994; February/March 2001

Reviewed: May 12, 2009

12.1.4 Personnel File Review Log to Be Maintained

As a part of each classified employee's personnel file, the Human Resources Classified Director, shall establish and maintain a log; indicating the names of persons who have examined such file and the dates on which such examinations were made. Such log and the employee's personnel

file shall be available for inspection by the employee or the employee's official representative (upon presentation of written authorization from the employee).

Human Resources staff who need access to personnel files as a part of their regular duties shall not be required to log use of files.

References:

Adopted: April 24, 1990

Reviewed: May 12, 2009

12.1.5 Derogatory Material or Information

A. Information or material of a derogatory nature, except material referred to in Personnel Commission Rule #12.1.2, shall not be placed in an employee's personnel file unless and until the employee has been given notice of the nature of the material and an opportunity to review and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee. The affected employee shall be furnished with a copy of the proposed material at least ten (10) work days prior to it being placed in the employee's official personnel file. An employee shall have the right to enter his or her written comments within thirty (30) work days of the date of his or her notification regarding the derogatory information, and have those comments attached to such derogatory material.

B. No information or references to an employee's physical, mental, or emotional condition shall be placed in the employee's personnel file.

In the event that it is necessary for the District to maintain records relative to an employee's medical condition, e.g. medical leave, doctors' notes and releases, Worker's Compensation claims and the like, such information shall be placed and maintained separate and apart from the employee's personnel file.

References: E.C. #44031

Adopted: April 24, 1990

Amended: August 30, 1994; February/March 2001

Reviewed: May 12, 2009

12.1.6 Derogatory Materials -- Signature and Date Required

Derogatory materials or information which is to be placed in an employee's official personnel file must contain the name and signature of the person submitting the material, and the date the material was prepared.

The material shall be signed by the employee to indicate that they have seen the material. The employee's signature shall not be construed to mean that the employee is necessarily in agreement with the contents of the material.

Any derogatory materials placed in an employee's personnel file shall contain the date of such placement.

References:

Adopted: April 24, 1990

Reviewed: May 12, 2009

12.1.7 Appeal of Placement of Material in File

An employee may appeal the placement of derogatory information in their personnel file through the use of the Personnel Commission's grievance procedure contained in Personnel Commission Rules #18.1 et seq. The time lines for filing such an appeal shall be in accordance with those provided in Personnel Commission Rules #18.1.7. An appeal to the placement of derogatory material in an employee's personnel file can be made only on the following grounds:

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

- B. That the motive for placing the material in the personnel file was the result of the employee's personal associations, political or religious acts or opinions, race, color, sex, age, marital status, national origin, ancestry, or sexual orientation.

References: E.C. #44031
Adopted: April 24, 1990; February/March 2001
Reviewed: May 12, 2009

12.1.8 Removal of Derogatory Material

In the event that the Personnel Commission sustains an appeal (filed in accordance with the provisions of Personnel Commission Rule #12.1.7), the derogatory material or information shall be removed from the personnel file. In no other instance, shall derogatory material or information be removed from a personnel file. At the point in time that the Commission denies the employee's appeal, or the time period for filing such an appeal has passed without the employee having filed an appeal, the derogatory material shall be considered a Class 1 - Permanent Record, and shall not be removed from the file.

References: E.C. #35253, # 44031
Adopted: April 24, 1990
Reviewed: May 12, 2009

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE XIII
PERFORMANCE EVALUATIONS**

Section 1 Employee Performance Evaluations

13.1.1 General Rule

The employee performance evaluation report serves as an important tool for both management and employees in the task of assuring quality and efficient work performance. The rules contained in this article provide the performance rating standards and procedures which shall be used in connection with eligibility for advancement, promotion, demotion, and dismissal from the District's Classified Service, as well as other employment-related decisions relative to members of the Classified Service. Evaluation reports shall be one of the means by which classified employees can learn from their supervisors how well their job requirements are being met. In addition, supervisors will identify specific areas needing improvement and offer suggestions and procedures to assist employees in an effort to correct the work deficiencies.

Adopted: April 24, 1990
Amended: August 28, 2001
Reviewed: March 17, 2009

13.1.2 Administration of Performance Appraisal System

The Director, Human Resources Classified is hereby charged with administering the performance appraisal system for all members of the District's Classified Service. The Director, shall be responsible for insuring that all Classified employee evaluations are properly completed and submitted to Classified Personnel (for review and placement in the employees' personnel files) in accordance with the provisions contained in this Article.

Adopted: April 24, 1990
Amended: August 28, 2001
Reviewed: March 17, 2009

13.1.3 When Evaluations Are to Be Made

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

13.1.3.1 Probationary Employees

Employees designated as probationary shall be evaluated at the end of the third and fifth months of service.

For persons employed in positions designated as supervisory, administrative, or executive, by the Personnel Commission (see Personnel Commission Rule #10.2.6.2) performance evaluations shall take place at the end of the third, seventh, and eleventh months of service.

13.1.3.2 Permanent Employees

Employees designated as permanent shall be evaluated in accordance with the following:

A. Unit and Confidential Employees

"Unit" and "Confidential" employees whose performance meets or exceeds standards will be evaluated every other year. Performance reports must be

completed and employee conferences, if the employee is available, held during the third quarter of the fiscal year, anytime between January 1 and March 31.

In the event that a “unit” or “confidential” employee receives less than an overall satisfactory (“needs to improve” or “unsatisfactory”) rating, such employee will be rated annually or more frequently until such time as the employee’s overall performance rating meets or exceeds standards.

The employee has the right to attach a written response to the evaluation in accordance with the provisions of Article #13.1.10.

B. Management and Supervisory Employees

Management and supervisory personnel whose performance meets or exceeds standards will be evaluated every other year, and the performance reports shall be submitted to Human Resources Classified no later than June 1 of the fiscal year in which the evaluation is performed.

During the evaluation period, the supervisor will hold a minimum of one interim evaluation conference with the employee being evaluated to discuss his/her performance in all performance criteria areas, including progress in meeting individually established objectives.

In the event that the evaluated employee receives less than a “satisfactory” rating, such employee shall be rated annually or more frequently until such time as the employee’s overall performance rating meets or exceeds standards.

The employee has the right to attach a written response to the evaluation in accordance with the provisions of Article #13.1.10.

C. Director, Human Resources Classified

In the spirit of sustaining a learning organization, the Personnel Commission believes an evaluation of the operations of the Human Resources Classified Department provides insight into the effectiveness of the Personnel Commission and the Director. This evaluation will also provide the opportunity for the Personnel Commission and the Director, as a team to monitor progress toward established Classified Personnel Department goals. The Personnel Commission and the Director, will examine the strengths of the Human Resources Classified Department and jointly decide on recommendations for improving effectiveness.

The Personnel Commission also believes that an annual evaluation of the Director’s performance strengthens and working relationships between the Director and the Personnel Commission. The evaluation process should clarify the Director’s, role and give the Personnel Commission and the Director, an opportunity to jointly identify immediate priorities among the Director’s, many responsibilities. The Director’s, evaluation will focus on the internal operations of the Human Resources Classified Department and their performance. The Personnel Commission’s evaluations should include commendations in areas of strength and recommendations for continuous improvement.

Success Indicators

During or before the Personnel Commission meeting in June of each year, the Personnel Commission and Director, shall agree upon a limited number of success indicators which shall be used to evaluate the Director’s, performance. These success indicators shall reflect established goals and needs of the district with regard to personnel, operations, management, community relations, Personnel Commission-Director relations, and professional leadership. In order to measure progress toward the stated goals and success indicators the Personnel Commission, in consultation with the Director, will schedule a time and place during which the

members of the Personnel Commission will participate in a formal evaluation of the Director. For each success indicator, the Personnel Commission and Director—shall identify in writing expected results and timelines.

Evaluation Process

During or before the Personnel Commission meeting in May of each year, the Personnel Commission and Director shall meet in closed session to review the progress made in each goal area. The Personnel Commission shall discuss goal area.

The Personnel Commission Chairperson or designee shall then develop a single evaluation, illustrating the Personnel Commission's collective judgment regarding the established annual goals and success indicators, and provide a copy to the Director.

By June 1st of each year, the Personnel Commission will develop a written, single evaluation illustrating the Personnel Commission's collective judgment regarding accomplishments in each success indicator for the previous year and provide a copy to the Director with all written comments.

Additional evaluations may be arranged at any time during the school year at the request of either the Personnel Commission or the Director.

D. Less than Satisfactory Rating Follow-Up

When a permanent employee receives a Needs to Improve or an Unsatisfactory rating less in any category on a performance report, the supervisor will meet with the employee within seventy-five (75) calendar days of the conference to discuss the employee's progress toward improvement.

E. Personnel Commission Self-Evaluation

In the spirit of sustaining a learning organization, the Personnel Commission believes an evaluation of the operations of the Human Resources Classified Department provides insight into the effectiveness of the Personnel Commission and the Director. This evaluation will also provide the opportunity for the Personnel Commission/Director team to monitor progress toward established district goals. The Personnel Commission/Director team will examine the strengths of the Human Resources Classified Office and jointly decide on recommendations for improving effectiveness.

The Personnel Commission also believes that ongoing self-evaluation strengthens working relationships between the Director, and the Personnel Commission. The Personnel Commission's self-evaluation should include commendations in the areas of strength and recommendations for improving effectiveness.

Success Indicators

During or before the Personnel Commission meeting in June of each year, the Personnel Commission and the Director, shall agree upon a limited number of success indicators which shall be used to evaluate the Personnel Commission's performance for the upcoming school year. Effective and efficient Personnel Commission operations are an integral part of creating an effective operation of classified personnel. In order to measure progress towards its stated goals and success indicators, the Personnel Commission, in consultation with the Director, will schedule a time and place at which all its members may participate in a formal self-evaluation. For each success indicator, the Personnel Commission and Director shall identify in writing activities, expected results and timelines.

Evaluation Process

By the Personnel Commission meeting in May of each year, the Personnel Commission and the Director shall meet in closed session to review the progress made in each goal area. The Personnel Commission shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Personnel Commission. The Personnel Commission members shall meet in closed session with the Director to discuss these evaluations.

The evaluation process should include the establishment of strategies for improving Personnel Commission performance.

The Personnel Commission recognizes that adequate opportunities for Personnel Commission member orientation and inservice are an essential component of conducting meaningful self-evaluation. The evaluation process shall include suggestions for continued Personnel Commission member development.

13.1.3.3 Special Evaluations

An employee may be given a special evaluation at any time during the period of employment if deemed necessary by the supervisor.

Adopted: June 15, 1965
Amended: April 25, 1978; April 24, 1990; December 15, 1998; August 28, 2001
Revised: March 17, 2009

13.1.4 Evaluation Rater

13.1.4.1 Each employee is to be rated by their immediate supervisor, defined as the person who assigns, checks and supervises the work of the employee and who is immediately responsible for the employee's performance. In the event that an employee is assigned to more than one department, work site, and/or classification, such employee shall receive a separate evaluation for each assignment.

13.1.4.2 Teachers or members of a bargaining unit, other than a supervisory bargaining unit, shall not act as the assigned rater for specific classified employees.

Only designated supervisory employees or management personnel may rate and sign the formal evaluation form. To insure a comprehensive evaluation process, it shall be the goal for the supervisory and management personnel to obtain input from employees having a lead function over the employee being evaluated (example: teacher providing input to school principal regarding performance of an assigned paraeducator; a senior custodian providing input on performance of an assigned custodian, etc.).

13.1.4.3 Whenever possible, evaluations shall be based upon direct observations by the supervisor and based upon standards of performance required to accomplish the job. Whenever performance is judged as not meeting performance standards on matters that the supervisor has not directly observed, every attempt shall be made to verify the less than satisfactory performance.

Adopted: April 24, 1990
Amended: August 28, 2001
Reviewed: March 17, 2009

13.1.5 Evaluation Forms

Performance evaluations shall be made on forms provided by the Director.

Adopted: June 15, 1965
Amended: April 25, 1978; April 24, 1990; August 28, 2001
Reviewed: March 17, 2009

13.1.6 Evaluation Meeting

Upon completing the performance evaluation form, the supervisor shall hold a conference with the employee. Together with the employee, the supervisor will analyze the employee's strong points and identify the areas in which improvement may be made. The meeting shall be scheduled during the employee's work time to allow adequate time for discussion with and by the employee.

Employee evaluations shall be kept strictly confidential and only made available to other authorized members of District staff when necessary in the administration of the District or the supervision of the employee evaluated.

Adopted: April 24, 1990
Amended: December 15, 1998; August 28, 2001
Revised: March 17, 2009

13.1.8 Specific Recommendations for Improvement

13.1.8.1 Any evaluation containing "needs to improve" or "unsatisfactory" ratings shall contain specific recommendations for improvement, and include provisions for assisting the employee.

13.1.8.2 In the event that a permanent employee receives an unsatisfactory rating in any category, the employee shall receive a specific rating in the next performance report on progress or lack of progress in that category.

Adopted: April 24, 1990
Amended: December 15, 1998; August 28, 2001
Reviewed: March 17, 2009

13.1.9 Signing of Evaluation Form

13.1.9.1 Upon completion of the evaluation form, the supervisor shall affix his or her signature to the documents and the date on which it was signed.

13.1.9.2 The completed evaluation form shall be signed by the person being evaluated to indicate that the employee has seen and been provided with a copy of the evaluation. The signing of the evaluation form shall not be construed to mean that the employee is necessarily in agreement with the contents of the evaluation form.

13.1.9.3 In the event that the evaluated employee is unavailable for an evaluation conference or signing the evaluation form, the supervisor will forward the unsigned form to Human Resources Classified for placement in a suspense file until such time as the evaluated employee can attend a conference on the contents of the evaluation. Supervisors shall be responsible to follow-up on evaluations in the suspense file to ensure that the employee is conferred with and the employee signs the completed evaluation at the earliest possible date.

Adopted: April 24, 1990
Amended: December 15, 1998; August 28, 2001
Revised: March 17, 2009

13.1.10 Distribution of Evaluation

The completed evaluation form shall be distributed as follows:

- A. The original is to be submitted to Human Resources Classified for inclusion in the employee's personnel file.
- B. One copy is to be provided to the employee being evaluated.
- C. One copy is to be retained by the supervisor performing the evaluation.

Adopted: April 24, 1990
Amended: August 28, 2001
Reviewed: March 17, 2009

13.1.11 Employee Attachments to Evaluation:

An employee shall have thirty (30) working days from the date of the evaluation meeting to submit to Human Resources Classified the employee's written comments and/or documented evidence to refute or rebut any derogatory rating or comments in the evaluation form. Any such submissions shall be attached to the employee's evaluation form and placed in the employee's personnel file.

References: E.C. # 44031
Adopted: April 24, 1990
Amended: December 1998; August 28, 2001
Reviewed: March 17, 2009

13.1.12 Reevaluations

In the event that a permanent classified employee receives an overall evaluation rating of less than satisfactory, the employee may request their supervisor to provide a subsequent evaluation (reevaluation). A reevaluation shall be conducted no sooner than sixty (60) calendar days or more than one-hundred-twenty (120) within seventy-five (75) calendar days following the date of the original evaluation. However, such evaluation shall not be construed as being a replacement for the original evaluation, and no evaluation shall be removed from an employee's personnel file.

A reevaluated employee shall have thirty (30) working days from the date of the subsequent evaluation and evaluation meeting to submit to Human Resources Classified written comments and/or documented evidence to refute or rebut any derogatory rating or comments in the evaluation form. Any such submissions shall be attached to the employee's evaluation form and placed in the employee's personnel file.

References: E.C. # 44031
Adopted: June 15, 1965
Amended: December 27, 1971; November 22, 1977; April 24, 1990; August 28, 2001
Reviewed: March 17, 2009

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE XIV
HOLIDAYS**

Section 1 Paid Holidays for Classified Employees

14.1.1 Holidays

Subject to the eligibility rules contained in this article (Article XIV), all regular classified employees (full and part-time) shall be entitled to the following eighteen (18) paid holidays which occur during their assigned work year:

- A. New Year's Day
- B. Martin Luther King Day*
- C. Lincoln Day*
- D. Washington or Presidents' Day*
- E. The Friday or Monday of Spring Recess*
- F. Memorial Day*
- G. The Fourth of July
- H. Labor Day
- I. Veterans' Day
- J. Thanksgiving Day
- K. The Day After Thanksgiving
- L. Christmas Eve*
- M. Christmas Day
- N. New Year's Eve (in lieu of Admission's Day)*
- O. Annually designated days to be observed during the District's Winter Recess*

NOTE: The holidays marked with an asterisk (*) may be rescheduled by the District in developing the school district calendar each year.

References: E.C. #45203, #45205
Adopted: June 15, 1965
Amended: April 24, 1990; November/December 1997.
Reviewed: May 12, 2009

14.1.2 President and/or Governor Declared Holidays

In addition to the holidays listed in Personnel Commission Rule #14.1.1, all regular classified employees shall be entitled to a paid holiday for every day appointed by the President of the United States and/or the Governor of the State of California as a public fast, thanksgiving, or holiday.

References: E.C. #1318, #37220, #45203
Adopted: April 24, 1990
Reviewed: May 12, 2009

14.1.3 Other Paid Holidays

All regular classified employees shall be entitled to a paid holiday for any day declared a holiday by the District's Board of Trustees for classified and/or certificated employees. For purposes of this rule, a holiday is defined as follows:

- A. Any day specifically declared and called a holiday by the Board of Trustees for either classified or certificated employees.
- B. Any day, by whatever name, that is given with or without pay as a non-duty day to certificated employees by the Board of Trustees that falls during a regular school term. The exception to this rule would be those days that fall during the normal Winter Recess, Spring

Recess, and other established intersession periods.

References: E.C. #1318, #37222, #45203
Adopted: April 24, 1990
Revised: May 12, 2009

14.1.4 Weekend Holidays

Whenever a holiday falls on a Saturday, the holiday shall be observed on the workday preceding which is not a holiday. Whenever a holiday falls on a Sunday, such holiday shall be observed on the next succeeding workday which is not a holiday.

References: E.C. #45203
Adopted: June 15, 1965
Amended: April 24, 1990
Reviewed: May 12, 2009

14.1.5 Holidays For Employees With Non-Traditional Work Weeks

A regular classified employee assigned to a work week other than Monday through Friday (i.e., Tuesday through Saturday, etc.) shall be provided a substitute holiday when the regular holiday falls on a day on which the employee is not normally assigned to work.

References: E.C. #45206
Adopted: April 24, 1990
Reviewed: May 12, 2009

14.1.6 Holiday Eligibility

14.1.6.1 Regular Classified Employees

A regular classified employee shall be entitled to any holiday falling under the rules of this article (Article XIV), provided that the employee is in a paid status during any portion of their scheduled working days either immediately preceding or succeeding the holiday.

A regular classified employee of the District who is not normally assigned to work during the winter or spring recess periods shall be paid for any holidays during such recess periods, provided the employee was in a paid status during any portion of their scheduled working days either immediately preceding or succeeding the recess period.

14.1.6.2 Limited-term or Substitute Employees

- A. As a general rule, a substitute or other temporary employee shall not be entitled to paid holidays or other holiday compensation.
- B. A permanent or probationary employee serving in a temporary assignment (e.g., substitute, limited-term, or provisional) shall be entitled to paid holidays and other holiday compensation the same as any other regular classified employee (see Personnel Commission Rule #14.1.4.1).
- C. A person employed to fill a "long term" temporary assignment (substitute, limited-term, or provisional) shall be entitled to paid holidays and holiday compensation under the following conditions:
 - (1) a "long-term" assignment refers to work performed in a single position for more than twenty (20) consecutive working days;
 - (2) that the holiday(s) for which the person is to be compensated occurs during the working period following the twenty-first consecutive working day in the same position; and

- (3) that the person worked the last scheduled work day before the holiday and the first scheduled work day following the holiday.

References: E.C. #45203
Adopted: June 15, 1965
Amended: April 24, 1990
Reviewed: May 12, 2009

14.1.7 Rate of Pay for Holidays

For each day designated as a holiday by these rules, the amount of money to be paid to the employee shall be in proportion to the employee's regularly assigned time per week compared to full-time employment in the same classification.

References: E.C. #45203
Adopted: June 15, 1965
Amended: April 24, 1990
Reviewed: May 12, 2009

14.1.8 Overtime Pay For Working Holidays

Whenever a classified employee is required to work on a designated holiday, they shall be paid at the rate of time and one-half (1 1/2) for all hours worked on the holiday in addition to the amount of money which the employee would have received had they not worked during the holiday.

References: E.C. #45203
Adopted: June 15, 1965
Amended: April 24, 1990
Reviewed: May 12, 2009

14.1.9 Teacher In-Service Days

The adoption of separate work schedules for the certificated and classified services notwithstanding, on any day during the regular school term when pupils would otherwise be in attendance but are not and for which certificated personnel receive regular pay, classified employees shall also receive regular pay whether or not they are required to report for duty that day. However, in the event that the District provides work assignments or inservice training sessions for classified employees on such days, employees may be given the option of participating in those assignments or activities or taking the day off without pay. Whether or not the option will be provided shall be at the discretion of the employee's supervisor.

References: E.C. #45203
Adopted: April 24, 1990
Reviewed: May 12, 2009

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE XV
VACATIONS**

Section 1 Vacations

15.1.1 Earning Rates

15.1.1.1 Computational Formula

- A. For purposes of this rule, a month shall be considered to have 173.333 working hours and/ or 21.667 working days.
- B. Except for those persons assigned to positions in classes designated as Administrative, Executive or Supervisory (see Personnel Commission Rule #10.2.6), all regular full-time and part-time classified employees shall earn vacation credits in accordance with the following formula:

Hours per Year = Months Worked x Daily Hours x 21.667 x Earning Rate

Sample calculations (using earning ratios from Section 15.1.1.2)

96	hours	=	12	x	8	x	21.667	x	.0462
120	hours	=	12	x	8	x	21.667	x	.0577
50	hours	=	10	x	5	x	21.667	x	.0462
62.5	hours	=	10	x	5	x	21.667	x	.0577

15.1.1.2 All Classified Employees Other than Management and Confidential

Regular classified employees or a regular employee temporarily assigned to a provisional or limited-term assignment shall earn and receive vacation on a fiscal year (July 1 through June 30) basis in accordance with the following (also review collective bargaining agreement language, as appropriate):

- A. Twelve (12) days vacation each year from the first through the fourth year of paid service; computed on the basis of .0462 for each hour for which pay is received excluding overtime for which compensation is received as provided in Personnel Commission Rule #10.2.1.
- B. Fifteen (15) days vacation each year for the fifth through seventh years of paid service; computed on the basis of .0577 for each hour for which pay is received excluding overtime as noted above.
- C. Sixteen (16) days vacation each year for the eighth and ninth years of paid service; computed on the basis of .0616 for each hour for which pay is received excluding overtime as noted above.
- D. Seventeen (17) days vacation each year for the tenth and eleventh years of paid service; computed on the basis of .0654 for each hour for which pay is received excluding overtime as noted above.
- E. Eighteen (18) days vacation each year for the twelfth and thirteenth years of paid service; computed on the basis of .0693 for each hour for which pay is received excluding overtime as noted above.
- F. Nineteen (19) days vacation each year for the fourteenth and fifteenth years of paid service; computed on the basis of .0731 for each hour for which pay is received excluding overtime as noted above.

- G. Twenty (20) days vacation each year for the sixteenth and seventeenth years of paid service; computed on the basis of .0770 for each hour for which pay is received excluding overtime as noted above.
- H. Twenty-one (21) days vacation each year for the eighteenth year of paid service; computed on the basis of .0808 for each hour for which pay is received excluding overtime as noted above.
- I. Twenty-two (22) days vacation each year for the nineteenth and twentieth year of paid service; computed on the basis of .0847 for each hour for which pay is received excluding overtime as noted above.
- J. Twenty-three (23) days vacation each year for the twenty-first and twenty-second year of paid service; computed on the basis of .0885 for each hour of which pay is received excluding overtime as noted above.
- K. Twenty-four (24) days vacation each for the twenty-third year and each year of paid service thereafter; computed on the basis of .0923 for each hour for which pay is received excluding overtime as noted above.

15.1.1.3 All Classified Employees Designated as "Confidential"

Regular "Confidential" classified employees or a "Confidential" employee temporarily assigned to a provisional or limited-term assignment shall earn and receive vacations on a fiscal year basis in accordance with the following: Twenty-four (24) days vacation each year commencing with the first year and each year of paid service thereafter; computed on the basis of 2.00 days for each month of paid employment.

15.1.1.4 Classified Administrative and Supervisory Employees

Classified Administrative and Supervisory employees shall earn and receive vacations on a fiscal year basis in accordance with the following: twenty-four (24) days vacation each year commencing with the first year and each year of paid service thereafter; computed on the basis of 2.00 days for each month of paid employment.

15.1.1.5 Classified Executive Employees

Classified Executive employees, as shown in Article 10.2.6.2.b, shall earn and receive vacations on a fiscal year basis in accordance with the following: twenty-four (24) days vacation each year commencing with the first year and each year of paid service thereafter; computed on the basis of 2.00 days for each month of paid employment.

References: E.C. #45136, #45137, #45190, #45197, #45200
 Adopted: June 15, 1965
 Amended: September 28, 1982; May 22, 1990; September 27, 1994; June 18, 1996;
 November/December 2006
 Reviewed: May 12, 2009
 Revised: March 28, 2023

15.1.2 Vacation Rate of Pay

All vacation time shall be paid at the employee's regular rate of pay earned in their regular classification at the time the vacation is taken or paid for, and shall include any longevity, differential and/or stipends due the employee.

References: E.C. #45136, #45137, #45190, and #45197
 Adopted: May 22, 1990
 Reviewed: May 12, 2009

15.1.3 Employees Hired for Less Than a Full Fiscal Year:

An employee hired after July 1 of any year will have earned allowable vacation time prorated to the actual time served. Regular full-time employees who work less than twelve (12) months will be granted paid vacation in proportion to their periods of service.

References:

Adopted: May 22, 1990

Reviewed: May 12, 2009

15.1.4 Vacation Credit for Partial Months

Full vacation leave for a given month is credited if an employee is in paid status for seventy-five percent (75%) or more of the scheduled work days in that month including paid holidays, paid vacation time, or other paid leave time.

References:

Adopted: May 22, 1990

Reviewed: May 12, 2009

15.1.5 Vacation Time Earned While in Paid Status

Except for overtime which is compensated as provided in Personnel Commission Rule #10.2.1, a regular classified employee shall earn vacation credits for all times that they are in a paid status including working time, paid holidays and all paid leaves of absence.

References: E.C. #45136, #45137, #45190, #45197, #45200

Adopted: May 22, 1990

Reviewed: May 12, 2009

15.1.6 Crediting of Vacation to Employee's Account

At the beginning of each fiscal year (July 1), the District shall credit each regular employee's vacation account with the amount of vacation time that the employee is expected to earn, based upon the earning rates specified in Personnel Commission Rules #15.1.1.1 through 15.1.1.5, during that fiscal year.

All unit members employed twelve (12) months per year shall be credited with earned vacation time on a semi-annual basis.

Regular Classified employees assigned to work twelve (12) months per year shall receive annual vacation report updates as of June 10 of each year. Those employed less than twelve months per year shall receive such updates no later than October 10 of each year.

References: E.C. #45136, #45137, #45190, #45197

Adopted: May 22, 1990

Amended: December 17, 1991; September 27, 1994

Reviewed: May 12, 2009

15.1.7 When Vacations Are Taken

15.1.7.1 Probationary Employees Vacation Rights

A new probationary classified employee shall not be vested with vacation rights until they have completed a full six (6) months or one-hundred-thirty (130) days of paid employment with the District. At the conclusion of six (6) months (one-hundred-thirty days), earned vacation shall become a vested right.

Probationary employees shall not have the right to use any earned vacation credits during the first six (6) months (one-hundred-thirty days) of employment.

15.1.7.2 Vacation Scheduling for Twelve Month Employees

An employee assigned twelve (12) months per year shall take vacations at times convenient to the employee and consistent with the workload of the department and needs of the school district.

In determining vacation schedules for individual departments, administrators/supervisors shall give employees the choice of times available on the basis of seniority.

15.1.7.3 Vacation Scheduling for Less than Twelve-Month Employees

Employees who are paid on a monthly basis and whose work assignments are less than twelve (12) months shall take vacation due them during the Winter and/or Spring recess periods, or at such other times when it will least affect the efficiency of the school or department. Other hourly employees, will normally receive vacation pay in July in lieu of time off, but may elect to receive vacation pay due them for time not worked.

In the event an employee is entitled to more days of vacation than the number of days available during the Winter and Spring recesses, pay will be granted for the necessary additional days to which the individual is entitled. Should an employee be entitled to less days than are available for use during the Winter and/or Spring recesses, the difference due the District will be made by personal deduction on the individual's paycheck.

References: E.C. #45136, #45137, #45190, #45197
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990; December 17, 1991
Revised: May 12, 2009

15.1.8 Accumulated Vacation and Carry-over

Vacation time credits shall not be allowed to accrue indefinitely.

Vacation time earned in one school year (July 1 through June 30) will normally be used or taken before June 30 of the following school year. However, no classified employee shall be allowed to carry forward any earned vacation beyond June 30 of the second fiscal year following the year in which it was earned.

References:
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.9 Minimum Amount of Vacation Time to be Used

Vacations shall not be scheduled or taken in increments of less than one (1) hour at a time.

References:
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.10 Vacation Holidays

Should a District-scheduled holiday fall within an employee's scheduled paid vacation, the employee shall not be charged for vacation for such holiday.

References:
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.11 Interruption of Vacation

Regular classified employees with five (5) or more years of service shall be entitled to interrupt or terminate vacation leaves in order to begin another type of paid leave without returning to active service provided that: (a) the illness or other condition causing the interruption is for three or more consecutive days and is of such a nature that the employee would have been excused from duty had they been working at the time; and (b) requests for such interruptions must be filed within five days of the occurrence or immediately upon the employee's return to work.

Such request must fully outline the reason for the request and shall be fully substantiated; including any medical reports from a physician or hospital in the case of an accident or illness. Such medical report will state the nature of the illness or injury, the nature of the treatment, and the estimated length of absence.

References:

Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.12 Vacation Postponement/Payoff

In the event that an employee is not permitted by the District to take vacation time which cannot be carried forward, the employee shall be paid for such time in cash.

References:

Adopted: May 22, 1990
Reviewed: May 12, 2009

15.1.13 Earned Vacation Upon Termination

When a permanent classified employee terminates, the employee shall be entitled to lump sum compensation for all earned and unused vacation at their regular rate of pay in effect at the time of termination.

Under California law, earned vacation time is considered wages, and vacation time is earned, or vests, as labor is performed. For example, if an employee is entitled to two weeks (10 work days) of vacation per year, after six months of work he or she will have earned five days of vacation. Vacation pay accrues (adds up) as it is earned, and cannot be forfeited, even upon termination of employment, regardless of the reason for the termination. (*Suastez v. Plastic Dress Up* (1982) 31 C3d 774)

References: #45197

Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990; June 6, 2023
Reviewed: May 12, 2009

15.1.14 Unearned Vacation Upon Termination

Should a classified employee terminate after having been granted vacation time which has not yet been earned at the time of the employee's termination of employment, the District shall deduct from the employee's severance or final paycheck the full amount of salary which was paid for such unearned days of vacation taken.

References: #45197

Adopted: May 22, 1990
Reviewed: May 12, 2009

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE XVI
LEAVES OF ABSENCE**

Section 1. General Rules or Provisions

16.1.1 Definition of a Leave of Absence

A leave of absence is an authorization for a regular employee to be absent from duty for a specific period of time for an approved purpose.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.2 Guarantee of Right to Position Upon Return

The granting of a paid or unpaid leave of absence of six (6) months or less shall guarantee the employee the right to return to their same position.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.3 Rights to Position for Leaves Over Six Months

The granting of a paid or unpaid leave of absence of more than six (6) months shall guarantee the employee the right to return to a position of equal status in the employee's same classification. However, the assignment may be in a different department and/or a different work location. In no event shall the assignment be on a different work shift from that of the previous assignment without the written authorization of the returning employee.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.4 Authorized Leaves are Not Breaks in Service

Industrial accident/illness leave, other paid leaves, military leave, and unpaid illness leaves shall not constitute breaks in service.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.5 Continuation of All Benefits During Paid Leaves

An employee on a paid leave of absence shall continue to accrue all benefits to which entitled as a regular classified employee.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.6 Health Coverage May Continue During Absences

An employee who is otherwise eligible for district-paid health insurance shall continue to receive such benefits during all periods of paid leaves or approved periods of unpaid leaves of thirty (30) calendar days or less. In the event that an employee is absent as the result of a District-approved

leave of more than thirty (30) calendar days, such employee shall be allowed to maintain their health insurance benefits by remitting monies to the District to cover the necessary costs of such insurance for each thirty-day period or portion thereof following the initial thirty (30) days of absence.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.7 Cancellation of Voluntary Leaves by District

The Board of Trustees may cancel any voluntarily-given leave of absence for good cause by giving the absent employee due notice of such cancellation. Such notice shall allow sufficient time for the employee to make arrangements to return to work, but shall not be less than five (5) working days.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.8 Failure to Report for Duty After Leave Expires

Failure to report for duty within five (5) working days after a leave has expired or canceled (in accordance with the provisions of Personnel Commission Rule #16.1.7) shall be considered to be an abandonment of position, and the employee may be subject to termination from the District. Such termination shall be considered as termination for cause and treated in the same manner as any other disciplinary action.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.9 Employee Required to Maintain Licenses and Certificates

Any required license or certificate held by the employee at the time a leave (paid or unpaid) is granted must be maintained and valid at the time the employee returns to active service with the District.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.10 Absent Employees May Not Accept Gainful Employment

An employee, while on a leave of absence (paid or unpaid) from the District, may not and shall not accept other gainful employment, except ordered military service, without the express prior approval of the Board of Trustees.

References:

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.1.11 Submission of Absence Requests/Reports

A written request for leave of absence shall be submitted to the requesting employee's supervisor and to the Human Resources, Classified office for processing in accordance with these rules and regulations.

An absent employee shall submit completed absence report forms covering days of absence to their immediate supervisor. A copy of such forms shall be attached to the appropriate time sheets and submitted to the District's Payroll Department.

References:

Adopted: June 26, 1990
Amended: February 24, 1998
Revised: February 23, 2010

16.1.12 Holiday Pay During Paid Leaves of Absence

Authorized paid holidays which occur during the period in which an employee is on a paid leave of absence shall be paid as holiday pay and shall not be deducted from any paid leave days to which the employee is entitled by law or the provisions of these rules and regulations.

References:

Adopted: June 26, 1990
Reviewed: February 23, 2010

16.1.13 Order of Available Leaves for Illness or Injury

Unless otherwise provided under the terms of a collective bargaining agreement, an employee who is absent for any reason related to illness or injury shall utilize available leaves in the following order:

- A. Industrial Accident and Illness Leave (if applicable).
- B. Accrued sick leave.
- C. Credited (unearned) sick leave.
- D. Compensatory time off (if applicable).
- E. Accrued vacation time.
- F. Credited (unearned) vacation time.
- G. Five months of difference pay.
- H. Unpaid leave (if approved).

References: E.C. #45196
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.1.14 Leaves Not Granted as a Matter of Right

An employee is not entitled to a leave of absence as a right. All leaves are conditional; that is, a leave may be requested by an employee and if all conditions are satisfied will be granted by the District. Any denial of a leave request may be appealed through the grievance procedure contained in these rules and regulations (see Personnel Commission Rule #18.1.1 et seq).

References:

Adopted: June 26, 1990
Reviewed: February 23, 2010

16.1.15 Verification of Leaves

The District shall have the right to require verification of reasons for any and all leaves requested and taken by an employee. An employee's inability or refusal to provide reasonable verification, as determined by the District, shall be grounds for denying the requested leave time or payment for such time. Any denial of leave time or payment for such time under this rule may be appealed through the grievance procedure contained in these rules and regulations (see Personnel Commission Rule #18.1.1 et seq).

References:

Adopted: June 26, 1990
Reviewed: February 23, 2010

Section 2 Sick Leave

16.2.1 Definition of Sick Leave

Sick leave is the authorized absence of a regular classified employee when the absence is due to:

- A. Physical or mental inability to perform the usual and customary duties of the position due to illness, injury, or for legally established quarantine.
- B. A visit to a state-licensed physician, dentist, medical practitioner, psychologist, or other therapist for examination, treatment, consultation, or therapy.

References: E.C. #45136, #45190, #45191, #45193

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.2.2 Number of Sick Days Earned Per Year

Every regular classified employee shall earn one (1) day of sick leave for each full month of paid status to a maximum of twelve (12) days per year. To qualify for a full month of sick leave, an employee must be in a paid status for seventy-five percent (75%) of the work days during the month.

In addition, regular full-time classified employees shall be entitled to one (1) additional day of sick leave per year. Part-time employees shall receive the proportion of the additional day that relates to the number of hours actually worked. This additional day, or proportion thereof, shall be accumulated from year to year.

References: E.C. #45136, #45190, #45191, #45193

Adopted: June 15, 1965

Amended: February 22, 1977; June 26, 1990; December 17, 1991; August 30, 1994

Reviewed: February 23, 2010

16.2.3 Sick Leave Earned In Days Not Hours

A regular classified employee shall earn sick leave based upon days and not on the basis of accrual by hours. (Example: a four hour employee does not earn four hours of sick leave in a given month, but one day of sick leave). Compensation for each day of sick leave earned shall be determined in accordance with the provisions of Personnel Commission Rule #16.2.4.

References: E.C. #45136, #45137, #45190, #45191, #45193

Adopted: June 15, 1965

Amended: February 22, 1977; June 26, 1990

Reviewed: February 23, 2010

16.2.4 Compensation For Days of Sick Leave

When an employee utilizes a day of sick leave (see Personnel Commission Rule 16.2.2), pay for such day of sick leave shall be the same pay the employee would have received had the employee worked that day. However, deductions for sick leave taken for sick leave use of one hour or less shall be in an hour increment. Deductions for sick leave taken for use of more than one hour shall be in increments of 15 minutes.

References: E.C. #45136, #45137, #45190, #45191, #45193

Adopted: June 15, 1965

Amended: February 22, 1977; June 26, 1990

Revised: February 23, 2010

16.2.5 Carry-Over of Sick Leave

Sick leave accrued, but not used, shall carry over from one fiscal year to another without limit as to accumulation.

References: E.C. #45136, #45137, #45190, #45191, #45193

Adopted: June 15, 1965

Amended: February 22, 1977; June 26, 1990

Reviewed: February 23, 2010

16.2.6 New Probationary Employee's Use of Sick Leave

A new employee may not use more than six (6) days of paid sick leave during the employee's initial six (6) months of employment (130 days of paid service) with the District.

References: E.C. #45136, #45137, #45191, #45193

Adopted: June 15, 1965

Amended: February 22, 1977; June 26, 1990

Reviewed: February 23, 2010

16.2.7 Crediting of Sick Leave

Upon initial employment with the District, a new employee shall be credited with the number of days of paid sick leave which such employee would be expected to earn during that fiscal year; based upon each full month of paid service available following the date of initial employment.

At the beginning of each fiscal year following the first year of employment with the District, the sick leave account of each regular classified employee shall be credited (increased) with the number of days of paid sick leave which would normally be earned during that fiscal year.

An employee's advance sick leave allotment shall be adjusted should a change in the employee's assignment alter the amount of sick leave which the employee can earn in that fiscal year. (Example: the addition of two sick days by going from a 10-month to a 12-month assignment).

References: E.C. 45136, #45137, #45191, #45193

Adopted: June 15, 1965

Amended: February 22, 1977; June 26, 1990

Reviewed: February 23, 2010

16.2.8 Notification of Absence(s)

In order to receive compensation for absences due to illness, injury, or legally-established quarantine, the absent employee must notify their immediate supervisor or the District's Attendance Office prior to the scheduled start of the working day if possible, but not later than the first working hour of the first day of absence; unless conditions make such notification impossible. The burden of proof regarding the impossible conditions shall be upon the employee.

References: E.C. 45136, #45137, #45191, #45193

Proposed: April, 1990

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.2.9 Notification of Return to Work

In order to allow the District the opportunity to make arrangements for the return of an absent employee (such as terminating the services of a substitute), the employee shall notify their immediate supervisor or the District's Attendance Office of their impending return as soon as possible, but not later than 1:30 p.m. of the work day preceding the day on which the employee is to return to work. If an employee fails to notify their supervisor or the District's Attendance Office, the employee may be sent home for the day without being paid for that day. Should an employee

fail to notify their supervisor or the District's Attendance Office and both the employee and substitute report to work, the employee shall be sent home without pay and the substitute shall be allowed to work that day.

References: E.C. #45136, #45137, #45191, #45193
Proposed: April, 1990
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.2.10 Doctor's Note May Be Required

If the District has reason to question an employee's absence from duty, regardless of the duration of such absence, the District may require the employee to present a statement from a state-licensed physician verifying the nature and/or duration of the illness. In addition, the District may send an employee to a District-appointed physician for examination at the District's expense. Requests for medical verification of illness shall be made by the District prior to the return of the employee from their sick leave.

References: E.C. #45122, #45136, #45137, #45191, #45193
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.2.11 Doctor's Note Required For Absences Over Three Days

An employee who is absent over three (3) consecutive working days shall present the District with a doctor's statement outlining the nature and/or duration of the illness, injury or exposure to a contagious disease, as well as the date on which the employee can be expected to return to work. Such doctor's statement shall be submitted to the District prior to the employee's return to work. In addition, the District may send an employee to a District-appointed physician for examination at the District's expense.

An employee returning from surgery or hospitalization, regardless of the duration of the absence, shall be required to provide medical verification of their fitness to return to work and perform all of the duties and responsibilities of the assigned position.

References: E.C. #45122, #45136, #45137, #45191, #45193
Adopted: June 15, 1965
Amended: February 22, 1977; June 26, 1990
Reviewed: February 23, 2010

16.2.12 Submission of Doctor's Notes

Doctor's reports regarding an employee's medical condition and/or clearances to return to work shall be submitted to the Human Resources Classified office.

The Human Resources Classified office shall notify the employee's immediate supervisor, the District's Attendance office, and the Classified Payroll office of the status or clearances to return to work.

References: E.C. #45122, #45136, #45137, #45191, #45193
Adopted: June 26, 1990
Amended: December 16, 1997; February 24, 1998
Revised: February 23, 2010

16.2.13 General District Right to Require Medical Exams

The District shall have the right to have a classified employee examined by a state-licensed physician, at District expense, whenever there is a question as to the employee's physical, mental or emotional ability to perform the duties and/or responsibilities of their assigned position; regardless of whether or not they have claimed or received paid benefits under the provisions of these rules and regulations. Any decisions made relative to the employee as a result of a medical

examination may be appealed to the Personnel Commission.

References: E.C. #45122, #45136, #45137, #45191, #45193
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.2.14 No Sick Leave Payoff When Employee Leaves

If an employee leaves the employment of the District, accumulated unused sick leave will not be credited to the employee's final payment. However, should such employee be reinstated to active employment within thirty-nine (39) months following the date of leaving (as provided in Personnel Commission Rule #11.3.1), the District shall credit the employee's sick leave account with the amount of unused sick leave previously accumulated.

References: E.C. #45136, #45137, #45191 and #45309
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.2.15 Use of Vacation Time During Long-Term Illness

In the Event of a long-term illness, the Director, Human Resources Classified, or their designee, upon written request, may pre-authorize the use of earned vacation time once all accumulated sick leave has been exhausted from an illness/injury that does not arise out of the course of employment.

Adopted: August 30, 1994
Amended: December 16, 1997; February 24, 1998
Reviewed: February 23, 2010

Section 3 Five Month Differential Leave

16.3.1 Availability of Additional Illness/Injury Pay

A regular permanent classified employee who exhausts all entitlement to paid sick leave (as provided in Personnel Commission Rule #16.2.2) and other available paid leaves and compensatory time off shall be entitled to additional compensation in the form of difference pay as provided in Personnel Commission Rule #16.3.2 while absent for illness or injury up to a maximum period of five (5) months commencing with the first day of absence for such illness or injury; including any periods compensated under other leave provisions of these Rules and Regulations. The employee shall be entitled to such compensation whether or not such absence arises out of or in the course of employment.

References: E.C. #45136, #45137, #45190, #45191, #45193, #45195, #45196, #45196.5, #45200, #45203, #45260, and #45261
Adopted: June 15, 1965
Amended: March 12, 1975; September 28, 1982; June 26, 1990; December 16, 1997; February 24, 1998
Reviewed: February 23, 2010

16.3.2 Difference Pay Compensation

A regular classified employee who is on continued absence as provided in Personnel Commission Rule #16.3.1 shall receive their regular salary less any amounts paid for providing a substitute; in the event that a substitute is hired. The amount deducted shall not exceed the sum of the first step of the salary range to which the absent employee is assigned even if the substitute is hired and/or paid on a higher step or salary range.

References: E.C. #45136, #45137, #45190, #45191, #45193, #45195, #45196, #45196.5, #45200, #45203, #45260, and #45261
Adopted: June 15, 1965
Amended: March 12, 1975; September 28, 1982; June 26, 1990

Reviewed: February 23, 2010

16.3.3 Continuance of Leave Into New Fiscal Year

In the event that the five-month period of this leave overlaps into the next fiscal year, the absent employee shall be entitled to continue receiving the difference pay compensation for the remaining portion of the five-month period.

References: E.C. #45136, #45137, #45190, #45191, #45193, #45195, #45196, #45196.5, #45200

Adopted: June 26, 1990

Amended: December 16, 1997; February 24, 1998

Reviewed: February 23, 2010

16.3.4 Verification of Illness/Injury

Any and all rules governing verification of illnesses/injuries contained in Personnel Commission Rules #16.2.10, 16.2.11, 16.2.12, and 16.2.13 shall also be applicable for compensation of absences provided in this section (Section 16.3) of the Personnel Commission Rules and Regulations.

References: E.C. #45136, #45137, #45190, #45191, #45193, #45195, #45196, #45196.5, #45200

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.3.5 Notification of Absence

Any and all rules governing the reporting of absences contained in Personnel Commission Rules #16.2.8, 16.2.9, 16.2.10, 16.2.11, 16.2.12, and 16.2.13 shall also be applicable to absences taken in accordance with the provisions of this section (Section 16.3) of the Personnel Commission Rules and Regulations.

References: E.C. #45136, #45137, #45190, #45191, #45193, #45195, #45196, #45196.5, #45200

Adopted: June 26, 1990

Reviewed: February 23, 2010

Section 4. Industrial Accident/Illness Leave

16.4.1 Sixty Days of Paid Leave

Regular classified employees, either probationary or permanent, who have completed one-hundred-thirty (130) days of paid service to the District, shall be granted industrial accident/illness leaves for work-related injuries, illnesses. Such leaves shall be granted in accordance with the provisions of these rules and regulations (16.4.1 through 16.4.11).

An eligible classified employee who is absent from duty as the result of work-related injuries or illness shall be granted appropriate paid leave time which shall not exceed sixty (60) working days in any one (1) fiscal year or in combined fiscal years for the same injury or illness. If the sixty (60) days of industrial injury/illness leave overlap into the next fiscal year, the employee shall be entitled only to that amount of time remaining at the end of the fiscal year in which the injury or illness occurred. Such leave time is not cumulative and may be utilized only during those periods when the employee would normally have been in District paid status.

References: E.C. #45190, #45192, #45260, and #45261

Adopted: June 15, 1965

Amended: September 28, 1982; June 26, 1990

Reviewed: February 23, 2010

16.4.2 Reporting Industrial Accident/Illness

Any Classified Employee, shall be entitled to an industrial accident or illness leave of absence not to exceed sixty (60) working days in any one fiscal year for the same accident. When an employee

incurs an industrial accident or illness, they should report it to their immediate supervisor and the Assistant Superintendent, Business Services before the close of the working day in which the accident or illness occurs. If an employee chooses to seek medical attention then a worker's compensation form should be filed with the Assistant Superintendent, Business Services within twenty-four (24) hours of the time such accident or illness occurred.

References: E.C. #45190, #45192, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990; December 16, 1997; February 24, 1998
Revised: February 23, 2010

16.4.3 Leave Commences With First Day of Absence

Paid time for industrial accident/illness shall commence with the first day of absence resulting from such accident/illness, and the sixty-day period shall be reduced by one day for each day of authorized absence.

References: E.C. #45190, #45192, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

16.4.4 Use of Sick Leave After Exhaustion of 60 Days

When entitlement to industrial accident leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving Worker's Compensation, they shall be entitled to use only so much of their accumulated or available sick leave which, when added to the Worker's Compensation award, provide for a full day's wage or salary.

If, however, an employee is still receiving temporary disability payments under the Worker's Compensation laws of this state at the time of the exhaustion of benefits under this section, they shall be entitled to use only so much of accumulated and available normal sick leave and vacation leave which, when added to the Worker's Compensation award, provides for a day's pay at the regular rate of pay. 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.

16.4.5 Use of Other Leaves After Exhaustion of Sick Leave

When an employee is absent from their duties on account of illness or accident for a period of five (5) months or less whether or not the absence arises out of or in the course of employment of the employee, the amount deducted from the salary due them (in the event that a substitute is hired) for any day in which the absence occurs, shall not exceed the sum of the first step of the salary range to which the employee is assigned even if the substitute is hired and/or paid on a higher step or salary range. In order to qualify for differential pay under this provision of this section of the Rules and Regulations, an employee must notify the District of the impending absence at least two (2) hours prior to the start of their scheduled workday.

In the case of an illness or accident arising out of or in the course of employment, the provisions under this section shall be used after entitlement to regular sick leave, vacation, or other available paid leaves has been exhausted.

16.4.6 Absent Employee Must Remain In State of California

Any employee receiving benefits as a result of this section shall, during the periods of injury or illness, remain within the State of California unless the Governing Board authorized travel outside the state.

16.4.7 Placement on Reemployment List Upon Exhaustion of Available Leaves

When all available paid and/or unpaid leaves of absence have been exhausted and the employee

is still not medically able to resume the duties and responsibilities of their position, the employee (if not voluntarily placed in another position by the District) shall be placed on a reemployment list for a period of thirty-nine (39) months. When the employee is medically able to return to work during this thirty-nine-month period, they shall be employed in any vacant position in the class of their previous assignment over all other candidates except for persons placed on a reemployment list for the class as a result of a layoff for lack of work or lack of funds; in which case, the employee's name shall be placed on the layoff list in accordance with their seniority in the class. An employee who has been placed on a reemployment list as provided herein and is medically released to return to work, but fails to accept an appropriate assignment, shall be dismissed. For purposes of this rule, an appropriate assignment shall be defined as a position in the employee's former class having the same or a greater number of assigned hours per day, days per week, and months per year.

References: E.C. #45190, #45192, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

16.4.8 Abolishment of Previous Classification

In the event that an employee's classification has been abolished during their absence resulting from an industrial accident/illness, and the employee has subsequently been released to return to work, the employee shall be placed in a vacant position in a comparable class for which the employee is determined to be qualified by the Director and approved by the Personnel Commission.

References: E.C. #45190, #45192, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.4.9 Return to Service After Industrial Leave

An employee on a leave in accordance with the provisions of these rules and regulations (section 16.4 et seq) or former employee on a reemployment list (as provided in Personnel Commission Rule 16.4) will be permitted to return to service only upon presentation of a release from the employee's treating physician and a release from a District-appointed physician. These releases must certify that the employee is able to return to their position without restrictions or limitations.

If the employee's treating physician provides a full release and the District's appointed physician does not, the employee may appeal to the Assistant Superintendent, Business office which will make the final determination regarding whether or not the employee will be returned to duty. An employee with work restrictions or a partial medical release will not be guaranteed any right to return to work.

References: E.C. #45190, #45192, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.4.10 Absences Not Considered a Break In Service

Any leave time, paid or unpaid, provided by these rules (sections 16.4.1 through 16.4.6) shall not be considered a break in service and the employee, while on such leaves, shall continue to earn seniority credit.

References: E.C. #45190, #45192, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

Section 5 Personal Necessity Leave

16.5.1 May Use Up to Seven (7) Days

An employee may use, at their election, not more than seven (7) days of accumulated sick leave benefits in any school year for purposes of personal emergency or necessity. Purposes for which approval of such use shall be approved include:

- A. Death of a member of the immediate family as defined in Personnel Commission Rule #16.8.2; when rights to bereavement leave (see Personnel Commission Rule #16.8.1) have been exhausted.
- B. Accident involving the employee's person or property, or the person or property of a member of the employee's immediate family as defined in Personnel Commission Rule #16.8.2. The accident must be of such a nature that it demands the immediate attention of the employee; requiring them to be excused from their scheduled work assignment.
- C. Illness involving a member of the employee's immediate family as defined in Personnel Commission Rule #16.8.2. The illness must be of such a nature that it demands the presence of the employee; requiring them to be excused from their scheduled work assignment.
- D. Appearance in court or before any administrative tribunal as a litigant or party; upon the submission of a copy of the subpoena or jurisdictional order at least two working days prior to such appearance.
- E. Attendance at the funeral services of family members not covered under the provisions of Personnel Commission Rule 16.5.1.A, or those of a close personal friend.
- F. Observance of religious "holy days" in accordance with established customs and precepts of the employee's religion; not to exceed two (2) days per year.
- G. In such other situations of urgency as judged to be appropriate by the Director. Such other situations must involve conditions that make it impossible to take care of outside of the employee's scheduled working day. The leave provisions of this section may not be used for any of the following: seeking other employment, rendering paid services or working with or without remuneration for oneself or for anyone else, recreational activities, or the withholding of services from the District.

Except for such occasions as religious holidays (covered under Personnel Commission Rule 16.5.1.F), graduation exercises for the employee or members of the immediate family as defined in Personnel Commission Rule #16.8.2, honors convocation honoring the employee, or the departure of a spouse, son or daughter for military service, the permissive leave provisions may not be utilized or approved for absences on the first or last working day of the school year, nor on the last working day preceding or the first working day following a vacation or holiday period.

References: E.C. #45190, #45194, #45198, #45207, #45260, and #45261
Adopted: June 15, 1965
Amended: July 13, 1971; June 26, 1990; December 17, 1991; December 16, 1997
Reviewed: February 23, 2010

16.5.2 Two (2) Days Per Year May Be Used Without Explanation

Except for absences scheduled for or occurring on the first or last working day of the school year, or on the last working day preceding or the first working day following a vacation or holiday period, or on a day designated by an employee organization for the withholding of employee services, an employee may elect to utilize not more than two (2) days of accumulated sick leave each school year for purposes of personal necessity without being required to explain or justify its use. Leave requests submitted shall be in accordance with the provisions of Personnel Commission Rule #16.5.3.

References: E.C. #45190, #45194, #45198, #45207, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.5.3 Notification of Leave Usage

Classified employees desiring to use available sick leave for purposes of personal necessity shall notify their immediate supervisor or the District's Attendance Office prior to the scheduled start of the working day if possible, but not later than the first working hour of the first day of absence; unless conditions make such notification impossible.

References: E.C. #45190, #45194, #45198, #45207, #45260, and #45261
Adopted: June 15, 1965
Amended: July 13, 1971; June 26, 1990; December 16, 1997
Revised: February 23, 2010

16.5.4 Personal Necessity Leave Not Cumulative

Personal necessity leave is not cumulative from one school year to the next. Employees are limited to a maximum of seven (7) days for personal necessity in any one (1) school year.

References: E.C. #45190, #45194, #45198, #45207, #45260, and #45261
Adopted: June 15, 1965
Amended: July 13, 1971; June 26, 1990; May 28, 1996
Reviewed: February 23, 2010

Section 6 Pregnancy Disability Leave

16.6.1 Entitlement to Sick Leave Benefits

Regular classified employees who must be absent from their assigned duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled under these Rules and Regulations. Absence due to maternity that is not medically required may be granted in accordance with Personnel Commission Rule #16.17.3.1 through 16.17.3.4.

References: E.C. #45193, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.6.2 Sick Leave During Medically-Certified Absence

Paid sick leave including regular sick leave and extended sick leave, may be used to cover the period of absence medically-certified by the employee's attending physician and approved by the Director.

References: E.C. #45193, #45260, and #45261
Adopted: June 26, 1990
Amended: December 16, 1997
Reviewed: February 23, 2010

16.6.3 Certification of Last Day Able to Work

Prior to the eighth month of pregnancy, the employee shall furnish the Human Resources Classified office a medical certificate stating the last date on which the employee will be able to work; accompanied by the physician's verification of her disability.

References: E.C. #45193, #45260, and #45261
Adopted: June 26, 1990
Amended: December 16, 1997
Reviewed: February 23, 2010

16.6.4 Release to Return to Work

Prior to returning to work, the employee must present the Human Resources Classified office with a release to return to work from her treating physician; indicating that she can return to work without any limitations. In addition, the District may require that the employee be examined by a District-appointed physician to confirm the employee's ability to return to work.

References: E.C. #45193, #45260, and #45261
Adopted: June 26, 1990
Amended: December 16, 1997
Reviewed: February 23, 2010

Section 7. Transfer of Accumulated Sick Leave

16.7.1 Transfer of Sick Leave From Another District

Any classified employee of another school district or county superintendent of schools, who was not terminated from such agency for cause, who accepts employment in a regular assignment with this school district within one (1) calendar year from date of employment termination with the other agency shall be allowed to transfer the amount of their unused/unpaid accumulated sick leave (from that agency) to the Westminster School District.

In order to effectuate the transfer of available accumulated sick leave, the newly-hired employee shall request the Director to secure the necessary information from the former agency of employment and forward it to the District's Payroll office for inclusion in the new employee's sick leave bank or account.

References: E.C. #45202, #45260, and #45261
Adopted: June 15, 1965
Amended: June 27, 1980; September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

Section 8. Bereavement Leave

16.8.1 Days of Paid Leave

In the event of the death of a member of the immediate family as provided in Personnel Commission Rule #16.8.2, an employee shall be granted necessary leave of absence not to exceed three (3) working days or five (5) working days if out-of-state travel is required. Such leave may be extended to a maximum of five (5) days when in-state travel beyond 300 miles is necessary. Additional leave time for such purpose, beyond the number of days specified in this rule may be available for use under the Personal Necessity Leave provisions contained in Personnel Commission Rule #16.5.1.

Employees granted bereavement leave as provided in this rule shall suffer no deduction from salary, nor shall such leave be deducted from leave time granted by other sections of these rules or the State Education Code.

References: E.C. #45194, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990; November 17, 2015
Reviewed: February 23, 2010

16.8.2 Definition of Immediate Family

Members of the immediate family for which bereavement leave shall be granted as provided in Personnel Commission Rule #16.8.1 include: the mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse, the spouse, son, son-in-law, daughter, daughter-in-law, brother, current brother-in-law, sister, current sister-in-law, step-mother, step-father or step-child of the employee, or any person living in the immediate household of the employee.

References: E.C. #45194, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

Section 9. Jury Service Leave

16.9.1 Leave of Absence for Jury Service

A regular classified employee who is called to service as a juror shall be entitled to be absent from duty without loss of pay. Any compensation, excluding reimbursement for meals, mileage, and parking allowances, received by the employee for jury service shall be remitted to the District.

References: E.C. #44037, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

16.9.2 Availability for Work While on Jury Service

An employee required to report for jury service shall return to work whenever such employee is released from jury duty in such a fashion that the employee can return to the District and perform two (2) or more hours of service. Otherwise, the employee shall not be required to report for work on a day that they are required to report for jury service. However, in no instance shall the combination of jury service hours, reasonable travel time, and the number of hours performed in District service exceed eight (8) hours per day unless the hours in excess of eight (8) hours per day are compensated in accordance with the provisions of Personnel Commission Rule #10.2.1.

References: E.C. #44037, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

16.9.3 Notice of Jury Service and Request for Leave

An employee called to jury service shall request jury service leave by submitting a copy of the official court summons to the immediate supervisor who will then forward it to Classified Payroll with the time sheet.

References: E.C. #44037, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990; December 16, 1997
Revised: February 23, 2010

16.9.4 Completion of Jury Service and Compensation

In order to receive compensation from the District for jury service, an employee must provide the District with a certificate of jury service completion, which has been dated and signed by the Jury Commissioner or other authorized court official.

References: E.C. #44037, #45260, and \$45261
Adopted: June 18, 1996
Reviewed: February 23, 2010

Section 10. Witness Leave

16.10.1 Leave to Serve as a Witness

A leave of absence to serve as a witness in a court of law (other than as a litigant or party of interest), administrative hearing or tribunal, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of

the employee, shall be granted to all regular classified employees without loss of pay. Any compensation, excluding reimbursements for meals, mileage and parking allowances, received by an employee as a result of being a witness shall be remitted to the District.

References: E.C. #44037, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

16.10.2 Availability for Work While on Witness Leave

An employee excused from duty to serve as a witness as provided in Personnel Commission Rule #16.10.1 shall return to work whenever such employee is released from serving as a witness in such a fashion that they can return to the District and perform two (2) or more hours of service. Otherwise, the employee shall not be required to report for work on a day that they are required to report for service as a witness. However, in no instance shall the combination of witness service hours, reasonable travel time, and the number of hours performed in District service exceed eight (8) hours per day unless the hours in excess of eight (8) hours per day are compensated in accordance with the provisions of Personnel Commission Rule #10.2.1.

References: E.C. #44037, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990
Reviewed: February 23, 2010

16.10.3 Witness Subpoena and Request for Leave

An employee called to serve as a witness shall request witness leave submitting a copy of the official subpoena to the immediate supervisor who will then forward it to Classified Payroll with the timesheet.

References: E.C. #44037, #45260, and #45261
Adopted: June 15, 1965
Amended: September 28, 1982; June 26, 1990; December 16, 1997
Reviewed: February 23, 2010

Section 11. Release Time for Personnel-Related Activities

16.11.1 Release Time to Take Examinations

A regular classified employee shall be permitted to take any District examination administered by the Personnel Commission during the employee's regular working hours without deduction of pay or other penalty. Such paid release time shall be valid only with written authorization to take the examination signed by the Director or their designee. The employee shall provide their supervisor with notice of the need for release time at least two (2) days prior to the date of the examination.

References: E.C. #45260 and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.11.2 Release Time for Interviews

A regular classified employee shall be provided with release time to participate in interviews for in-district promotions or transfers during their regular working hours without deduction of pay or other penalty. The employee shall provide their supervisor with notice of the need for release time as soon as possible after notification by the Personnel Commission office of the interview time.

References: E.C. #45260 and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.11.3 Attendance at Board/Commission Meetings

A classified employee of the District shall be provided with release time without deduction of pay or other penalty in order to attend any Board of Trustees or Personnel Commission meeting at which a recommendation or action is being considered which would affect the employee's status, classification or salary. The employee shall provide their supervisor with notice of the need for release time at least twenty-four (24) hours prior to the scheduled meeting.

References: E.C. #45260, #45261, and #45272
Proposed: April, 1990
Adopted: June 26, 1990
Reviewed: February 23, 2010

Section 12. Leave to Serve in Exempt/Temporary/Limited-Term Position

16.12.1 Leave to Serve in Exempt/Temporary/Limited-Term Position

Any permanent classified employee who accepts an assignment within the District to serve in an exempt, temporary, or limited-term position shall, during the term of such assignment, be considered (for seniority and other status purposes) as serving in his/her regular position, and such assignment shall not be considered to be a break in service.

References: E.C. #45260 and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.12.2 Voluntary Return to Regular Position

An employee who accepts an exempt, temporary or limited-term assignment within the District may, with the approval of the appointing authority, voluntarily return to their regular position prior to the completion of service in the exempt, temporary, or limited-term assignment. Failure to complete the required service in the exempt, temporary, or limited-term assignment, unless approved as specified herein, could constitute abandonment of position and become the grounds for a disciplinary action.

References: E.C. #45260 and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

Section 13. Military Leave

16.13.1 Granting of Military Leave

Regular classified employees under official orders who are called to active duty in the Armed Services of the United States of America, including the Coast Guard, shall be granted military leave of absence for the period of such service.

References: E.C. #45190, #45260, and #45261; M. & V.C. #389, #395, #395.01, #395.02, #395.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4
Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.13.2 Reserve Service

Regular classified employees who are members of the National Guard or other Reserve Corps. of the United States who must be temporarily absent for a period of sixty (60) days or less due to active duty training or exercises shall be granted temporary military leave of absence.

References: E.C. #45190, #45260, and #45261; M. & V.C. #389, #395, #395.01, #395.02, #395.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4

Adopted: June 26, 1990
Reviewed: February 23, 2010

16.13.3 Thirty Days Leave With Pay

Regular classified employees who have been in the employ of the District for at least one (1) full year prior to the call to military service shall be granted full pay for the first thirty (30) days of military leave provided in Personnel Commission Rules #16.13.1 and #16.13.2; however, such paid leave time shall be limited to a maximum of thirty (30) days in any single fiscal year. Regular classified employees with less than a year of service with the District who are called to active military service or reserve duty shall be granted military leave without pay. No fringe benefits, such as sick leave, vacation, or health insurance shall accrue or be paid for any unpaid portions of leaves provided in accordance with Personnel Commission Rules #16.13.1 and #16.13.2.

Classified employees who are in an "inactive duty" status who participate in weekend, day, or evening military activities are not covered by the provisions of this rule and, therefore, not entitled to any compensation provided by this rule.

References: E.C. #45190, #45260, and #45261; M. & V. E. #389, #395, #395.01, #395.02; #395.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4
Adopted: June 26, 1990
Amended: September 21, 1993
Reviewed: February 23, 2010

16.13.4 Official Orders Must be Submitted

In order for a paid leave to be granted as provided in Personnel Commission Rules #16.13.1 and #16.13.2, the employee must submit his/her official orders to the Director. The orders must contain the date that the employee is required to report for active service or reserve duty, and the projected duration of such service.

References: E.C. #45190, #45260, and #45261; M. & V. E. #389, #395, #395.01, #395.02, #395.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4
Adopted: June 26, 1990
Amended: December 16, 1997
Reviewed: February 23, 2010

16.13.5 Return From Active Military Service

Provided that the employee granted leave for military service meets the requirements specified in this section (#16.13.5) of the Rules and Regulations, the employee shall be reinstated to their former position or to another position in their former classification, including restoration of seniority rights earned prior to and during military leave of absence, upon presentation of his discharge or release from military service. In order to be reinstated to employment status with the District, the former employee shall:

- A. Have been discharged or released under honorable conditions;
- B. Return to active employment within six (6) months from date of discharge or release from active military service; and
- C. Be medically able to resume their former duties and responsibilities.

References: E.C. #45190, #45260, and #45261; M. & V. E. #389, #395, #395.01, #395.02, #395.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4.
Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.13.6 Return From Reserve Duty/Exercises

Employees granted leaves as provided in Personnel Commission Rule #16.13.2 shall be returned to regular employment upon the completion of such temporary service.

References: E.C. #45190, #45260, and #45261; M. & V.E. #389, #395, #395.01, #395.02, #295.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.13.7 Status in Case of Staff Reductions

In the event of staff reductions affecting an employee on military leave, the name of the employee shall be placed on an appropriate layoff list in accordance with their continuing seniority status and shall be accorded the layoff/reemployment rights provided in Personnel Commission Rule #20.1.1 et seq upon presentation of discharge or release papers as provided in Personnel Commission Rule #16.13.5.

Should a position in the returning employee's former class be unavailable, or if a returning employee is medically unable to resume the duties and responsibilities of his/her former classification, the District shall make every effort to place their in an available position for which the employee is qualified.

References: E.C. #45190, #45260, and #45261; M. & V. E. #389, #395, #395.01, #395.02, #395.03, #395.04, #395.05, #395.1, #395.2, #395.3, and #395.4

Adopted: June 15, 1965

Amended: June 26, 1990

Reviewed: February 23, 2010

Section 14. Voter Leave of Absence

16.14.1 Time Off to Vote

If an employee/voter does not have sufficient time outside of their working hours within which to vote at any general, direct primary or presidential primary election, the employee may, without loss of pay, request and shall receive as much time off as will, when added to their voting time outside of working hours, enable the employee to vote.

References: E.C. #45136, #45137, #45190, #45260, and #45261

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.14.2 Time Off Not to Exceed Two Hours

Members of the classified service of the District who are registered to vote and have reason to believe that they will be denied the opportunity to vote as provided in Personnel Commission Rule #16.14.1 because of their scheduled work hours or the length of their work day as scheduled for the day of the election shall be allowed as much time off at the beginning or ending of the work day that when combined with the employees' personal off-duty time will allow them the opportunity to vote. However, the amount of time allowable for such purpose shall not exceed two (2) hours.

References: E.C. #45136, #45137, #45260, and #45261

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.14.3 May Not be Used For Other Purposes

The District wants its employees to become registered voters and to exercise the right to vote, and encourages all of its employees to do so. However, the time off granted shall be used only to exercise the right to vote and for no other purpose. Therefore, the employee requesting the time off to vote shall be responsible for: (1) providing evidence that they are eligible and registered

to vote; and (2) demonstrate both the need and the amount of time requested to exercise their right to vote.

References: E.C. #45136, #45137, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

16.14.4 Advance Notice Required

Except in cases of emergency or unforeseen circumstances, an employee requesting compensated time off to vote (as provided in Personnel Commission Rule #16.14.1) shall provide their immediate supervisor with advance notice of the need and duration of the amount of time off needed to vote. The burden of proof as to emergency or unforeseen circumstances shall rest with the employee.

References: E.C. #45136, #45137, #45190, #45260, and #45261
Adopted: June 26, 1990
Reviewed: February 23, 2010

Section 15. Leave of Absence For Study

16.15.1 Study Leave(s)

Every regular classified employee who has completed seven (7) consecutive years of service in regular status with the District (at the time application for such leave is made) shall be eligible to apply for a leave of absence for purposes of study. The granting of such leave shall be entirely discretionary with the District. However, once a study leave has been granted and taken, the employee taking the leave shall not again be eligible for such leave until the employee has completed an additional period of seven (7) consecutive years from the date of completion of the previous study leave.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387.
Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.15.2 Time Limits for Study Leaves

A study leave can be scheduled for any period of time to a total maximum of one (1) year leave of absence. With the approval of the District, the periods of time for the study leave need not be consecutive. However, the total period of the leave (to the maximum period of one year) must be completed within a period of three (3) years from the initial date of the start of the leave.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387
Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.15.3 A Study Leave is Not a Break in Services

Any leave granted and taken in accordance with this section (section 16.15 of the Personnel Commission Rules and Regulations) shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave. However, if the leave period is not continuous, any services performed (time worked) for the District between the leave intervals shall be credited toward completion of the time necessary to establish future study leave eligibility.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.15.4 Application for Study Leave

To secure a leave of absence under the provisions of this section (Section 16.15), the employee/applicant must submit their request to the Human Resources Classified office for processing. The application so submitted must contain the following:

- A. Work history with the District, e.g. positions held and the length of time in each position held.
- B. The type of leave being requested, the length of time for which the leave is being requested (1 month, 3 months, 6 months, etc), and the time period in which the leave will be completed (1 to 3 years) if granted.
- C. The purpose for which the leave is being requested. The application for the leave must include the completed course of study to be pursued, the institution(s) providing the course or courses, the cost(s) involved, and any other pertinent data.
- D. Service(s), if any, to be performed by the employee for the District during the period(s) of the leave.
- E. The benefits, if any, to be derived by the District as the result of granting the leave request.
- F. The willingness and/or ability of the employee to provide the District with a suitable bond to indemnify the District against loss in the event that the employee fails to render at least two (2) years service in the employ of the District following the completion of the leave.
- G. Agreement by the employee that they will provide service in the employ of the District or at least two (2) years following completion of the leave of absence.
- H. Willingness to provide the District with evidence of satisfactory study progress at agreed intervals during the period of the leave; recognizing that the failure to provide such evidence or the failure to make satisfactory progress may, at the option of the District, result in immediate cancellation of the balance of the authorized leave.
- I. Agreement by the employee that they will report any employment during such leave of absence to the Director, who shall determine whether or not any conflict exists between the person's employment and the purpose of the leave.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 15, 1965
Amended: June 26, 1990; December 16, 1997
Reviewed: February 23, 2010

16.15.5 Amount of Compensation

An employee granted a leave under the provisions of this section (#16.15) shall receive compensation amounting to one-half (1/2) of the salary which would have been received had the employee been regularly assigned to work during the same period of time.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, #45387

Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.15.6 Method of Compensation

Compensation for a study leave may be paid in the same manner as if the employee were working

in the District. Under this plan of payment, the employee receiving the study leave must furnish the District with a surety bond in an amount equal to the total compensation to be paid the employee during said leave of absence. The bond is to be written so as to reimburse the school district for the amount of salary paid the employee while on leave in the event that the employee fails to render at least two (2) years service in the employ of the District following the employee's completion of the leave.

The other form of compensation which may be used in lieu of the method noted in the previous paragraph is salary may be paid in two equal annual installments during the first two years of service following the return of the employee from their leave.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 15, 1965

Amended: June 26, 1990

Reviewed: February 23, 2010

16.15.7 Payment To Be In Same Manner As If In Active Service

In the event that the employee provides the required surety bond or submits a written document approved by the District in accordance with these Rules and Regulations, the employee shall be paid the agreed-upon compensation in the same manner as if they were in active service with the District. If the employee fails to complete the two (2) years of service in the employ of the District following return from leave, except as provided in Personnel Commission Rule #16.15.8, the employee may be required to refund to the District a prorated amount of any compensation received while on leave.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 15, 1965

Amended: June 26, 1990

Reviewed: February 23, 2010

16.15.8 Death or Disability of Employee

If an employee has provided a bond or written agreement and fails to complete the required two (2) years of service because of their death or physical or mental disability, the bond or conditions of the agreement shall be exonerated in the same manner as if the required service had been performed.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 15, 1965

Amended: June 26, 1990

Reviewed: February 23, 2010

Section 16. Leave of Absence for Retraining

16.16.1 Retraining Leave

In the event that the Board of Trustees contemplates the abolition of positions in the Classified Service and the creation of new positions because of automation, technological improvement, or for any other reason, the District may provide for retraining of displaced employees only in accordance with these Rules and Regulations (Section 16.16).

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.16.2 Eligibility for Retraining Leaves

To be eligible for a retraining leave, a classified employee must:

- A. have served at least three (3) consecutive years of employment with the District (at the time application is made for such leave);
- B. be serving in a position which the District contemplates abolishing; or
- C. show that the retraining will clearly benefit the District;
- D. indicate a willingness to undergo the prescribed training program; and
- E. indicate a willingness to serve in the employ of the District for at least two (2) years after the successful completion of the training or retraining program.

References: E.C.#45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.16.3 District Shall Prescribe Training Program

The District shall prescribe the training/retraining program, and may provide the program internally or designate the institute or other place where the program is to be given.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.16.4 Compensation

The employee shall be considered a permanent employee for all purposes during the period of the training or retraining program and shall receive their normal compensation and benefits. The Board of Trustees may prescribe duties, if any, to be performed by the employee on behalf of the District during such training/retraining leave.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.16.5 Training/Retraining Expenses

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

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 26, 1990

Reviewed: February 23, 2010

16.16.6 Training Program for Other Purposes

The Board of Trustees may establish training programs for purposes other than retraining and may grant leaves of absence for such training. However, except for the three-year requirement, leaves granted under this provision (Section #16.16.6) shall be in accordance with the requirements contained in Sections #16.16.1 through #16.16.5 of these rules and regulations. Such programs must be endorsed and approved by action of the Personnel Commission, and must be available to all qualified employees of the District as determined by the Director, except

that the approval for such leave shall be discretionary with the Board of Trustees.

References: E.C. #45136, #45137, #45190, #45260, #45261, #45380, #45381, #45382, #45383, #45384, #45385, #45386, and #45387

Adopted: June 26, 1990

Reviewed: February 23, 2010

Section 17. Leaves of Absence Without Pay

16.17.1 Unpaid Leaves

16.17.1.1 When Granted

A leave of absence without pay may be granted to a permanent classified employee upon the written request of such employee and the approval of the District; subject to the restrictions and conditions contained in this section (#16.17.1) of the Rules and Regulations.

16.17.1.2 Length of Leave

Except as otherwise provided in these rules and regulations, a leave of absence without pay may be granted for any period of time not to exceed six (6) months in duration as follows:

- A. A voluntary informal unpaid leave of absence of five (5) days or less may be granted upon request by the employee's immediate supervisor. However, the employee's unpaid leave days must be reported on the employee's time sheet and an absence notification form must be completed and forwarded to the Classified Payroll office, with a copy forwarded to the Human Resources Classified office.
- B. A voluntary informal unpaid leave of absence of thirty (30) days or less may be granted, upon request, with the approval of the immediate supervisor and the Director. However, the employee's unpaid leave time must be reported on the employee's time sheet and an absence notification form completed and attached to the time sheet and forwarded to the Classified Payroll office.
- C. Requests for leaves of absence in excess of thirty (30) days shall be submitted to the Board of trustees for approval. The Board of Trustees may grant a leave for any period of time not to exceed six (6) months. The Board may extend such leave, upon the request of the absent employee, for an additional six-month period. Additional extensions (beyond twelve 12 months) may be requested and granted upon the concurrence of the Board of Trustees and the Personnel Commission.

16.17.1.3 Reasons for Leave

Regular classified employees who meet the requirement specified in this section (Section #16.17.1) may request and be granted unpaid leaves to:

- A. attend an educational institution or to enter training to improve the quality of their employment services;
- B. take care of family matters or family illness;
- C. bereavement leave beyond the amount of compensable time specified in Personnel Commission Rule #16.8.1;
- D. service as a member of a county or federal grand jury; or
- E. for such other reasons as deemed satisfactory by the Board of Trustees and the Personnel Commission.

16.17.1.4 Employee Right to Return

The granting of a leave of absence without pay shall provide the employee with the right to return to his/her position at the expiration of the approved leave period or, with the approval of the District, prior to the expiration of such approved leave. However, prior to their return from a leave of absence of twelve (12) or more months in duration, the District may require the absent employee to undergo a physical examination at District expense.

16.17.1.5 Cancellation of an Unpaid Leave of Absence

With sufficient justification, as determined by the Personnel Commission, the Board of Trustees may cancel any leave granted in accordance with this section (Section 16.17.1) by giving the absent employee due notification.

16.17.1.6 Filling Absent Employee's Position

When a leave of absence without pay is granted, it shall be understood that the vacancy thus created may be filled by employment of a substitute to fill the position for the duration of the leave only, and that the position is being held open for the return of the employee who is on leave.

16.17.1.7 Report of Employee's Return/Reinstatement

A report of the absent employee's return (reinstatement) at or before the conclusion of the approved leave of absence shall be submitted to the Human Resources Classified office for processing prior to the return to duty of the employee. The Human Resources Classified office will then give notice to the substitute employee and make the necessary arrangements for reinstating the absent employee to paid status.

16.17.1.8 Failure of Employee to Return as Scheduled

Failure of an absent employee to report for duty within three (3) working days, without permission, following the deadline for returning from an approved leave will be considered to be abandonment of position and subject the employee to disciplinary action up to and including dismissal from employment with the District.

16.17.1.9 Computing Time for Seniority/Salary Adjustment

With the exception of military leaves, unpaid leaves of absence in excess of thirty (30) days shall not be credited toward the computation of an employee's seniority or determining an employee's entitlement to merit salary adjustments (step increases).

References: E.C. #45122, #45136, #45137, #45190, #45191, #45193, #45194, #45195, #45196.5, #45198, #45199, #45260, and #45261

Adopted: June 15, 1965

Amended: March 12, 1975; January 26, 1982; September 28, 1982; June 26, 1990

Reviewed: February 23, 2010

16.17.2 Unpaid Illness Leave

16.17.2.1 Six-Month Unpaid Leave; Extension

A permanent classified employee who has exhausted all available paid leave time and who continues to be absent due to illness or injury, may be granted a six-month unpaid leave of absence by the Board of Trustees and, upon the recommendation of the Director, the Board may extend such leave for additional periods of six (6) months each to a maximum of eighteen months.

16.17.2.2 Factors to be Considered

Prior to granting an unpaid illness leave, the District shall consider the following factors:

- A. the likelihood of whether or not the ill/injured employee will be able to return to work and perform the duties and responsibilities of their position at the conclusion of the leave;
- B. the length of service and work record of the employee; with more consideration being given to long-term employees with good work records;
- C. the employee's previous leave history and attendance record;
- D. the number of positions in the employee's classification; and
- E. the uniqueness of the duties performed by the employee, and the availability of substitutes to fill the position.

16.17.2.3 Right of Return

The granting of an unpaid illness/injury leave of absence shall guarantee the absent employee the right of return to their former position.

References: E.C. #45195, #45260, and #45261
Adopted: June 15, 1965
Amended: March 12, 1975; June 26, 1990
Reviewed: February 23, 2010

16.17.3 Child-Rearing Leave (Unpaid)

16.17.3.1 Granting of Leave

Following the birth of a child and the completion of the period of disability resulting there from (covered by "Pregnancy Disability Leave" -- see Personnel commission Rule #16.16.1) or adoption of a child, the affected employee may request and be granted an unpaid leave of absence for purposes of child-rearing. The granting of such leave shall be in accordance with the provisions of this section (Section #16.17.3) of the Personnel Commission Rules and Regulations.

16.17.3.2 Eligibility and Time Lines for Such Leave

A regular classified employee who is the natural or adopting parent of a child shall be entitled to receive a leave of absence for a period of time not to exceed one (1) calendar year (following the date of delivery or adoption of the child) for purposes of child-rearing.

16.17.3.3 Establishment of Beginning/Ending Dates

The employee requesting a child-rearing leave is expected to establish a beginning and ending date for the child-rearing leave with their supervisor as far in advance of the start of the child-rearing leave as possible; in order to plan for covering the vacancy with the services of a substitute.

16.17.3.4. Early Return from Approved Leave

An employee who has been granted an unpaid leave of absence for child-rearing purposes may return to work prior to completion of the scheduled leave, with the approval of the employee's supervisor and the Director, upon submission of a written request; such request must be submitted and approved at least ten (10) working days prior to the requested date of return.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: June 26, 1990
Reviewed: February 23, 2010

16.17.4 Family Care Leave (Unpaid)

All eligible employees are entitled to a family care leave for a total of up to 12 work weeks (60 work days) in any school year as set forth in state (California Family Rights Act) and federal (Family and Medical Leave Act) statutes for the following reasons: for the care of the employee's son/daughter (birth/adoption/foster care); for the care of the employee's spouse, son/daughter, or parent who has a serious health condition; for a serious health condition that makes the employee unable to perform the job duties.

16.17.4.1 Definitions (applicable to this provision)

- A. Eligible employee: Must have worked for the district for one full year, including at least 1250 hours, which includes paid leave and/or family care leave, during the previous school year. For example, six-hour per day employees having one (1) or more year of six-hour per day service meet the 1250 hour requirement.
- B. Spouse: Legal husband or wife of the employee.
- C. Son or Daughter: Biological, adopted, foster, step-child, legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or 18 years of age/older and incapable of self care because of mental/physical disability.
- D. Parent: Biological parent of an employee or an individual who acted in loco parentis to the employee when the employee was under 18 years of age.
- E. Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

16.17.4.2 Procedure

The leave requested shall be submitted to the district not less than 30 calendar days prior to the commencement of the leave, when possible. Medical verification for serious health-related leaves shall state:

- A. The date on which the serious health condition began.
- B. The probable duration of the condition.
- C. The appropriate medical facts regarding the condition, including the need for the leave.

16.17.4.3 Benefits Continuation

The district will maintain all current medical, dental, vision, and life insurance benefits.

If the employee fails to return to work, the district may recover its share of the insurance premiums paid during the period of unpaid leave unless the failure to return is caused by a serious health condition of the employee or other circumstances beyond the employee's control.

16.17.4.4 Assignment Upon Return

Employee shall be entitled to return to the same location and position as before the family care leave in accord with Section # 16.17.2.3 of these Rules and Regulations.

16.17.4.5 Special Provisions

- A. Concurrent Use of Paid Leave: When an employee is on a family care leave due to the serious health condition of the employee's spouse, son, daughter, or parent, they shall be paid full salary for the period of time equal to the balance of their family illness leave, accumulated sick leave and vacation. When an employee is on a family care leave due to the birth/adoption/foster care of the employee's son/daughter, they shall be paid full salary for that period of time equal to the balance of their family illness, personal necessity, and vacation leaves.
- B. Pregnancy/Disability Leave: At the conclusion of pregnancy/disability leave, an employee may elect to take family care leave.
- C. Both Parents Taking Family Care Leave: When spouses are both employed by the district, the family care leave is limited to an aggregate of 12 work weeks if such leave is taken for the birth/adoption/foster care of a son/daughter.

Adopted: November 18, 1992
Revised: February 23, 2010

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE XVII
WAGE AND SALARY PROVISIONS

Section 1. Determination of Salary Schedules/Pay Rates

17.1.1 Commission to Recommend Salary Schedules

The Director, Human Resources Classified shall conduct salary surveys annually or as necessary, and prepare recommendations for classified salary schedules for approval by the Personnel Commission. The proposed salary schedule(s) approved by the Personnel Commission shall be presented to the Board of Trustees for consideration. In developing proposed salary schedules and range adjustments, the following factors shall be taken into account:

- A. The principle of like pay for like work within the Classified Service.
- B. Wages and salaries paid for similar work by the following agencies:
 - (1) Anaheim City School District
 - (2) Buena Park School District
 - (3) Centralia School District
 - (4) East Whittier City School District
 - (5) Fountain Valley School District
 - (6) Fullerton School District
 - (7) Huntington Beach City School District
 - (8) La Habra School District
 - (9) Magnolia School District
 - (10) Ocean View School District
- C. In order to be used as a "bench-mark", a classification must have salary data from at least five (5) of the above-noted agencies.
- D. Ranges or wage rates that fall two and a half percent (2 1/2%) or more below the average of those paid by comparison agencies in "B" above.
- E. Such other data or information as the Personnel Commission may require.

References: E.C. Section 45256 and Section 45268
Adopted: June 15, 1965
Amended: November 27, 1990; July 21, 1992; April 25, 1995; January 2002
Revised: April 15, 2008
Reviewed: December 14, 2009

17.1.2 Board Action on Salary Schedule Recommendations

The Board of Trustees may approve, amend, or reject the salary schedule recommendations of the Personnel Commission, but shall not alter the relationships (salary range placement and percentage relationships) between and among classes established by the Personnel Commission.

References: E.C. 45256, and 45268
Adopted: June 15, 1965
Amended: November 27, 1990
Reviewed: December 14, 2009

17.1.3 Establishing Salary Schedules

The Board of Trustees shall fix the annual salaries for all classified employees and other employees not requiring certification qualifications. The fixing of annual salaries shall mean that the Board shall adopt a salary schedule or matrix with specific dollar amounts for each range and step.

The Board of Trustees shall fix the salary schedule for the school year at the time that it adopts the District's publication budget. The Board of Trustees may, at that time, include an increase in such salary schedule, all or part of which increase is conditional upon the actual receipt by the District of anticipated revenue from all sources. In the event that revenue actually received is less than the anticipated amount(s), the Board of Trustees may, at any time during the school year, reduce such salary schedule by an amount not to exceed the amount which was granted subject to the receipt of such revenues.

The Board of Trustees may increase the salary schedule for classified employees at any time during the fiscal year, and shall adopt increases and/or decreases, resulting from the classification or reclassification of positions as approved by the Personnel Commission.

Any action(s) taken by the Board of Trustees pursuant to this rule must be in compliance with the Personnel Commission's Rules and Regulations and, if impacted employees are a part of a collective bargaining unit, the Board of Trustees may be required to comply with any legal responsibility to meet and negotiate with the employees' representative organization regarding any changes to the salary schedule.

References: E.C. 45160, 45162, 45262, and 45267
Adopted: June 15, 1965
Amended: November 27, 1990
Reviewed: December 14, 2009

17.1.4 Board May Delay Adoption of Salary Schedule

In the event that the Board of Trustees is not able to adopt the salary schedule for classified employees at the time it approves the District's publication budget (see Personnel Commission Rule 17.1.3) due to collective bargaining negotiations or because a classification/ salary study is being conducted, the Board of Trustees may, prior to the adoption of the District's final budget for the year, either reserve the right to adjust salaries upon completion of the negotiation process and/or classification/salary study or adopt an interim salary schedule as provided in Education Code Section 45163.

References: E.C. 45163
Adopted: June 15, 1965
Amended: November 27, 1990
Reviewed: December 14, 2009

17.1.5 Commission to Determine Salary Range Placement(s)

Pursuant to its obligation to set reasonable and appropriate relationships between and among the District's various classifications, the Personnel Commission shall determine the salary range placement (on Board-established and/or negotiated salary schedules) for every position and classification within the Classified Service of the District.

References: E.C. 45162, 45256
Adopted: June 15, 1965
Amended: November 27, 1990
Reviewed: December 14, 2009

17.1.6 Board to Employ/Pay In Accordance With Merit System

As provided in Title 2, Division 3, Chapter 5, Article 6 (Merit System) of the State of California Education Code, the Board of Trustees shall employ, pay and control the services of classified employees only in accordance with the provisions of these Rules and Regulations.

References: E.C. 45241
Adopted: June 15, 1965
Amended: November 27, 1990
Reviewed: December 14, 2009

17.1.7 Board May Not Dismiss Employee(s) Due to Reclassification

Unless otherwise authorized by law or these Rules and Regulations, the provisions of the rules contained in this article (Article XVII) shall not be construed to permit the Board of Trustees to demote or dismiss a classified employee as the result of the reclassification of a position or class of positions.

References: E.C. 45162
Adopted: November 27, 1990
Reviewed: December 14, 2009

Section 2. Application of Salary Schedules

17.2.1 Initial Salary Placement

- A. Classified employees shall be paid in accordance with the salary range established for the classification to which assigned. Any stipend affixed to a position shall be granted to persons employed to fill such positions for each month in which the employee has served at least eleven (11) paid days.
- B. The hiring rate will normally be the first step of the salary range. However, the Board of Trustees may provide a new employee with advanced step placement, with the approval of the Personnel Commission, based upon such factors as:
 - 1. The additional skills or qualifications of the candidate that make them especially qualified for the position beyond that required for entry into the class.
 - 2. Additional education at the college level (limited to no more than one step for each two years of education related to the position), but beyond the educational requirements established for entry into the class.
 - 3. Difficulty experienced in the recruitment of candidates to meet the vacancy needs in the class.
- C. Prior to submitting a recommendation for advanced step placement to the Board of Trustees, the Director shall evaluate the qualifications of the candidate in accordance with the above-noted factors. The Personnel Commission shall accept, amend, or reject the proposed advanced step placement.
- D. A permanent part-time classified employee who is assigned a second position with a higher maximum salary rate shall be considered a promotional candidate in the second position only.

References: E.C. 45160
Adopted: June 15, 1965
Amended: March 31, 1981; November 27, 1990; June 18, 1996; January 2002
Reviewed: December 14, 2009

17.2.2 Salary Placement of Temporary Employees

Except for retired classified employees of the District, temporary, substitute and limited-term employees will normally be paid at the first step of the salary range for the classification to which assigned. Placement above the first step will be in accordance with the provisions specified in Personnel Commission Rule 17.2.1. Any stipend affixed to a position shall be granted to temporary employees for each month in which the employee has served at least eleven (11) paid days in such position(s).

Former employees of the District who have retired under the provisions of the Public Employees Retirement System (P.E.R.S.) shall be compensated pursuant to Personnel Commission Rule 7.5.1.2.

References: E.C. 45160

Adopted: June 15, 1965
Amended: October 4, 1979; November 27, 1990
Reviewed: December 14, 2009

17.2.3 Step Advancement

- 17.2.3.1 Any person employed in a regular classified position on or before the fifteenth day of any month shall be entitled to an anniversary date effective the first day of that month. Any person employed on the sixteenth through the thirty-first of any month shall be entitled to an anniversary date effective the first day of the month following employment. Except as otherwise provided by these Rules and Regulations, the anniversary date established shall not be changed for longevity increments.
- 17.2.3.2 Regardless of initial salary step placement (on the classification range to which assigned), a regular classified employee shall be entitled to a one (1) step advancement on the salary range each year in accordance with their established anniversary date, not to exceed the top step of the salary range to which assigned.
- 17.2.3.3 Classified employees will receive an annual salary increment of one step each anniversary until the maximum salary in the class is achieved. When applicable, longevity increments shall become effective on the employee's anniversary dates.
- 17.2.3.4 Classified employees must complete seventy-five-percent (75%) of the work days between anniversary dates to be eligible for an annual step increment.
- 17.2.3.5 Approved unpaid leaves of absence totaling one year or less shall not constitute a break in service. However, time spent on such leaves of absence will not be counted toward accruing either salary step increments or longevity increments. The anniversary date and/or other periods noted in this article (Article XVII) will be extended by the amounts of time spent on unpaid leaves in excess of thirty days per year.
- 17.2.3.6 Eligibility to receive longevity increments shall require continuous service as a regular employee in the Classified Service.
- "Continuous Service" shall be defined, for purposes of this rule, to include service in a paid status as a probationary or permanent employee; including approved leaves of absence for a period of time of one year or less (see Personnel Commission Rule 17.2.3.5) except as otherwise required by law.
- Reinstatement beyond one (1) year from the date of resignation, but within the thirty-nine (39) month period provided by law and/or Personnel Commission Rule shall not be considered continuous service for purposes of this rule, except that reemployment due to layoff or demotion in lieu of layoff shall be considered continuous service.
- 17.2.3.7 Regular classified employees who meet the conditions contained in these rules shall be entitled to receive the District-authorized or collectively-negotiated longevity increments as follows:

A. Confidential Employees:

- (1) An additional \$2,152 per year to be added to the monthly base pay beginning with the tenth year of service and ending with the conclusion of the fourteenth year of service.
- (2) An additional \$4,304 per year to be added to the monthly base pay beginning with the fifteenth year of service and ending with the conclusion of the nineteenth year of service.
- (3) An additional \$6,456 per year to be added to the monthly base pay beginning with the twentieth year of service and ending with the conclusion of the twenty-fourth year of service.

- (4) An additional \$8,608 per year to be added to the monthly base pay beginning with the twenty-fifth year of service and ending with the conclusion of the twenty-ninth year of service.
- (5) An additional \$10,760 per year to be added to the monthly base pay beginning with the thirtieth year of service.

B. Management Personnel:

See "A" above.

C. Unit Member/Employees:

- (1) An additional 2.5% of salary to be added to the monthly base pay beginning with the tenth year of service and ending with the conclusion of the fourteenth year of services.
- (2) An additional 5.0% of salary to be added to the monthly base pay beginning with the fifteenth year of service_and ending with the conclusion of the nineteenth year of services.
- (3) An additional 7.5% of salary to be added to the monthly base pay beginning with the twentieth year of service and ending with the conclusion of the twenty-fourth year of services.
- (4) An additional 10% of salary to be added to the monthly base pay beginning with the twenty-fifth year of service and ending with the conclusion of the twenty-ninth year of services.
- (5) An additional 12.5% of salary to be added to the monthly base pay beginning with the thirtieth year of service.

References: E.C. 45268, and G.C. 3543.2
 Adopted: June 15, 1965
 Amended: October 22, 1985; November 27, 1990; December 17, 1991; June 15, 1993; August 30, 1994; November 28, 1995; November 25, 1997; January 2002
 Revised: December 14, 2009

17.2.4 Promotional Salary Rate

In determining the salary for an employee who is promoted, the following procedure shall be used:

- A. Find the step placement on the new salary range which will provide the promoted employee with at least a four percent (4%) increase in salary, not to exceed the top step of the salary range to which assigned.
- B. In determining step placement and the minimum four percent (4%) increase noted in paragraph "A" (above), the Director is hereby authorized to consider any scheduled step increments to which the employee would otherwise have been entitled within six (6) months of promotion, and if appropriate, make any reasonable step adjustment.
- C. When computing salary for determining promotional step placement for an employee receiving shift differential or other similar compensation in accordance with Commission Rules or other established District procedures, and who will no longer receive such compensation because of the promotion, the Director shall use the employee's total compensation (including the differential) plus four percent (4%) to determine the appropriate step placement, not to exceed the top step of the salary range to which assigned.

References: E.C. 45268
 Adopted: June 15, 1965
 Amended: October 22, 1985; November 27, 1990; January 2002

Reviewed: December 14, 2009

17.2.5 Salary Placement Upon Demotion

A classified employee who selects voluntary demotion or is involuntarily demoted shall be placed on the step of the range of the lower class which is closest to the rate the employee earned in the higher class, provided that the employee shall not receive a salary increase. The demoted employee shall retain the anniversary date established in the higher class.

References: E.C. 45268 and 45298
Adopted: November 27, 1990; January 2002
Reviewed: December 14, 2009

17.2.6 Summer/Recess Period Salary Placement

A classified employee assigned to work during the summer or other recess period(s) shall receive, on a pro-rated basis, not less than the compensation and benefits which are applicable to the classification during the regular academic year.

References: E.C. 45102
Adopted: November 27, 1990
Reviewed: December 14, 2009

17.2.7 Placement When Assigned to Substitute/Temporary Position

A probationary or permanent classified employee of the District who serves in a substitute or other temporary position in a higher classification shall be compensated for working out of classification pursuant to the provisions of Personnel Commission Rule 3.2.10.

References: E.C. 45110
Adopted: June 15, 1965
Amended: October 4, 1979; November 27, 1990
Reviewed: December 14, 2009

17.2.8 Placement After Unpaid Leave of Absence

Upon return from an unpaid leave of absence, an employee shall be placed on the same step of the range which they had achieved prior to taking the leave, including any change(s) in rate or range applicable to the employee's class, except that step advancement within the range shall be granted under the following conditions:

- A. When the service credit earned prior to the unpaid leave, and after the last anniversary date increase, combined with the service credit earned after return from the unpaid leave add up to the equivalent of one (1) year service credit.

In order to comply with this rule, upon an employee's return from an unpaid leave, the Director and/or designee shall recalculate time and make any changes necessary in the employee's anniversary date

- B. Credit for step advancement shall accrue during leaves of absence for military service, to serve in limited-term positions within the District, and for any paid leaves of absence, such as illness, vacation, industrial accident/illness, etc.

References: E.C. 45309
Adopted: November 27, 1990; January 2002
Reviewed: December 14, 2009

17.2.9 Y-Rating of Incumbents

By special resolution of the Personnel Commission, the effects of any downward adjustment, relative to compensation or benefits defined as: salary (including special stipends), disability insurance, longevity, and/or vacation, may be mitigated by a policy of "Y-rating" in the following

manner:

1. The salary level of the incumbent employee affected by the downward adjustment, into a lower salary classification, would remain fixed at the level prior to the downward adjustment, or "Y-rated".
2. The employee who has been "Y-rated" would receive longevity increases, when eligible, but would not receive any general salary increases until the fixed "Y-Rated" salary or hourly rate is either matched or exceeded by the lower salary rated classification level.

The "Y-Rating" classification, including compensation and benefits, shall no longer apply when:

- A. The employee is promoted to a classification in which the salary range is equivalent to, or higher than, the fixed "Y-Rated" classification; or,
- B. The salary range or other compensation benefits for the lower rated classification level is increased to the extent that it encompasses the employee's fixed "Y-rated" salary rate. In such instance, the employee's salary rate and other compensation or benefits will be adjusted to the nearest higher amount in the lower rated classification range; or,
- C. The employee separates from the Classified Service; or,
- D. The employee refuses appointment to a higher classification which would provide the same or greater salary benefits, the "Y-rated" classification, including compensation and benefits, will revert to the lower salary classification.

References:

Adopted: November 27, 1990
Amended: October 1997; January 2002
Revised: December 14, 2009

17.2.10 Placement When Reemployed or Reinstated

When a former employee is reemployed or reinstated following a resignation, layoff, or other separation from District employment, the person so reemployed or reinstated shall be placed on the same step of the range for the class which they had achieved prior to the separation, including any change(s) in rate or range applicable to the employee's class. However, step advancement within the range shall only be granted under the following conditions:

1. When the employee's current paid service credit, following the return, combined with any service time earned prior to the separation of service and after the last anniversary date increase, equates to the equivalent of one year's service credit for purposes of step advancement.
2. Upon reemployment or reinstatement, the Director shall recalculate time and make any changes necessary in the employee's anniversary date in order to comply with this rule.

References: E.C. 45309
Adopted: November 27, 1990; January 2002
Reviewed: December 14, 2009

Section 3. Differential Pay Rules and Practices

17.3.1 "Confidential" Differential Compensation

All classified positions designated as "Confidential" by the Board of Trustees (pursuant to Government Code 3540.1) shall receive a differential compensation of fifty dollars (\$50) per month, with the exception of the Senior Executive Secretary who shall receive a differential compensation of one hundred dollars (\$100) per month.

References: E.C. 45256, 45268, and G.C. 3540.1
Adopted: November 27, 1990

Amended: August 30, 1994
Reviewed: December 14, 2009

17.3.2 Temporary Reassignment

An employee entitled to and receiving differential compensation pursuant to these Rules and Regulations shall not lose such compensation in the event that such employee is temporarily reassigned (defined as 25 working days or less) to a position which is not entitled to such compensation.

References: E.C. 45185
Adopted: November 27, 1990
Amended: January 2002
Reviewed: December 14, 2009

Section 4. Miscellaneous Compensation Rules and Practices

17.4.1 Correction of Payroll Errors

17.4.1.1 Any payroll error resulting in insufficient payment for a classified employee shall be corrected and a supplemental check issued as soon as possible after the employee provides notice to the Classified Payroll Office.

17.4.1.2 Any payroll adjustment due a classified employee as a result of recomputation of hours, or reasons other than procedural errors shall be made and a supplemental check issued as soon as possible following discovery or after the employee provides notice to the Classified Payroll Office.

References: E.C. 45167
Adopted: November 27, 1990
Reviewed: December 14, 2009

17.4.2 Mileage

Classified employees required to use their motor-vehicles in the performance of assigned duties and responsibilities, or is assigned to perform duties at two or more work sites, which require travel between them in order to perform those duties on a daily basis, shall be reimbursed for such travel pursuant to the most recently published Internal Revenue Service (I.R.S.) guidelines. However, adjustments in mileage reimbursement rates shall not be retroactive beyond the date that the federal adjustment guidelines are received by the District. Mileage computation shall normally include mileage necessary for the employee to return to their regular work site upon completion of the District's business.

Mileage reimbursements shall be payable in a separate warrant from an employee's pay warrant.

References: E.C. 44033
Adopted: November 27, 1990
Amended: May 28, 1991; March 25, 1992; January 2002
Reviewed: December 14, 2009

17.4.3 Meals and Overnight Expenses

Any classified employee who, as a result of a work-related assignment, must be lodged away from home overnight, shall be reimbursed by the District for the cost of a standard single room. Any classified employee who, as the result of a work-related assignment, incurs personal meal expenses, shall be reimbursed by the District using the following criteria:

- (1) Expenses may not exceed those established in the District Conference Guidelines
- (2) Employees will not be reimbursed for any meal, including continental breakfast, provided by the conference, and

- (3) Receipts must be attached to expense reports. The District shall reimburse a classified employee for lodging and/or meal expenses incurred as soon as possible after the employee has submitted a valid expense claim, but not later than thirty (30) days following the submission of such expense claim.

References: E.C. 44032
Adopted: November 27, 1990
Amended: January 2002
Reviewed: December 14, 2009

17.4.4 Tools and Equipment

- 17.4.4.1 The District shall provide all tools, equipment, and supplies reasonably necessary for classified employees to perform their duties and responsibilities.
- 17.4.4.2 The provisions of 17.4.4.1 notwithstanding, a classified employee may use or provide their own personal tools and equipment pursuant to this rule. When an employee wishes to utilize his/her own tools or equipment in the performance of assigned duties and responsibilities, or provide the tools and equipment for use by the District, the employee shall obtain written permission from their immediate supervisor. Prior to bringing personal tools and equipment, the employee and supervisor shall agree in writing regarding the value of the equipment or tools to be used. This agreement shall be used if reimbursement is requested in the event of loss or damage.
- 17.4.4.3 The District, when allowing employees to use personal tools and equipment, shall provide a safe place to store the tools and equipment. In addition, the District shall provide the employee with reasonable reimbursement for the loss or damage (other than normal wear and tear resulting from use) to tools and equipment which the employee has been authorized to utilize or provide for District use. In the event of theft of an employee's tools or equipment from a District facility, a police report shall be filed by the employee, and the District shall provide sufficient release time for this purpose.

References:
Adopted: November 27, 1990
Amended: January 2002
Reviewed: December 14, 2009

17.4.5 Replacing or Repairing Employees' Property

Classified employees shall be reimbursed for the repair and/or replacement of personal property which is damaged or taken as a result of a reported act of vandalism, fire, theft, or natural causes which are not the fault of the employee. Reimbursement shall be limited as follows:

- A. Reimbursement shall not be made for the value of personal labor, aesthetic, or purely personal value.
- B. Reimbursement shall be limited to items or sets of items which have an individual value of twenty-five dollars (\$25) or more.
- C. A fifty dollar (\$50) deductible clause shall be applied to each loss. However, should the fifty dollar (\$50) deductible be recovered by the District, it shall be paid to the employee.
- D. The damage or loss must occur while the item is properly secured in a building or room while housed in a District facility excluding such areas as vehicles and outside lockers. The damage or loss of the property must occur in a securable building or room.
- E. The lost or damaged property must have been properly recorded in the property card file maintained in the main office of the facility (where the lost or damaged property was located), or in the District's Business Office.
- F. The property must be or have been in the District facility for use in the educational process or

in the performance of the employee's duties and has or had been approved for use in writing by the District. The approval as to whether an employee's personal property can be brought to and/or housed in a District facility for the purposes noted will be the responsibility of the school site principal or the Assistant Superintendent, Business Services (in the case of the District's Administrative Office complex). Denial of an employee's request to bring personal property into a District facility or accepting responsibility therefore by a site administrator may be appealed to the Superintendent's Cabinet, and ultimately to the Board of Trustees. In such cases, the decision of the Board of Trustees shall be final and no other avenues of appeal, including the grievance/complaint procedure, will be available.

References:

Adopted: November 27, 1990

Amended: January 2002

Reviewed: December 14, 2009

17.4.6 Compensation for Limited-term Assignments

When a limited-term employee is continually assigned or retained in a long-term (120 or more working days) assignment or combination of assignments for which they are compensated for at least, seventy-five percent of the available work days normally assigned to positions in the classification(s) involved, such employee shall be compensated in accordance with the following:

A. Salary Compensation

The employee shall be assigned to the appropriate step on the salary range for the classification in which the majority of the duties are performed. In the event that the employee continues to work in such assignment(s) for twelve or more months, the employee will be entitled to an one step advancement on the salary range, not to exceed the top step of the salary range to which assigned. The Director, shall recalculate the employee's time and make any changes necessary in the employee's employment anniversary date in order to comply with this rule:

B. Sick Leave

1. Upon completion of six months of employment (as noted herein), the limited-term employee shall be credited with six (6) days of sick leave which may be utilized during the subsequent six-month period, or carried over as cumulative sick leave into any regular employment with the District, provided that any break in service does not exceed twelve (12) months.
2. In the event that the employee works a subsequent six-month period or periods, they shall be credited with additional sick leave increments of six (6) days upon completion of the six-month period; for use as noted above.
3. Compensation for sick days shall be in accordance with Personnel Commission Rule 16.2.4.

C. Paid Holidays

Employees shall be entitled to paid holidays in accordance with the provisions of Personnel Commission Rule 14.1.6.2.

D. Vacation Credit

1. Upon completion of six months of employment (as noted herein), the limited-term employee shall be credited with six days of earned vacation which may be used or paid to the employee at the conclusion of the limited-term employment or at the close of the fiscal year in which they are earned, whichever occurs first.

Additional six day increments shall be credited for each six-month period worked thereafter.

2. Compensation for vacation days shall be in accordance with Personnel Commission Rule 15.1.2.

E. Health Insurance

The District shall provide a limited-term employee with District-paid health benefits following the time that certain conditions have been met as follows:

1. the employee has completed a full six consecutive months in full-time employment (as noted above), and is expected to continue in such employment for at least an additional four-month period;
2. enrollment and maintenance in such programs shall be in accordance with the requirements and limitations specified for participation by a regular full-time classified employee in similar circumstances.

References: E.C. 45286 and 45298
Adopted: July 25, 1995
Amended: January 2002
Reviewed: December 14, 2009

Westminster School District
Personnel Rules and Regulations

ARTICLE XVIII
GRIEVANCE/COMPLAINT PROCEDURES

Section 1. Procedure for Adjusting Grievances/Complaints

18.1.1 Purpose of the Grievance/Complaint Procedure

The purpose of Article XVIII is to establish an orderly process through which classified employees may receive timely consideration of their grievances/complaints. Although specific steps and time limits are set forth in these procedures, it is recognized that the settlement of grievances/complaints may require that these procedures be altered to meet certain situations. However, it is also the intent of this article to emphasize the need for employee grievances/complaints to be submitted through established channels, and for resolution at the lowest possible level in the chain of command. Employees may utilize the provisions of this article of the Rules and Regulations to seek adjustment of grievances/complaints arising in the following areas:

- A. Established Commission Rules and Regulations
- B. Established Board Policies
- C. Administrative Procedures
- D. Established provisions of the Education Code
- E. Complaints against District employees

References:

Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.2 Matters Excluded from These Procedures

The following subjects and matters are not covered by this grievance/complaint procedure:

- 18.1.2.1 An alleged violation of any specific provision of a collective bargaining agreement. Such allegations shall be adjudicated through the provisions contained in the collective bargaining agreement.
- 18.1.2.2 An alleged violation of the disciplinary action section (Article XIX) of these Rules and Regulations. In the event that a formal disciplinary action has been initiated, all matters relative to such action shall be adjudicated through the disciplinary action appeal process (See Article 19.6.1 et seq).
- 18.1.2.3 Complaints about the subject matter contained in a rule, regulation, policy, law, or administrative procedure. Any employee with such a complaint should direct their concerns and suggestions for change through administrative channels to the responsible authority.

References: G.C. #3540, #3543, #3543.1, #3543.2, #3543.4, #3548.5, #3548.6, #3548.7, and #3548.8
Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.3 Adjudicating Body Determined by Subject Matter

The subject matter of a particular grievance or complaint will determine whether it will be submitted to the Board of Trustees or the Personnel Commission for a final determination or decision.

Generally, grievances or complaints dealing with established Board policies and administrative procedures will be adjudicated by the Board of Trustees, and those dealing with established Commission Rules and Regulations and/or interpretations of the Education Code will be handled by the Personnel Commission. In the event that there is any question regarding which official body (Board of Trustees or Personnel Commission) is to hear the grievance or complaint, the Human Resources Classified, Director will make the decision regarding which official body (Board or Commission) is to review the employee's appeal.

References: G.C. #3540, #3543, #3543.1, #3543.2, #3543.4, #3548.5, #3548.6, #3548.7, and #3548.8
Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.4 Commission Staff Assistance

At any stage in the procedure, the services of the Personnel Commission's staff will be available to all parties to provide requested information and to assist in the settlement of problems.

References:
Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.5 Approval of Director

In the event that any settlement of a grievance or complaint is reached without the participation of the Director or the Personnel Commission, such settlement shall not be finalized until such time as the Director has been presented with all necessary information, copies of all communications submitted relative to the case, the basis of the proposed settlement, and an opportunity to provide written comments thereon. All grievance/complaint settlements not appealed to the Personnel Commission must have the approval of the Director in the event that they involve:

- A. the application or interpretation of a Personnel Commission rule or regulation;
- B. a Personnel Commission administrative procedure;
- C. an employee of the Personnel Commission;
- D. any alleged violation of the Education Code; or
- E. any matter touching upon the authority or responsibilities of the Personnel Commission or, the application of merit system laws and procedures.

References:
Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.6 Grievance/Complaint Time Limits Considered Maximums

It is important that employee grievances/complaints be resolved as quickly as possible. Therefore, the times indicated at each level of the grievance/complaint process shall be considered as maximums. However, time limits may be extended (beyond the maximums) by mutual agreement of the parties to the grievance/complaint.

References:
Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.7 Grievance/Complaint to be Filed Within 20 Working Days

Unless otherwise specified in these Rules and Regulations, a grievance or complaint must be filed at step one of the grievance/complaint procedure within twenty (20) working days of the date that the grieving/complaining employee knew or should have known of the act or omission giving rise to the grievance/complaint.

References:

Adopted: July 24, 1990

Reviewed: December 14, 2010

18.1.8 Grievant/Complainant Defined

A grievant/complainant is a person or organization having a right to file a grievance or complaint under the provisions of Section 18.1.1 of these rules and regulations. Such right is extended to an employee or employees, an applicant or candidate for employment, and any recognized (for purposes of classified employee representation) employee organization.

References: E.C. #45260, #45261, and G.C. #3540, #3543, #3543.1, #3543.2, #3543.4, #3548.5, #3548.6, #3548.7, and #3548.8

Adopted: July 24, 1990

Reviewed: December 14, 2010

18.1.9 Representational Rights

Any person or persons having a right to file a grievance or complaint in accordance with these procedures (See Personnel Commission Rule #18.1.8) has the option to be assisted or represented by someone of their choosing at any stage of the grievance/complaint process.

References: G.C. #3540, #3543, #3543.1, #3543.2, #3543.4, #3548.5, #3548.6, #3548.7, and #3548.8

Adopted: June 15, 1965

Amended: July 24, 1990

Reviewed: December 14, 2010

18.1.10 No Reprisals for Filing Grievances/Complaints

No reprisals of any kind shall be taken by the District against a grievant/complainant or any representative/ consultant of the grievant/complainant for having filed a grievance/complaint or for participation in the grievance/complaint procedure.

References: G.C. #3540, #3543, #3543.1, #3543.2, #3543.4, #3548.5, #3548.6, #3548.7, and #3548.8

Adopted: July 24, 1990

Reviewed: December 14, 2010

18.1.11 Reasonable Release Time

The grievant/complainant and/or their representative/ consultant, if employed by the District, shall be provided reasonable release time, without loss of compensation, to attend grievance/complaint conferences or hearings.

References: G.C. #3540, #3543, #3543.1, #3543.2, #3543.4, #3548.5, #3548.6, #3548.7, and #3548.8

Adopted: June 15, 1965

Amended: July 24, 1990

Reviewed: December 14, 2010

18.1.12 Maintenance of Grievance/Complaint Files

All records pertaining to grievances/complaints shall be maintained in the Personnel Commission office. Such records shall be maintained separate and apart from any other employment or personnel records relative to the grievant/complainant and/or their representative/ consultant.

References:

Adopted: July 24, 1990
Reviewed: December 14, 2010

18.1.13 Level One: Informal Conference

The grievant/complainant shall meet with the immediate supervisor or the administrator, in an attempt to resolve the problem informally. The supervisor or administrator shall attempt to hold a conference with the grievant/complainant within two (2) working days of receipt of the request from the grievant/complainant. In making a decision, the supervisor or administrator shall consider the concerns and factual information, as well as any pertinent rules and regulations. Such decision shall be communicated to the grievant/ complainant with supporting reasons for the decision within five (5) working days following the informal conference.

References:

Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.14 Level Two: Formal Written Grievance/Complaint

In the event that a satisfactory resolution of the problem is not reached at "Level One" and the grievant/ complainant elects to pursue the matter, the grievance/complaint must be submitted in writing to the supervisor or administrator (See 18.1.13) within ten (10) working days following completion of the informal conference.

The written grievance/complaint shall be a clear, concise statement of the grievance/complaint, including the rule, regulation, policy or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level correspondence between the parties), and a statement of the specific remedy being sought. The supervisor or administrator shall hold a conference with all interested parties to the matter within five (5) working days of receipt of the grievance/complaint, and shall submit a written response within ten (10) working days following such conference.

References:

Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

18.1.15 Level Three: Department or Site Administrator

In the event that the grievance/complaint is not satisfactorily resolved at "Level Two" or if the supervisor/administrator fails to respond during the ten (10) working days time limit, the grievance/complaint may be submitted in writing to the appropriate highest level administrator in the department/site chain of authority within ten (10) working days of receipt of the "Level Two" decision or expiration of the "Level Two" ten (10) working days response time limit, whichever comes first.

The written grievance/complaint shall be a clear, concise statement of the grievance/complaint, including reference to the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level correspondence between the parties), the reasons why the "Level Two" response was not considered satisfactory, and a statement of the remedy being sought.

The administrator shall hold a conference with all interested parties regarding the grievance/complaint within five (5) working days following receipt of the written grievance/complaint, and shall submit a written response within ten (10) working days following such conference.

References:

Adopted: June 15, 1965
Amended: July 24, 1990

Reviewed: December 14, 2010

18.1.16 Level Four: Superintendent/Human Resources, Classified Director

As a general rule, appeals from "Level Three" which are based upon Board policies and administrative procedures will be submitted to the District Superintendent or designee for adjudication, and those involving Commission Rules and Regulations and/or the Education Code will be submitted to the Director for adjudication.

In the event that a grievance/complaint is not satisfactorily resolved at "Level Three" or if the administrator fails to respond during the ten (10) working day time limit, the grievant/complainant may pursue the matter by submitting a written appeal to the Director within ten (10) working days of receipt of the "Level Three" decision or the expiration of the "Level Three" ten (10) working day response time limit, whichever comes first. The Director shall make the determination regarding the appropriateness of hearing the appeal or referring the matter to the Superintendent or designee for adjudication.

The grievance/complaint appeal shall contain a clear, concise statement of the grievance/complaint, including reference to the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level correspondence between the parties), the reasons why the "Level Three" response was not considered satisfactory, and a statement of the remedy being sought.

As appropriate, the Superintendent or designee, or the Director, shall hold a conference with all interested parties regarding the grievance/complaint within ten (10) working days of receipt of the appeal, and shall submit a written response within ten (10) working days following such conference.

References:

Adopted: June 15, 1965

Amended: July 24, 1990

Reviewed: December 14, 2010

18.1.17 Level Five: Board/Commission

As noted in Personnel Commission Rule 18.1.3, as a general rule, appeals from "Level Four" which are based on Board policies and administrative procedures will be submitted to the Board of Trustees, and those involving Commission Rules and Regulations and/or the Education Code will be submitted to the Personnel Commission for final adjudication.

In the event that a grievance/complaint is not satisfactorily resolved at "Level Four" or if the Superintendent or Director fails to respond in a timely fashion within the ten (10) working day time limit, the grievant/complainant may pursue the matter by submitting a written appeal to the Director within ten (10) working days of receipt of the "Level Four" decision or the expiration of the "Level Four" ten (10) working day response time limit, whichever comes first. The Director shall make the determination regarding the appropriateness of submitting the appeal to the Board of Trustees or the Personnel Commission for final adjudication.

The grievance/complaint appeal shall contain a clear, concise statement of the grievance/complaint, including reference to the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation (including previous level correspondence between the parties), the reasons why the "Level Four" response was not considered satisfactory, and a statement of the remedy being sought.

Whenever a grievance/complaint appeal is timely filed following completion of "Level Four," the appropriate official body (Board or Commission) shall hold a grievance/complaint hearing to hear witnesses, take evidence, and permit the submission of oral and written arguments in the case. Such hearing shall be held in "closed session" if the subject matter or nature of the case meets the "closed session" requirements of "The Brown Act." Otherwise, the matter will be heard in "open session." The deliberations of the Board or Commission that are necessary to make a final decision and ruling shall be held in closed session. Within thirty (30) working days following receipt of the record, the official body hearing the case shall render a decision on the matter. The decision of the

official body shall be final and binding on all parties.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: July 24, 1990
Reviewed: December 14, 2010

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE XIX DISCIPLINARY ACTIONS AND APPEALS

Section 1 General Provisions

19.1.1 Disciplinary Action Pursuant Only To This Rule

A regular classified employee shall be subject to disciplinary action only for cause as prescribed by the rules and regulations contained in this Article (Article XIX), and only pursuant to the procedures contained herein.

References: E.C. #45260, #45261, and #45302
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010; April 30, 2019

19.1.2 Definition of Discipline

Disciplinary action includes any action whereby a regular permanent classified employee is deprived of a classification or any rights incident to a classification, including dismissal, suspension, demotion, or involuntary reassignment for punitive reasons, except as a result of layoff for lack of work or lack of funds. This Article does not apply to Involuntary Transfers made pursuant to the collective bargaining agreement.

References: E.C. #45260 and #45261
Adopted: September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.1.3.1 Time Limits on Disciplinary Action

No disciplinary action shall be taken against an employee for any cause which arose prior to the employee's attaining permanent status, nor for any cause which arose more than two (2) years prior to the date of the "Notice of Proposed Disciplinary Action" unless such cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

References: E.C. #45260, #45261 and Rules and Regulations Article 9.3.1.2 and 9.3.1.3
Adopted: September 25, 1990
Reviewed: April 27, 2010; April 30, 2019

19.1.4 Prohibited Acts Relative to Discipline

No employee shall be suspended, demoted, dismissed, or subjected to any other form of disciplinary action because of the employee's race, color, national origin, marital status, mental and/or physical disability, sexual orientation, ancestry, employee organization membership or non-membership and legal activities related thereto, medical condition, or religious or political affiliations, beliefs, or acts; except as legally provided in Personnel Commission Rule 19.1.5.

References: E.C. #45260, #45261, and G.C. #12926
Adopted: September 25, 1990
Revised: April 27, 2010; April 30, 2019

19.1.5 Causes for Disciplinary Action

The District may institute disciplinary procedures against a classified employee for any or all of the following grounds for disciplinary action:

A. Incompetency: a pattern of below standard work performance.

- B. Inefficiency: the continuing inability or unwillingness to perform the regularly assigned duties and responsibilities of the position.
- C. Insubordination: knowingly refusing to perform lawful and reasonably assigned duties or refusing to perform those duties in accordance with established or prescribed procedures; challenging, resisting, defying or demonstrating contempt toward a designated supervisor or other school district official having authority to issue directions and instructions to the employee by the nature of their position.
- D. Inattention to or Dereliction of Duty: a pattern of continued neglect or dereliction in the performance of assigned duties and responsibilities.
- E. Willful and persistent violation of the provisions of the Education Code, of the established Rules and Regulations, Collective Bargaining Agreement or procedures adopted by the District or a department when such procedures are made known to the employee in writing.
- F. Knowingly falsifying or withholding any material information supplied to the District; including, but not limited to, information supplied on application forms and other employment records.
- G. Possession of any alcoholic beverage or alcoholic beverage container on District property, drinking of any alcoholic beverage on District property or during work hours, or being intoxicated while on duty. "On District property" shall also include District vehicles.
- H. The possession or use while on duty of illegal mind-altering or restricted substances or drugs, or being under the influence while on duty of such substances, except for those prescribed by and taken in accordance with the directions of a state-licensed physician.
- I. Being arrested, formally charged and convicted of a narcotics offense as defined in Education Code #44011. Conviction of such offense shall result in dismissal.
- J. Being arrested, formally charged and convicted of a sex offense as defined in Education Code #44010. Conviction of such offense shall result in dismissal.
- K. Engaging in political activities during assigned working hours. "Engaging in political activities" shall be defined to include door-to-door campaigning, placing campaign literature in/on vehicles in district facilities, parking lots, or adjacent streets, telephone solicitations or contacts, use of district time or materials for reproduction of campaign literature, distribution of campaign literature or materials, engaging fellow employees, students, or others in a discussion or debate regarding any candidate for public office or ballot measure. "During assigned work hours" shall be defined to include any and all time an employee is scheduled to be at his/her work site and/or engaged in school district business and for which the employee is compensated by the District.
- L. Conviction of a crime involving moral turpitude.
- M. Threatening or carrying out a physical attack or assault upon a student, a member of the public, another District employee, or a District official, except in self-defense (as supported by facts and other information submitted) while on duty.
- N. Discourteous, disrespectful, offensive, or abusive conduct or language toward a pupil, a member of the public, another District employee, or a District official.
- O. Repeated unexcused absence or tardiness, abuse of leave privileges or absence without notification.
- P. Abandonment of Position: Absence of three or more consecutive working days without notification or permission, or failure to provide the District with a valid or acceptable reason for such absence.
- Q. Failure to return to work or to notify the District within three working days following completion of an authorized leave of absence; except in the case of emergency.
- R. The uninsurability of an employee to drive a District vehicle, as determined by the District's

insurance carrier, when such is an established requirement of the employee's position. Upon notification or confirmation by the District's insurance carrier, discipline under this section shall be handled in the following manner:

- (1) The District shall attempt to reassign the employee within the same class, or to a vacant position in a related class for which the employee is qualified and eligible (with the approval of the Personnel Commission) not requiring the operation of a motor vehicle.
 - (2) If a reassignment cannot be effectuated, the employee may be demoted in accordance with these Rules and Regulations.
 - (3) If a position to which the employee can be demoted does not exist, the employee may be dismissed in accordance with these Rules and Regulations.
- S. The suspension or revocation of an employee's driver's license (resulting from a violation of a local, state, or federal law) when such license is an established requirement of the employee's position.
- T. Dishonesty, theft, willful misuse of District time, funds, or equipment for personal gain, willful destruction or mishandling of District property.
- U. Discrimination or harassment of another based on race, religion, sex, color, national origin, ancestry, disability, sexual orientation, marital status, age, or other characteristic protected by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical contact of a sexual nature made by someone from or in the work setting.
- V. The offering of anything of value, or the offering of any service, in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- W. Conviction of a felony or serious crime or a record of one or more convictions which indicate that the person is unsuited or unfit for the particular job which the employee has with the District. A plea, verdict, or finding of guilty, or a conviction following a plea of "nolo contendere" is to be deemed a conviction within the meaning of these Rules and Regulations.
- X. The failure to obey or comply with a subpoena issued by the Board of Trustees or Personnel Commission to furnish testimony or documents in connection with a hearing or investigation conducted by the Board of Trustees or the Personnel Commission.

References: E.C. #212.5, #230, #44010, #44011, #45260, #45261, #45302, #45303, #45304
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990; August 24, 1992; August 27, 1996
Reviewed: April 27, 2010; April 30, 2019

19.1.6 Progressive Discipline

In situations where progressive discipline is warranted, an employee whose work performance or conduct is of such character as to incur discipline shall be disciplined using the principles of progressive discipline. Progressive discipline typically includes: counseling, oral warning, written warning, suspension, demotion, and discharge. A written warning may state the rule violated, the acts or omissions in violation, a recommended performance improvement plan developed in conjunction with the employee, and a reasonable time period during which the employee's performance will be reviewed for improvement or attainment of goals. The discipline used shall be appropriate to the cause for the discipline. Each situation should be individually evaluated and, when warranted, any step or steps of progressive discipline may be bypassed and discipline up to and including immediate dismissal recommended for instances of serious misconduct or violations determined to be willful or egregious in nature.

References: E.C. #45260 and #45261
Adopted: September 25, 1990

Amended: July 24, 1992
Reviewed: April 27, 2010
Revised: April 30, 2019

19.1.7 Immediate Suspension without Pay

- A. With the concurrence of the Superintendent and the Director, as to the seriousness of the offense or situation involving a classified employee, an administrator or supervisor may suspend the subordinate employee for a period of one (1) to five (5) working days without pay, pending action by the Board of Trustees, for reasons of:
- (1) Insubordination.
 - (2) Theft, falsification of District records, or other dishonesty.
 - (3) Possession of any alcoholic beverage in a District-owned or operated vehicle or in or on other District property.
 - (4) Under the influence of alcohol, an illegal mind-altering drug, or other controlled substance during working hours.
 - (5) Carrying out a physical attack or an unprovoked verbal assault upon a pupil, a member of the public, another District employee, or a District official while on duty.
 - (6) The employee's continued presence at work poses a clear and present danger to the well-being of students, fellow workers or District property.
- B. An employee may be immediately suspended without pay if charged with the commission of any sex or narcotics offense referred to in Education Code Sections #44010 and #44011, and the suspension shall continue for not more than ten days following the date of entry of the court judgment. Any employee so suspended shall continue to be paid their regular salary during the period of suspension if the employee furnishes the District with a suitable bond, or other security acceptable to the Board of Trustees, as a guarantee that the employee will repay to the District the amount of salary paid to him/her during the period of suspension if the employee is convicted of the charges, or the employee does not return to service after the period of suspension. Should the judgment rendered in the case be that the employee is not guilty of such charges, or if the complaint, information, or indictment is dismissed, the District shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish the necessary bond, the District shall pay to the employee their full amount of compensation for the period of suspension, provided the employee returns to service with the District after the period of suspension. If the charges against the employee are dismissed as a result of the employee's successful completion of a drug diversion program, upon the employee's return to service in the District, the District, at the employee's election, shall pay to the employee any accrued leave and differential pay (i.e., the difference between the employee's regular compensation and the amount paid, or that would have been paid, to a substitute) for up to the length of the employee's compulsory leave of absence.

References: E.C. #44010, #44011, #44940.5, #45260, #45261, #45302, #45303, #45304
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990; January 19, 1993
Revised: April 27, 2010; April 30, 2019

19.1.8 Immediate Suspension with Pay

Except as provided in Personnel Commission Rule #19.1.7, any suspension of a classified employee by an administrator or supervisor, pending action by the Board of Trustees, shall be with pay. The District may terminate the paid suspension, or take action to suspend without pay (in accordance with these Rules and Regulations) as warranted.

References: E.C. #45260 and #45261
Adopted: June 15, 1965

Amended: November 25, 1975; April 27, 1976; September 25, 1990; January 19, 1993
Reviewed: April 27, 2010; April 30, 2019

19.1.9 Dismissal of Probationary/Substitute/Limited-Term/Provisional Employees

A probationary, substitute, limited-term, provisional or other non-permanent employee may be terminated at any time during their assignment without regard to the procedures in this Article.

References: E.C. #45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.1.10 Permanent Employee in Probationary Promotional Position

A permanent classified employee who is promoted to a higher class may be returned during the probationary period to his or her former class. A permanent employee who has not completed the requisite probationary period for the class to which promoted, and who is involuntarily demoted to a position in the former class, does not have appeal rights pursuant to this Rule unless such demotion would result in the employee's separation from the classified service. In that event, the employee may appeal his/her separation from the classified service, but not the failure to complete probation in the class to which the employee was promoted.

References: E.C. #45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.1.11 Burden of Proof in Disciplinary Matters

In instituting a disciplinary action, the burden of proof as to the sufficiency of the cause shall rest with the District in any and all procedures and hearings conducted in accordance with these Rules and Regulations, and any rule, regulation, policy, practice, or procedure to the contrary shall be null and void. If the employee alleges the disciplinary action is based on unlawful discrimination or retaliation, the employee bears the burden of proving such unlawful conduct occurred, to the satisfaction of the Commission or hearing officer.

References: E.C. #45260 and #45261
Adopted: September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.1.12 Health Benefits Maintained Until Appeal Concluded

The Personnel Commission finds and declares that, if the Commission modifies or overturns a disciplinary action taken, the potential cost to the District for reimbursing a classified employee for health benefits expenditures not covered by health insurance lost as a direct result of the disciplinary action could be enormous, and a detriment to the employee receiving a just verdict because of the resulting liability to the District. Therefore, a classified employee who is subject to a disciplinary action (as provided in these Rules and Regulations), who is receiving health insurance coverage and would otherwise lose those benefits, shall continue to receive such coverage until the time lines for filing an appeal have passed or, if the employee files a timely appeal, until all appeal processes contained in these Rules and Regulations have been exhausted.

References: E.C. #45260 and #45261
Adopted: September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.1.13 Notices to be in Writing and Served on Employee

Unless otherwise specified, all notices referred to in this Article shall be presented to the employee in writing and served on the employee in person or by certified mail ("Return Receipt Requested"). This requirement is deemed to have been met if the notice is sent certified mail to the last known address on file in the Personnel Commission office. The employee's failure to retrieve delivered mail or respond to notifications by the United States Postal Service of attempted delivery does not void notification, or stay any of the timelines specified in these Rules. The employee is responsible for keeping the District informed of their current home address. For purposes of this rule, the second working day following the postmark date of mailed notices is considered the official date of receipt.

Section 2 Notice of Proposed Disciplinary Action

19.2.1 No Disciplinary Action to Be Taken without Notice

No regular classified employee may be subject to disciplinary action until such employee has received a "Notice of Proposed Disciplinary Action," and has been afforded an opportunity to respond to the charges. Action taken in accordance with Personnel Commission Rule #19.1.7(B) and #19.1.8 shall constitute an exception to this rule.

References: E.C.#45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.2.2 Contents of "Notice of Proposed Disciplinary Action"

The "Notice of Proposed Disciplinary Action," which is the notification that disciplinary action will be recommended to the Board of Trustees, shall contain statements in ordinary and concise language regarding:

- A. The nature of the proposed action (suspension, demotion, dismissal, etc.);
- B. The specific causes for the disciplinary action, and the specific rules or procedures that the employee is accused of violating;
- C. The specific charges; including times, dates, location(s), and a description of the chargeable actions or omissions;
- D. The proposed effective date(s) of the disciplinary action;
- E. The employee's right to see and obtain copies of all evidence and documentation used by the District to support its disciplinary action(s);
- F. The employee's right to representation;
- G. The employee's right to respond to the charges in a preliminary "Skelly" conference with the Superintendent or designee by filing a request within five working days of service of the notice, and the right to have such a conference within the time lines specified in these Rules and Regulations;
- H. Unless suspended in accordance with Personnel Commission Rule #19.1.7 or #19.1.8, the employee's right to a reasonable amount of time off with pay to respond to the charges; and
- I. The employee's right to respond to charges in writing in lieu of attending a Skelly conference.

References: E.C.#45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.2.3 Notice Must Use Readily Understood Language

The charges outlined in the “Notice of Proposed Disciplinary Action” must be written clearly to inform the employee in readily understood language of the complaint(s) and charge(s) against him or her, and to reasonably permit the employee to respond to them. A “Notice of Proposed Disciplinary Action” stating one or more causes or grounds for disciplinary action established by any rule, regulation, or statute solely in the language of the rule, regulation, or statute shall be insufficient for such purpose.

References: E.C. #45260, #45261
Adopted: September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.2.4 Response Form Must Accompany Disciplinary Notice

An employee response form must accompany the “Notice of Proposed Disciplinary Action,” for the employee’s use in requesting a Skelly conference. The employee’s signing and filing of the completed response form shall constitute a demand for a Skelly conference and a denial of all charges. The response form must be submitted to the Personnel Commission office no later than the date and time noted in the “Notice of Proposed Disciplinary Action.”

References: E.C. #45260 and #45261
Adopted: September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.2.5 Notice of Disciplinary Action to Director

A copy of the “Notice of Proposed Disciplinary Action” shall be submitted to the Director who shall be responsible for ensuring that such notice is delivered to the employee as provided in Personnel Commission Rule #19.1.13.

References: E.C. #45260 and #45261
Adopted: September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

Section 3 Preliminary (Skelly) Conference

19.3.1 Action if a Skelly Conference Request Is Not Filed

If an employee recommended for disciplinary action does not submit a request for a Skelly conference or a written response to the charges within five working days following receipt of the Notice of Proposed Disciplinary Action, the Superintendent may recommend to the Board of Trustees that the proposed disciplinary action be approved. The Superintendent shall not recommend imposition of a penalty or disciplinary action more severe than that noted in the “Notice of Proposed Disciplinary Action.” The Board may then accept, reject, or amend the recommended disciplinary action. However, the Board of Trustees shall not impose a penalty or disciplinary action which is more severe than the one recommended by the Superintendent.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.3.2 Preliminary Skelly Conference with Superintendent or Designee

If the employee submits a request within five working days following receipt of the notice, the employee shall be afforded a Skelly conference with the Superintendent or designee, and the effective date of

the proposed disciplinary action shall be stayed pending the outcome of the Skelly conference. The Skelly conference shall be held within ten working days of the Personnel Commission office's receipt of the employee's written request, and prior to a recommendation being submitted to the Board of Trustees for action.

References: E.C. #45260 and #45621
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.3.3 Employee Hearing Notification

The Director shall notify the Superintendent whether the employee has filed a timely request for a Skelly conference.

If a timely request has been filed, the Director shall coordinate the scheduling of a Skelly conference with the Superintendent or designee, and shall notify the employee in writing of the time, date, and location of the conference. Notification of the conference shall be served on the employee pursuant to Rule #19.1.13.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.3.4 Employee to Be Afforded Opportunity to Respond to Charges

The Superintendent or designee shall afford the employee who is to be disciplined an opportunity to respond to all charges to the extent the employee wishes to do so.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.3.5 Right to Representation

The employee shall, at the employee's option and at the employee's own expense, have the right to representation of their choosing during the Skelly conference and at all further stages of the disciplinary action.

If employee files a request for a preliminary hearing, such employee shall be present during the scheduled hearing; with or without a designated representative. Should the employee fail to appear (for such hearing) on their own behalf, the employee shall be deemed to have forfeited their rights to any further appeal, and the Superintendent may submit their recommendation to the Board of Trustees for action.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.3.6 Superintendent's Designee

In the event that the Superintendent is unable or unwilling to conduct the preliminary appeal hearing, they may designate another District administrator to conduct such hearing; provided that the designee has the authorization and/or authority to accept, reject or modify the proposed disciplinary

action. The person so designated must not have been a party to the proposed disciplinary action as either the initiating supervisor or as a supporting witness in the matter.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.3.7 Skelly Decision

19.3.7.1 If during the Skelly conference, the Superintendent or designee and the employee agree to an alternative to the proposed disciplinary action, the alternative course of action shall be reduced to writing and a copy shall be forwarded to the Director for input.

19.3.7.2 Within five working days, the Superintendent shall issue a written decision or recommendation relative to the matter. The decision or recommendation shall be submitted to the Director who is responsible for notifying the employee pursuant to Rule #19.1.13 of the Skelly decision.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

Section 4. Action by the Board of Trustees

19.4.1 Recommendation to the Board of Trustees

Following the Skelly conference or review of the employee's written response, if the decision of the Superintendent or designee is to continue or modify the proposed disciplinary action, the Superintendent recommends the action to the Board of Trustees.

References: E.C. #45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.4.2 Notification of Skelly Decision

Following the Skelly conference, the Superintendent or designee shall notify the Director of the decision or recommendation relative to the proposed disciplinary action. The Director shall then notify the affected employee of the decision or recommendation in writing pursuant to Rule #19.1.13. The notification shall include:

- A. a true copy of the Superintendent's or designee's written decision;
- B. the nature of the discipline proposed or recommended;
- C. the proposed effective date(s) of the disciplinary action;
- D. a statement in clear, ordinary and concise language as to any changes or amendments to the "Notice of Proposed Disciplinary Action" previously submitted; and
- E. the date on which the Board of Trustees will consider the recommended disciplinary action, and the employee's right to have the matter heard in public session.

References: E.C. #45260, #45261 G.C. #54957
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990

Reviewed: April 27, 2010
Revised: April 30, 2019

19.4.3 Action by the Board of Trustees

The employee may attend the meeting of the Board of Trustees, with or without a representative, and may address the Board briefly in closed session before the Board renders a decision. If the employee exercises the right to have the matter heard in public session, the employee or representative may address the Board in public session. The Board may nonetheless deliberate and act on the matter in closed session.

If the employee does not attend the meeting of the Board of Trustees or does not address the Board, the employee forfeits any right to address the Board on the matter of the disciplinary action, and the Board may proceed to act on the disciplinary action recommendation of the Superintendent or designee.

References: E.C. #45260 and #45261, G.C. #54957
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.4.4 Board Decision

The Board of Trustees shall issue a written decision within 15 calendar days following the meeting during which the recommendation is made. The Board of Trustees may approve, amend, or reject the proposed disciplinary action or impose such other penalty or disciplinary action as it deems appropriate. However, the Board of Trustees shall not impose a penalty or disciplinary action that is more severe than the one recommended by the Superintendent. In the event that the Board approves the proposed disciplinary action or imposes some other penalty or disciplinary action, the Board shall include the effective date of such action in its written decision. However, the effective date shall not be earlier than the first working day following the date of the meeting at which the Board's action was taken. A copy of the Board's decision shall be submitted to the Personnel Commission Office within five working days following the action of the Board of Trustees. The Board's decision shall be implemented on the effective date specified by the Board.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990; December 17, 1996
Reviewed: April 27, 2010
Revised: April 30, 2019

Section 5. Hearings Before the Personnel Commission

19.5.1 Appeal to the Personnel Commission

Following the Board of Trustees decision to impose disciplinary action, the affected employee may appeal the disciplinary action to the Personnel Commission as provided in these Rules and Regulations.

References: E.C. #45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.2 Notification by Director

The Director shall notify the employee of the Board's decision in writing within five working days following receipt of the Board's decision. If the decision of the Board is to impose disciplinary action, the Director's notice to the employee shall be in the form of a "Notice of Disciplinary Action." The

Director's notice shall be served on the employee pursuant to Rule #19.1.13.

References: E.C. #45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.3 Contents of "Notice of Disciplinary Action"

The "Notice of Disciplinary Action," which is the employee's notification that a disciplinary action has been approved by the Board of Trustees, shall be served on the employee pursuant to Rule #19.1.13 and shall include, in ordinary and concise language:

- A. The disciplinary action being imposed (suspension, demotion, dismissal, etc.);
- B. the specific causes and sections of these Rules and Regulations the employee is alleged to have violated, and upon which the disciplinary action is based and the specific charges against the employee, which may be stated by reference to the initial Notice of Proposed Disciplinary Action, or a copy thereof, with any changes made by the Board of Trustees;
- C. the effective date(s) of the disciplinary action;
- D. employee's right to appeal the disciplinary action by filing a written appeal in the Personnel Commission Office within ten working days following receipt of the "Notice of Disciplinary Action";
- E. a notice that the Commission may sustain, reject, or modify the imposed disciplinary action, but may not impose a penalty or disciplinary action which is more severe than that imposed by the Board of Trustees;
- F. the employee's rights to representation;
- G. the employee's right to a reasonable amount of time off with pay without disruption of normal services to respond to the charges and prepare their case, provided that the employee is in a paid status with the District at the time of appeal;
- H. the employee's right to request the Commission to subpoena witnesses or secure other material evidence.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.4 Appeal Form Must Accompany Disciplinary Notice

An appeal form must accompany the "Notice of Disciplinary Action," the signing and filing of which shall constitute a demand for hearing and a denial of all charges. The appeal form must be submitted to the Personnel Commission Office by the deadline noted in the "Notice of Disciplinary Action." In filing an appeal, the employee must include their current mailing and residence address at which the employee can be contacted. The appeal form should also contain the name of the employee's legal counsel or representative (if known at the time of the appeal) and an address, telephone number, and email address where the person can be contacted. In filing an appeal, the appellant/employee shall list the basis or reasons for the appeal; which are limited to the following:

- A. That the procedures set forth in these Rules and Regulations have not been followed.
- B. That the disciplinary action was taken because of the employee's affiliations, race, color, national origin, age, marital status, sex, mental and/or physical disability, sexual orientation, ancestry, employee organization membership or non-membership and legal activities related thereto, medical condition, religious or political beliefs or acts, except as provided in

Personnel Commission Rule #19.1.5.

- C. That there has been an abuse of discretion on the part of the District.
- D. That the action was not in accordance with the facts.
- E. That the penalty imposed by the District was excessive.

References: E.C. #45260, #45261, and G.C. #12926
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Revised: April 27, 2010
Revised: April 30, 2019

19.5.5 Action If Appeal Is Not Filed

If the disciplined employee fails to appeal in a timely manner, the action of the Board of Trustees shall be final and conclusive, and no further appeal rights shall be available or allowed.

References: E.C. #45260, #45261, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.6 Appeal Hearing before Personnel Commission

If the employee timely files the appeal notice, the Director shall coordinate the scheduling of an appeal hearing before the Personnel Commission or its designated hearing officer. Such hearing shall normally be held within 45 calendar days following receipt of the employee's appeal notice.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.7 Employee's Notification of Hearing

The Director shall notify the District and the Personnel Commission upon the receipt of an appeal or the failure of a disciplined employee to submit a timely appeal. The Director shall notify the employee in writing pursuant to Rule #19.1.13 of the time, date, and location of the hearing. Such notification shall:

- A. be transmitted within 15 working days following receipt of the employee's appeal;
- B. provide the employee with at least 10 working days following receipt of the notice to prepare for the hearing; and

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.8 General Conduct of Commission Appeal Hearing

An appeal hearing before the Personnel Commission or its designated hearing officer shall be conducted as a full evidentiary hearing. Unless otherwise requested by the appellant/employee, the hearing shall be conducted in closed session. The appellant/employee shall be heard in their own defense, have the right to present evidence and testimony, examine all evidence submitted by the District, hear the testimony of the District's witnesses, examine and cross-examine all witnesses giving testimony. A Commission Appeal Hearing shall be conducted in accordance with the provisions

and procedures contained in Personnel Commission Rule #19.6.1 et seq.

References: E.C. #45260 and #45261, G.C. #54957
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.5.9 Right to Representation

The appellant/employee may, at the employee's own expense, be represented by legal counsel, union representative, or by such other person so designated by the appellant/employee. Except under unusual circumstances with the approval of the Personnel Commission or hearing officer, each party is entitled to a maximum of two representatives. Whether or not the appellant/employee is represented by counsel or other person of their choosing, the appellant/employee shall attend the entire appeal hearing, and may be required to give oral testimony at the request of any party, including the Personnel Commission or its designated hearing officer. If the appellant/employee fails to attend the hearing or give testimony as required, the employee will be deemed to have forfeited his/her appeal rights as though the employee had not filed an appeal notice, and the disciplinary action imposed by the Board of Trustees shall become final.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

Section 6. Personnel Commission Appeal Hearing Procedures

19.6.1 Commission Hearing And Decision Authority

The Personnel Commission has the authority to conduct appeal hearings relative to classified employee disciplinary matters. The Commission's decision relative to any disciplinary action is final and binding on all parties. The Commission may sustain or reject any or all charges filed against an employee, or it may modify the proposed disciplinary action, or direct such other action as it may deem necessary to effect a just settlement of the appeal; provided that any such action taken shall not impose a penalty more severe than that imposed by the Board of Trustees. Hearings are conducted at the Westminster School District's administrative office or another location within the boundaries of the District.

References: E.C. #45260, #45261, #45305, #45306, and #45307
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.2 Appointment of a Hearing Officer

The Personnel Commission may appoint a hearing officer to conduct any hearing or investigation the Commission itself is authorized by the Education Code or these Rules and Regulations to conduct, including disciplinary actions. Any person appointed by the Personnel Commission to conduct a hearing or investigation shall have the authority to administer oaths; subpoena and require the attendance of witnesses, the production of documents or papers, the taking of testimony and depositions; and receive all other evidence necessary to the disposition of the assigned case.

The Commission may instruct the hearing officer regarding the manner in which findings and recommendations are to be presented. The Commission may accept, reject, or amend any findings or recommendations of the hearing officer. However, any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation, or upon the results of such supplementary hearings or investigations as the Commission may order or conduct.

References: E.C. #45260, #45261, and #45312
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.3 Hearing to be Recorded

All hearings conducted under the authority of this section of the Rules and Regulations shall be electronically or otherwise recorded in such a manner that a verbatim transcript can be produced, if necessary.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.4 Hearings Conducted to Secure Truth

Hearings shall be conducted in a manner which is most conducive to securing the truth in the matter under investigation, and neither the Personnel Commission nor its appointed hearing officer shall be bound by technical rules of evidence in its quest for the truth. Decisions made by the Personnel Commission shall not be invalidated by any informality in any of the proceedings.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.5 Oral Evidence to be Given Under Oath

Oral evidence and/or testimony shall be given and taken only on oath or affirmation.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.6 Right to Examine Witnesses and Evidence

Each party (appellant and District) shall have the following rights as it relates to the examination of witnesses and evidence:

- A. to call and examine witnesses;
- B. to introduce exhibits;
- C. to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination(s);
- D. to attempt to impeach any witness regardless of which party first called the witness to testify; and
- E. to rebut all evidence presented by the opposing party.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.7 Appellant May Be Called to Testify

If the appellant does not elect to testify on their own behalf, the appellant may still be called to testify by the District, and cross-examined as though they had testified on their own behalf. The appellant may also be called to testify and be questioned by the Personnel Commission or hearing officer.

References: E.C. #45260, #45261, and Evidence Code #772
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.8 Admission of Evidence

An appeal hearing need not be conducted in accordance with the technical rules of evidence as they relate to the admission of evidence and the examination of witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious business; regardless of the existence of any common law or statutory rule which might cause the evidence to be objected to or ruled out if presented in a criminal or civil procedure before a court of law. Hearsay evidence may be introduced; however, no charge may be upheld solely on the basis of hearsay evidence.

The rules of privilege shall be effective to the extent they apply. Irrelevant or unduly repetitious evidence shall be excluded.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.9 Granting of Continuance(s)

Before or during a hearing, the Personnel Commission or its hearing officer may grant a continuance or continuances for good cause shown, after considering the positions of both parties on the matter of the proposed continuance.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.10 Ruling on Objections

The Personnel Commission (on its own or through its legal counsel) or its appointed hearing officer shall rule on all objections raised by either party (appellant or District).

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.11 Findings to Be Based on Preponderance of Evidence

The Personnel Commission or its appointed hearing officer shall determine the relevancy, weight, and credibility of the evidence and testimony presented. The findings of the Commission or hearing officer shall be based upon the preponderance of evidence.

References: E.C. #45260 and #45261
Adopted: June 15, 1965

Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.12 Order of Presentation of Evidence

Each side will be permitted an opening statement (with the District's representative presenting first) and closing arguments (with the appellant or their representative presenting last). The District shall present its case first, presenting its witnesses and evidence in an effort to support the charges and disciplinary action. The appellant or representative shall then present witnesses and evidence in defense of the appellant.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.13 Examination/Cross-Examination of Witnesses

Each side (appellant and District) will be allowed to examine and thoroughly cross-examine witnesses.

Except for the Director, appellant, District representative, and their counsel or designated representatives, the Commission or its hearing officer may, at its discretion, exclude spectators and witnesses not under examination.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.14 Subpoena of Witnesses/Documented Evidence

The Personnel Commission may, and shall, if requested by either party (appellant or District), subpoena witnesses and/or require the production of records, documents, and/or other material evidence. The Director, as Secretary to the Personnel Commission, shall issue the subpoenas on behalf of the Commission or its hearing officer, and shall deliver the subpoenas to the requesting party for service.

Requests for subpoenas must be filed with the Personnel Commission Office at least three working days prior to the date of the hearing.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.15 Lists of Hearing Witnesses

Each party (appellant and District) shall submit a list of witnesses it intends to call at least 24 hours prior to the time of the hearing to allow the Personnel Commission to secure released time for the employee/witnesses.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.16 Use of Sworn Affidavits

As a general rule, it shall be the policy of the Personnel Commission that testimony shall be given orally under oath or affirmation at the time of the hearing. If, however, in the opinion of the Personnel Commission or its hearing officer, there is a good and sufficient reason for doing so, written testimony may be accepted if it meets the following conditions:

- A. The written testimony submitted is in the form of a sworn affidavit. The affidavit shall be limited to a statement of facts bearing on the case, and within the knowledge of the witness. Except for information provided by a witness recognized as a qualified expert, the sworn testimony shall not contain any conclusions or express any opinion(s), but shall be limited to facts or factual situations known to the witness;
- B. Copies of all such affidavits must be filed in the Personnel Commission Office or with the hearing officer at least three working days prior to the date of the hearing. The other party to the hearing shall promptly be notified of the filing of any such affidavits and shall be afforded the opportunity to review them at least 24 hours prior to the hearing; and
- C. The other party has the opportunity to express objections to the admission of the affidavit(s) into evidence. The Personnel Commission or hearing officer shall consider the positions and arguments of the parties and all of the circumstances, and make a determination regarding the admission of the affidavit(s), which shall be final. If necessary, a continuance may be granted for this purpose.

The Personnel Commission or its designated hearing officer may reject any affidavit submitted that does not comply with the above-noted conditions.

Testimony given by sworn affidavit shall be afforded the weight and credibility deemed appropriate under the circumstances by the Personnel Commission or hearing officer.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.17 Deliberations and Findings of a Hearing Officer

Whether or not a hearing is held in closed session, a hearing officer designated by the Personnel Commission shall conduct deliberations on the evidence presented, and shall make determinations, findings of fact, and recommendations to the Personnel Commission, in closed session.

The hearing officer shall submit their written recommendations and findings of fact to the Director within 20 working days following the conclusion of the hearing. This deadline may be extended by stipulation of the parties in exceptional cases.

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

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.18 Personnel Commission Deliberations

Whether or not a hearing is held in closed session, the Personnel Commission shall conduct its deliberations on the evidence presented or the findings and recommendations of the hearing officer (if one was appointed or designated) in closed session. No persons, other than the members of the Personnel Commission, its legal counsel, and the Director, shall be permitted to

participate in the Commission's deliberations. If the Director is the initiator of the disciplinary action, serves as a witness in the hearing process, or acts on behalf of the District in the presentation of the case at any level of the appeal process, the Director shall also be excluded from participation in the Commission's deliberations. The Director may nonetheless be called upon to answer procedural questions posed by the Personnel Commission.

References: E.C. #45260, #45261, #45266, and #45305
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.19 Decision of the Personnel Commission

19.6.19.1 Commission Serving as Hearing Officer

When the Personnel Commission serves as the hearing body, the Commission shall render its decision and findings of fact as soon after the conclusion of the hearing as possible, but not later than 20 working days following the conclusion of the hearing. This deadline may, in exceptional cases, be extended by stipulation of the parties or on the Commission's own motion. The decision of the Commission shall be in writing and shall specify which charges against the employee, if any, are to be sustained and the reasons therefor.

19.6.19.2 Considering Hearing Officer Recommendations

Following consideration of a hearing officer's findings and recommendations, the Personnel Commission may elect to conduct additional hearings, conduct a review of the hearing proceedings, or to take action based on the findings and recommendations of the hearing officer. The Personnel Commission's decision may be to accept, reject, or modify the hearing officer's recommendations. However, rejection or amendment of such recommendations must be based on review of the transcript of the hearing or on any supplemental hearing or investigation the Personnel Commission may order.

The Personnel Commission shall render its decision and findings as soon as possible after the conclusion of any additional hearings, hearing review proceedings, or meeting to take action on the hearing officer's findings and recommendations, but not later than ten working days following the conclusion of such hearings, review, or meeting.

19.6.19.3 Communication of Commission's Decision(s)

The decision(s) of the Personnel Commission shall be in writing, served on the appellant/employee pursuant to Rule #19.1.13, and presented as follows:

- A. The Commission's written decisions shall contain findings of fact, a determination of the issue presented, and the penalty to be imposed (if any). The findings may be stated in the language of the pleadings and the hearing officer's findings and recommendations, or included by reference thereto.
- B. If the disciplinary action is not sustained, the Commission's order shall set forth the effective date that the appellant/employee is to be restored or reinstated to his/her former position and/or status; such date to be set forth at any time on or after the date that the disciplinary action is/was scheduled to be imposed.

References: E.C. #45260, #45261, and #45312
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.20 Commission Action/Decision

The Personnel Commission may sustain or reject any or all of the charges filed against the appellant/employee. The Commission may sustain, modify, or reject the disciplinary action proposed or invoked against the appellant/employee. The Commission shall not impose a disciplinary action or penalty against the appellant/employee that is more severe than that invoked by the Board of Trustees.

References: E.C. #45260, #45261, and #45307
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.21 Other Considerations Necessary to Achieve Just Settlement

If the Commission's decision is to reject any or all charges, or to reject or amend the disciplinary action invoked against the appellant/employee, the Commission shall consider other factors as it deems necessary to a just resolution including, but not be limited to:

- A. Reinstatement and back pay to the appellant/employee.
- B. Granting seniority credit for any or all time lost while on suspension or dismissal pending restoration or reinstatement.
- C. The expunction or removal from the employee's file the charges that are not sustained by the Commission.

References: E.C. #45260, #45261, and #45307
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.22 Compliance with Commission's Decision

The parties to a disciplinary action appeal (the appellant/employee and the District) shall comply with the provisions and requirements specified in the Commission's decision(s). Failure of either party to comply in a timely manner could result in legal action to enforce such compliance.

References: E.C. #45260, #45261, and #45307
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010; April 30, 2019

19.6.23 Obtaining Copies of a Hearing Transcript

The appellant/employee or their designated representative and/or the District or its designated representative may obtain copies of a hearing transcript provided that:

- A. The cost of the transcript and copies, if requested, shall be borne by the party making the request. However, if both parties (appellant and District) request a transcript, the cost of such shall be shared equally.
- B. The request shall be in writing and a monetary deposit made in an amount specified by the Director; which shall be sufficient to cover the estimated costs of transcribing the hearing record. Such deposit shall be provided prior to the transcription of the hearing record.
- C. The final cost of the transcript shall be limited to the actual cost of preparing the transcript plus the cost of making copies; copying costs to be determined by the Director.
- D. The copy or copies of the hearing transcript shall be provided to the requesting party upon remittance of the full cost for the preparation thereof. If the deposit submitted is greater than the final cost, the difference shall be refunded.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.24 Disqualification of Hearing Officer or Commissioner

A hearing officer or member of the Personnel Commission shall voluntarily disqualify themselves and withdraw from any appeal in which they will be unable to render a fair and impartial decision.

Either party to a disciplinary hearing (appellant or District) may request the disqualification or removal of a hearing officer or a member of the Personnel Commission by filing an affidavit, prior to the taking of any evidence at a hearing, which fully states the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded by the specific individual.

If the Personnel Commission determines there are sufficient grounds for the disqualification or removal, it may elect to disqualify or remove the hearing officer or Personnel Commission member. Where the disqualification or removal request concerns a Personnel Commission member, the disqualification/removal decision shall be determined by the remaining members of the Commission. However, no Commission member shall voluntarily withdraw or be disqualified if their disqualification would prevent the existence of a quorum qualified to act on that specific appeal.

References: E.C. #45260 and #45261
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

19.6.25 Legal Counsel for the Personnel Commission

The Personnel Commission may appoint legal counsel as part of its investigatory and appeal hearing duties. To avoid a conflict of interest or appearance of such conflict, the legal counsel selected shall not be the same counsel that represents the interests of the District or its Board of Trustees. All reasonable costs associated with the use of such legal counsel by the Personnel Commission in hearings and investigatory duties shall constitute a legal charge against the District's general fund; whether or not the money or costs for legal services appear in the Commission's budget.

References: E.C. #45260, #45261, and #45313
Adopted: June 15, 1965
Amended: November 25, 1975; April 27, 1976; September 25, 1990
Reviewed: April 27, 2010
Revised: April 30, 2019

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE XX
LAYOFFS AND REEMPLOYMENT PROCEDURES

Section 1. Layoff Procedures

20.1.1 Reason for Layoff

The layoff of classified employees shall only occur for a lack of work or lack of funds, and only in accordance with the rules and regulations established by the Personnel Commission. Any effects of layoff that may be negotiated by and between the District and any recognized exclusive representative organization shall be in addition to these rules and regulations and shall not be used to negate or modify them either in total or in part. Therefore, any agreement between the District and a recognized exclusive representative may not provide for less than the mandated provisions and procedures contained in this Article (Article XX).

References: E.C. #45308
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.1.2 Layoff Resolution

Before any layoff notice can be issued, the Board of Trustees shall adopt a resolution outlining the specific numbers and kinds of positions to be eliminated or reduced in assigned time. The adopted layoff resolution shall be dated and signed by the Clerk of the Board of Trustees.

References:
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.1.3 Advance Notification to Exclusive Representative(s)

In the event that any positions impacted by the Board of Trustees layoff resolution are represented by an exclusive collective bargaining representative, the District shall notify such representative of the impending effects of the resolution, and afford such representative an opportunity to meet and discuss the effects prior to sending out any of the layoff notices. The District shall also provide the exclusive collective bargaining representative with a copy of each layoff notice issued to a unit member.

References: G.C. #3543, #3543.1 #3543.2, #3543.3, #3543.4, and #3543.5
Adopted: August 28, 1990
Amended: November 26, 2002
Reviewed: December 14, 2010

20.1.4 Notice of Layoff

The District shall notify those classified employees affected (by the layoff resolution) in writing a minimum of sixty (60) calendar days prior to the effective date of any layoff or reduction in assigned time resulting from a lack of work or lack of funds. The notice to an affected employee shall specify the reason for layoff, and shall be transmitted to the employee by personal delivery or by certified mail to the last address reported and maintained on file in the Personnel Commission office. Failure of the employee to retrieve delivered mail, or to respond to notifications by the United States Postal Service of attempted delivery, shall not be grounds for voiding the layoff notification or staying the timeliness outlined in these rules and regulations. For purposes of this rule, the second working day following the postmark date of a mailed layoff notice shall be considered to be the official date of its receipt.

References: E.C. #45117
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002; June 22, 2004
October 23, 2012
Reviewed: December 14, 2010

20.1.5 Contents of Layoff Notice

Any notice of layoff shall contain the following:

- A. the name and classification of the employee designated for layoff;
- B. the reason for layoff;
- C. the employee's displacement (bumping) rights, if any;
- D. the employee's reemployment rights;
- E. the right to an exit interview with the Director Human Resources Classified during working hours; may be accompanied by the exclusive collective bargaining representative if applicable to the employee's position; and
- F. a statement that the employee may be entitled to unemployment insurance compensation.

References: E.C. #45117
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002.
Reviewed: December 14, 2010

20.1.6 Order of Layoff

Length of service ("seniority" as prescribed herein) shall be the only criterion used to effectuate layoffs. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest amount of time in the class, plus equal and higher related classes (as determined by the Personnel Commission) shall be laid off first. Reemployment shall be in the reverse order of layoff. "Length of Service" shall be defined to include the hire date of the employee as a regular probationary or permanent employee in the class, or the date of hire of the employee in any equal or higher related class, whichever hire date occurs first.

- 20.1.6.1 In compiling a seniority list for a class, the Director shall not grant length of service credit for any periods of separation from the District or any unpaid leave time in excess of thirty (30) working days per year except for military service. Time spent on military leave shall be counted toward seniority provided that the employee returns to active service with the District within six (6) months of their release or discharge from the military under honorable conditions.
- 20.1.6.2 Except as noted in Personnel Commission Rule #20.1.6.1 above, all unpaid leave time in excess of thirty (30) working days per year shall not count towards earning "length of service" seniority credit. Any employee granted an unpaid leave of absence in excess of thirty (30) working days per year shall have their classification hire date adjusted on a day-for-day basis for every day of absence following the thirty working day period.
- 20.1.6.3 If two or more employees subject to layoff have equal starting dates in the same class, preference shall be given to the employee with the earliest regular classified employment hire date in the District. In the event that the District employment hire date is also equal, preference shall be determined by the drawing of lots.

References: E.C. #45101 and 45308
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002

20.1.7 Displacement or Bumping Rights

An employee in the classified service who is laid off from a class or reduced in assigned hours, and who has previous service in an equal or lower class, shall have the right to displace (bump) the least senior employee in such equal or lower class. Seniority for the purposes of displacement (bumping) shall include the total of the previous service in the equal or lower class, plus service in higher related classes.

20.1.7.1 Sequence, Priority and Conditions for Displacement: Priority 1, Placement in Positions within the Same Classification.

The displacement rights and procedures will be implemented in the sequence and order of priority as listed in Table 20.1.7.1, Section A and described in paragraphs A-1 through A-2. In every case the displacement shall only occur when:

1. The displacing employee has held previous regular status in the class; and
2. The displacing employee meets all of the current qualifications of the class, including changes since the employee's previous regular status in the class; and
3. The employee ultimately displaced has less seniority than the displacing employee; and
4. The employee ultimately displaced shall be the one with the least seniority in the class.

Table 20.1.7.1 Section A, Displacement Rights and Procedures for Positions with Same Classification

Paragraph	Classification	Assigned time (hours)*	
	Same Classification	Equal or Greater Hours	Fewer Hours
A-1	X	X	
A-2	X		X

*Assigned time (hours) are equal, greater, or fewer when compared with the employee's current position.

When displacement occurs, the Director and the President of the exclusive collective bargaining unit will meet to determine bumping rights of the individual, keeping in mind the least disruption to the District. Decisions will be made based on the following criteria:

- A-1. An employee whose position is eliminated or reduced in assigned hours shall be placed in a position currently held by a less senior employee in the same class with equal or greater hours.

Part-time employees may not bump into full-time positions. A full-time employee may bump into a part-time position if the employee has seniority over a part-time employee.

- A-2. If no position with equal or greater hours in the same class is available, the employee shall be allowed to displace less senior employee in the same class with fewer assigned hours.

20.7.1.2 Sequence, Priority and Conditions for Displacement: Priority 2, Placement in Positions in an Equal Classification

In the event that vacant positions within the same classification are not available, or displacements in the same classification cannot be met in accordance with paragraph 20.1.7.1, then, positions in an equal classification for vacancy or displacement shall be examined. The process for placement into positions of equal classification shall be identical to the sequence, priority and conditions outlined in paragraph 20.1.7.1

20.7.1.3 Sequence, Priority and Conditions for Displacement: Priority 3, Placement in Positions in a Lower Classification

In the event that vacant positions within the same or equal classification are not available, or displacements in the same or equal classification cannot be met in accordance with paragraph 20.1.7.1 and 20.1.7.2, then, positions in a lower classification for vacancy or displacement shall be examined. The process for placement into positions of lower classification shall be identical to the sequence, priority and conditions outlined in paragraph 20.1.7.1.

References: E.C. #45308
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002; January 27, 2004
Reviewed: December 14, 2010

20.1.8 Site Seniority

If a position is eliminated or reduced in hours at a work site or in a department that has multiple positions of similar assigned times (hours) within the classification, the least senior employee within the classification with those assigned hours shall be laid off before more senior employees in that classification and assigned hours are impacted. Example: A school site has two instructional assistant/ computer that are each assigned three (3) hours per day. If one of the three (3) hour positions was eliminated at that site, the least senior of the two instructional assistant/computer would be laid-off regardless of which position is actually eliminated. The laid-off employee would then be afforded displacement (bumping) rights at any work site in accordance with the provisions of Personnel Commission Rule #20.1.7.

References: E.C. #45308
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.1.9 Voluntary Demotion or Transfer

A permanent classified employee who will otherwise suffer layoff for lack of work or lack of funds upon exhaustion of any and all displacement rights provided by Personnel Commission Rule #20.1.7 may be afforded an opportunity to demote to a vacant position in a lower class, provided that the employee is deemed by the Personnel Commission to be qualified to perform the duties and responsibilities of the new position, and that demotion is approved by the Board of Trustees.

References:
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.1.10 Layoff Versus Temporary Positions

No regular classified employee shall be laid off from any position while employees serving in temporary assignments are retained in positions in the same class, unless the regular employee or employees being laid off refuse to serve in such temporary assignment(s).

References:
Adopted: June 15, 1965
Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.1.11 Acceptance of Substitute or Other Temporary Employment

An employee who has been laid off for lack of work or lack of funds and has been placed on a reemployment list may be employed to serve as a substitute or to fill other temporary assignments in their former classification or in any other classification for which qualified (as determined by

the Director), and such employment shall in no way jeopardize or otherwise affect their status or eligibility for reemployment.

References:

Adopted: June 15, 1965

Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002

Reviewed: December 14, 2010

20.1.12 Refusal of Temporary Employment

A laid off employee may refuse an offer of limited-term or other temporary employment without adversely affecting their standing on a reemployment list or their right to reemployment by the District.

References:

Adopted: June 15, 1965

Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002

Reviewed: December 14, 2010

20.1.13 Miscellaneous Provisions

20.1.13.1 Classified employees with three (3) or more years of service with the District shall be entitled to use up to three (3) days of paid release time to seek and secure other employment.

20.1.13.2 Classified employees who have district-paid health benefits at the time of layoff shall continue to receive major medical benefits for sixty (60) days following the date of layoff or until such time as the person becomes otherwise gainfully employed, whichever comes first.

20.1.13.3 Laid-off classified employees shall be paid for any accrued and unused sick leave, to a maximum of ten (10) days, at time of layoff.

References:

Adopted: June 15, 1965

Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002

Reviewed: December 14, 2010

20.1.14 Salary Placement After Demotion or Transfer

20.1.14.1 A classified employee who accepts a demotion in lieu of layoff shall be placed on the step of the lower class salary range which is closest to the salary or hourly rate received by the employee at the time of layoff; not to exceed the top step of the lower salary range.

20.1.14.2 A classified employee who accepts a lateral transfer (as determined by the Personnel Commission) to another class (in lieu of layoff) shall continue at the same range and step placement (as that received at time of layoff).

References:

Adopted: June 15, 1965

Amended: March 25, 1975; March 5, 1979; August 28, 1990; November 26, 2002

Reviewed: December 14, 2010

Section 2. Reemployment Procedures

20.2.1 Laid Off Employees to Be Placed on Reemployment List

The names of regular classified employees laid off pursuant to Personnel Commission Rule #20.1 et seq shall be placed on a reemployment list for the class(es) from which they were laid off. Names shall be placed on reemployment lists in accordance with the employee's seniority as provided in Personnel Commission Rule #20.1.6); with the most senior employee laid off from the class being

ranked first, the next most senior being ranked second and so forth.

References: E.C. #45298
Adopted: June 15, 1965
Amended: March 25, 1975; May 29, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.2.2 Laid Off Employees with Equal Seniority

In the event that two or more laid off employees subject to rehire have equal seniority in the class, the rehire offer shall be made to the employee with the greatest seniority in other classifications or positions of regular employment with the District. In the event that two or more laid off employees subject to rehire have both equal seniority within the class and equal seniority in other classifications or positions of regular employment with the District, the rehire decision shall be determined by the drawing of lots.

References: E.C. #45101 and 45308
Adopted: June 15, 1965
Amended: March 25, 1975; May 29, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.2.3 Eligible for Reemployment for 39 Months

Laid off employees are eligible for reemployment in the class from which laid off for a period of thirty-nine (39) months from the effective date of the layoff, and employees shall be rehired in the reverse order of layoff; with the last person laid off from the class being rehired first, the next to the last person being laid off being rehired second and so forth. Reemployment of laid off employees shall take precedence over other employment procedures, specified or unspecified, for the thirty-nine (39) month period. In addition, laid off employees shall have the right to apply for promotional and transfer opportunities during the thirty-nine (39) month period (following layoff) as though they were still in the employ of the District. Employees whose names appear on a current valid layoff eligibility list shall be provided with notices of promotional and/or transfer opportunities if they submit a written request (for such notices) to the Personnel Commission Office.

References: E.C. #45298
Adopted: June 15, 1965
Amended: March 25, 1975; May 29, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.2.4 Eligibility May Be Extended By 24 Months

Regular employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall be placed on a re-employment list for the class(es) from which they were laid off for a period of 39 months and shall be re-employed in preference to new applicants. In addition, regular employees who have been laid off have the right to participate in promotional examinations within the district during the initial 39 month period.

Regular employees who take a voluntary demotion or reduction in assigned time in lieu of lay off, shall be granted the same rights as person laid off and shall retain eligibility to be considered for re-employment for an additional period of up to 24 months. The same test of fitness under which they qualified for appointment to the class shall still apply. The Personnel Commission shall make the determination of the specific period of eligibility for re-employment on a class-by-class basis.

References: E.C. #45298
Adopted: June 15, 1965
Amended: March 25, 1975; May 29, 1975; March 5, 1979; August 28, 1990; February 22, 2000; March 28, 2000; November 26, 2002
Reviewed: December 14, 2010

20.2.5 P.E.R.S. Retirement In Lieu of Layoff and Reemployment

Regular classified employees who have at least five (5) years service credit in the Public Employees Retirement System (PERS) and are at least fifty (50) years of age may elect to accept a service retirement rather than accept voluntary demotions, reductions in assigned time, or layoffs. In order to effectuate such service retirement, the qualified employee shall, prior to the effective date of the proposed layoff, demotion, or reduction in assigned time, complete and submit the required application form to the Public Employees Retirement System. This form may be secured by contacting the Personnel Commission Office. Employees who take service retirement in lieu of layoff shall have their names placed on a thirty-nine (39) month layoff/ reemployment list in accordance with Personnel Commission Rule #20.2.1 as though they had been laid off. If, during the thirty-nine (39) month period, the District offers the employee a regular (permanent) position of equal status (to that held prior to layoff/retirement) and the Personnel Commission Office receives a written acceptance of the offer within five (5) working days, the retired employee shall be allowed up to ten (10) working days to terminate their retired status and return to such employment. Should the employee refuse to respond and/or accept the assignment, the employee's name may be removed from the layoff/reemployment list.

References: E.C. #45115
Adopted: August 28, 1990
Amended: November 26, 2002
Reviewed: December 14, 2010

20.2.6 Offer and Acceptance of Reemployment

- 20.2.6.1 An eligible (as determined by the Personnel Commission) laid-off classified employee may be notified of available openings by telephone. However, in the event that a laid-off employee cannot be so notified of a permanent regular position opening, the Personnel Commission Office shall notify the employee in writing of such opening. The notice of opening shall be sent by certified mail to the employee's last known address on file in the Personnel Commission Office. Failure of the employee to retrieve delivered mail, or to respond to notifications by the United States Postal Service of attempted delivery shall not be grounds for voiding notification or the staying of the timeliness provided in these Rules and Regulations. For purposes of this rule, the second working day following the postmark dates of mailed notices shall be considered the official date of receipt.
- 20.2.6.2 An eligible laid-off employee notified of a regular employment opportunity in accordance with the provisions of Personnel Commission Rule #20.2.6.1 shall notify the Personnel Commission Office of their intent to accept or refuse the offered employment within five (5) working days following receipt of an orally communicated offer of employment or the postmark date of written notice. In the event that the laid-off employee elects to accept the offered employment, such employee shall be given at least five (5) working days (from the date of the employee's acceptance) to return to District employment, and such employee shall return on the date specified.
- 20.2.6.3 A laid-off employee who fails to respond as provided in Personnel Commission Rule #20.2.6.1 or refuses to accept employment as provided in Personnel Commission Rule #20.2.6.2 may have their name removed from the layoff/reemployment list. An employee whose name is removed from a layoff/reemployment list shall be given written notice of such action and their right to appeal the action in accordance with the provisions of Personnel Commission Rules #4.2.2 and #6.1.7.
- 20.2.6.4 An eligible employee who is placed on the 39-month re-employment list and is subsequently re-employed in a new position retains the right to be returned to the re-employment list if they fail to complete the probationary period in the new position.

References: E.C. #45298
Adopted: June 15, 1965
Amended: March 25, 1975; May 29, 1975; March 5, 1979; August 28, 1990; November 26, 2002

October 23, 2012
Reviewed: December 14, 2010

20.2.7 Reemployment In Highest Rated Class Available

Laid-off employees shall be reemployed in the highest rated classification (in which they have attained permanent status) available in accordance with length of service in such classification from which laid off. An employee who accepts reemployment (in their former class) in a position of lesser time than their former position, or accepts reemployment in a lower class than that from which laid off, shall have their name remain on the original thirty-nine (39) month layoff/reemployment eligibility list. However, the employee's eligibility for reemployment shall be extended by an additional twenty-four (24) months (from the effective date of layoff) as provided in Personnel Commission Rule #20.2.4.

References: E.C. # 45298
Adopted: June 15, 1965
Amended: March 25, 1975; May 29, 1975; March 5, 1979; August 28, 1990; November 26, 2002
Reviewed: December 14, 2010

20.2.8 Compensation for Limited-term Assignments

When a laid-off employee is reemployed in a long-term (a duration of twenty or more working days) single substitute or other limited-term assignment, such employee shall be compensated in accordance with the following:

A. Salary Compensation

The employee shall be placed on the same step of the range which they achieved prior to the layoff, including any change(s) in rate or range applicable to the class; except that step advancement within the range shall only be granted as follows: when the employee's paid status credit following the return when combined with any service time earned prior to layoff (but after the anniversary date increase) add up to the equivalent of one year's credit for purposes of step advancement. The Director shall recalculate the employee's time and make any changes necessary in the employee's anniversary date in order to comply with this rule.

B. Sick Leave

1. The employee shall earn one (1) day of sick leave for each full month (minimum of 20 working days) of paid employment; accrued without limit (see Personnel Commission Rule #16.2.5).
2. The employee shall be entitled to utilize any days of previously earned and unused cumulative sick leave, plus any additional days earned in the limited-term assignment.
3. Compensation for sick days shall be in accordance with Personnel Commission Rule #16.2.4.

C. Paid Holidays

The employee shall be entitled to paid holidays in accordance with the provisions of Personnel Commission Rule #14.1.6.2.

D. Vacation Credit

1. The employee shall earn one (1) day of vacation credit for each full month (minimum of 20 paid days) of employment.
2. Compensation for vacation days shall be in accordance with Personnel Commission Rule #15.1.2.
3. Vacation time credits shall be paid to the employee at the conclusion of the limited-term

assignment or at the close of the fiscal year in which they are earned, whichever occurs first.

E. Health Insurance

The District shall provide District-paid health benefits for a laid-off employee who was entitled to such benefits at the time of layoff and who accepts full-time employment in a limited-term single position assignment providing a reasonable expectation of continuous employment for four (4) or more months. Enrollment and maintenance in such programs shall be in accordance with the requirements and limitations specified for participation by regular full-time Classified employees.

References: E.C. #45298
Adopted: October 19, 1993
Amended: November 26, 2002
Reviewed: December 14, 2010

Westminster School District
Personnel Commission Rules and Regulations

ARTICLE XXI
RESIGNATIONS/RETIREMENTS

Section 1. Resignation Procedures

21.1.1 Resignation During Probationary Period

At the discretion of the Director, Human Resources Classified a person who resigns while in good standing during the probationary period may be reinstated to the same relative position on the eligibility list prior to placement in the probationary position.

References:

Adopted: June 15, 1965
Amended: March 5, 1979; July 24, 1990; July 23, 2003
Reviewed: February 23, 2010

21.1.2 Resignation and Effect on Eligibility Lists

A resignation relates only to the specific position/ classification from which the employee resigns and generally does not impair an employee's rights relative to retention on and selection from other established eligibility lists. However, a resigned employee's name shall be removed from any and all promotional eligibility lists.

References:

Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.1.3 Employee Resignation/Retirement Procedure

Whenever an employee intends to resign from a position with the District, such employee shall present a written resignation to the Human Resources Classified office. The resignation shall indicate the intended last day in paid status and may include the reasons for the resignation. Upon submission of a written resignation or notice of retirement, classified employees shall be given the Westminster School District Classified Employee Exit Survey to complete and return. When appropriate or requested, the Director shall make provisions to hold exit interviews. Resignations or retirements shall be accepted by the Superintendent or designee and forwarded to the Board of Trustees for review and ratification.

References:

Adopted: July 24, 1990
Amended: July 23, 2003
Revised: February 23, 2010

21.1.4 Two-Week Notice of Resignation

Classified employees are requested to provide the Human Resources Classified Office with at least two (2) weeks' written notice. Classified management employees are requested to provide at least four (4) weeks' written notice to the Human Resources Classified Office. Under the provisions of Personnel Commission Rule #11.3.1, failure to provide sufficient written justification regarding the lack of timely notice may jeopardize a person's opportunity to return to employment with the District.

References:

Adopted: July 24, 1990
Amended: October/November 1996; July 23, 2003
Reviewed: February 23, 2010

21.1.5 Acceptance of Resignations

The Superintendent or designee is authorized to accept the written resignation of any employee on behalf of the Governing Board, and the resignation shall become effective immediately upon acceptance by the Superintendent or designee. A resignation presented to and accepted by the Superintendent or designee may not be withdrawn by the employee.

References: BP 4217.2
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.1.6 Effective Date of Resignation

The Board of Trustees may accept the date specified in the letter of resignation or may fix the time when the resignation shall take effect, which shall not be later than the close of the school year during which the resignation is received by the Board.

References:
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

Section 2. Health Benefit Continuation Upon Termination

21.2.1 C.O.B.R.A. Health Continuation Benefits

Under federal law, the District is required to offer employees and their dependents the opportunity to temporarily extend health benefit coverage (called "continuation coverage") at group rates in certain instances where coverage under the District's health benefits plan would otherwise end. As a result, health insurance continuation shall be offered pursuant to these rules and regulations.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act, COBRA)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.2 Continuation Coverage Upon a qualifying event of Resignation or Layoff

An employee, spouse or dependent, who is covered by one of the District's health plans shall have the right to elect continuation coverage as outlined in C.O.B.R.A. and in these rules and regulations when the employee loses the District health coverage as the result of resignation, a reduction in hours, layoff or termination for reasons other than discipline (as provided in Personnel Commission Rule #19.1.5)

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Revised: February 23, 2010

21.2.3 Additional qualifying event for Spousal Coverage

The spouse of an employee covered by one of the District group health plans shall have the right to elect continuation coverage for a maximum of thirty-six (36) months for either of the following reasons:

- A. Death of the covered employee.
- B. Divorce or legal separation from the covered employee.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)

Adopted: July 24, 1990
Reviewed: February 23, 2010

21.2.4 Additional qualifying event for Dependent Child Coverage

Dependent children of an employee covered by one of the District health plans shall have the right to elect continuation coverage for a maximum of thirty-six (36) months for either of the following reasons:

- A. Death of the covered employee.
- B. The dependent children cease to be dependent.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.5 Notifications

The employee or eligible party (spouse or dependent) shall bear the responsibility for notifying the District Insurance Office of divorce, legal separation, or loss of dependent status under any of the District health plans within sixty (60) calendar days of the qualifying event.

When the District is notified of a covered employee's or dependent's qualifying event, the District Insurance Office shall send written notification of their continuation rights within fourteen (14) calendar days.

The eligible party or parties shall have sixty (60) calendar days from the date of the qualifying event to notify the District Insurance Office in writing of the decision to elect continuation coverage.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.6 Requirement to Provide Similar Coverage

In the event that an eligible employee, spouse or dependent elect continuation coverage, the District Insurance Office shall provide health benefit continuation coverage identical to the current coverage elected by the employee for self and family.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.7 Length of Time Provided for Continuation Coverage

- A. The elected periods of time may be shortened for eligible employees and other eligible parties for any of the following reasons:
 - 1. The District no longer provides group health benefit coverage to any of its employees.
 - 2. The premium for the continuation coverage is not paid by the employee or other eligible parties within 30-calendar days from the due date (the first of every month).
 - 3. Enrollment in Medicare.
- B. A second qualifying event may lengthen the period of time for dependents to 36 months from the date of the first qualifying event for any of the following reasons:

1. The former employee becomes eligible for Medicare.
2. The death of the former employee.
3. The divorce or legal separation of the former employee.
4. Dependent children cease to be dependent.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.8 Failure to Elect Continuation Coverage

In the event that an eligible employee, spouse, or other eligible dependent fails to elect or declines continuation health benefit coverage within the time lines specified in Personnel Commission Rule #21.2.5, eligibility for continuation in the District's health benefit plans shall be forfeit.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.9 No Evidence of Insurability Necessary

An employee or eligible party shall not be required to prove insurability in order to elect for continuation coverage.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.10 Payment of Premium

The eligible employee or other party shall pay the full premium for continuation coverage in the District health benefit plans, plus an additional charge of two-percent (2%) for administrative expenses.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.2.11 Individual Conversion Plans

At the conclusion of the eligibility period for continuation coverage, the eligible employee or party may be allowed to enroll in an individual conversion health plan made available by the provider.

References: Federal Public Law #99-272, Title C (Consolidated Omnibus Budget Reconciliation Act)
Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

Section 3. Resignations for Purposes of Retirement

21.3.1 Application for Retirement

Employees making application for retirement shall submit such requests in accordance with the provision of Section 1 of Article XXI. Such employees and their dependents shall be entitled to elect continuation coverage in the District health plans in accordance with the provisions of Section 2 of Article XXI.

References:

Adopted: July 24, 1990
Amended: July 23, 2003
Reviewed: February 23, 2010

21.3.2 Retirement Under PERS/Social Security

Classified employees regularly employed to work twenty (20) or more hours per week, or one-thousand (1000) or more hours per year, are covered for purposes of retirement by the Public Employees Retirement System (PERS) and Social Security. Employees intending to retire under the PERS system are required to submit appropriate retirement applications to PERS. To assure prompt payment of benefits, an application for retirement should be submitted at least sixty (60) days prior to the intended retirement date. PERS retirement s may be secured by contacting the Human Resources Classified Office.

References:

Adopted: July 24, 1990
Amended: July 23, 2003
Revised: February 23, 2010

21.3.3 Early Retirement Benefit

All classified employees covered under the provisions of the Public Employees Retirement System, as well as one of the District's health benefit programs, are eligible for participation in the District's early retirement health benefit program if they meet the criteria contained in this section (Personnel Commission Rule and Regulation #21.3.3).

- 21.3.3.1 A classified employee retiring with twenty (20) years permanent service in the District immediately prior to retirement and who received health and welfare benefits during the duration of their final year of employment with the district shall be provided with one hundred percent (100%) of the cap of the then current employee District maximum contribution toward the District's standard medical, vision and dental plans.
- 21.3.3.2 A classified employee retiring with 15 years permanent service in the District immediately prior to retirement and who received health and welfare benefits during the duration of their final year of employment with the district shall be provided with seventy-five (75%) of the cap of the then current employee District maximum contribution toward the District's standard medical, vision and dental plans.
- 21.3.3.3 A classified employee retiring with 10 years permanent service in the District immediately prior to retirement and who received health and welfare benefits during the duration of their final year of employment with the district shall be provided with fifty percent (50%) of the cap of the then current employee District maximum contribution toward the District's standard medical, vision and dental plans.

In each of the above sub-sections, retirees shall be required to pay for the cost of their plan choices in excess of their percentage allocation of the District then current maximum contribution for employees for the District standard medical, vision and dental plans. The District shall continue the coverage until the retiree reaches the age of 65 or is eligible for Medicare, whichever occurs first; or on the date the retiree determines to discontinue the coverage prior to age 65. During such time, the retiree may opt for dependent coverage under the terms provided in Sections 21.3.3.1 through 21.3.3.3 above.

For purposes of this rule, a year of service is defined as completion of a minimum of seventy-five (75%) of each assigned work year.

References:

Adopted: July 24, 1990
Amended: August 30, 1994; July 23, 2003
Revised: February 23, 2010