

**Covina-Valley Unified School District  
Personnel Commission  
Regular Meeting**

**Agenda**

Hanes Professional Development Center  
220 W. Puente St.  
Covina, CA 91723  
4:45 p.m.

June 9, 2026

The Personnel Commission welcomes residents of the community to attend its meetings. Members of the public have the opportunity to address the Personnel Commission at each meeting. Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject. If you wish to address the Personnel Commission, please complete the "Request to Speak" card and hand it to the clerk prior to the start of the meeting.

The Personnel Commission does not censor public comment, which may include criticisms about a specific employee, nor does the Commission require that such discussion not take place in public. The Commission encourages members of the community to make their public comments in a courteous and respectful manner so as to facilitate the resolution of disputes involving matters under the Commission's jurisdiction.

**Reasonable Accommodations for Individuals with a Disability**

Any individual with a disability who requires reasonable accommodation to participate in a Personnel Commission meeting may request assistance by contacting the office of the Director, Personnel Services, 519 E. Badillo St., Covina, California 91723; (626) 974-7000; Fax (626) 974-7073.

Meeting called to order by the presiding officer \_\_\_\_\_ at \_\_\_\_\_ p.m.

Flag Salute

Roll Call:

Sonia Frasquillo, President \_\_\_\_\_

Nicholas Sanchez, Vice President \_\_\_\_\_

Elizabeth Reyes-Aceytuno, Member \_\_\_\_\_

Michele Doll, Assistant Superintendent, Personnel Services \_\_\_\_\_

Brock Jacobsen, Director, Personnel Services \_\_\_\_\_

## I - Preliminary

1. **Adoption of Agenda.** Recommendation is made that the agenda be adopted as submitted. **Action**

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote \_\_\_\_\_

2. **Approval of Minutes.** Minutes of the regular meeting of May 12, 2026, are submitted for approval. **Action**

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote \_\_\_\_\_

## II - Public Comments

At this time members of the public may address the Personnel Commission. State law prohibits the Commission from acting on any issue not included on the agenda. Due to time limits imposed for public comment, the Commissioners do not answer questions or respond to statements made during the public comment.

3. **Public Comments on Non-Agenda Items.** Any person wishing to speak to any items **not** on the agenda will be granted up to five minutes to address the Commission regarding that item. **Info**

4. **Public Comments on Agenda Items.** Any person wishing to speak to any item **on** the agenda will be granted up to five minutes to address the Commission regarding that item. **Info**

## III - Director/Commission Member Comments

5. **Director's Report.** At this time, the Director may address activities, correspondence, or operations and may acknowledge or recognize specific programs, activities, or personnel. **Info**

6. **Commission Members' Comments.** At this time, Commission Members may address activities, correspondence, or operations; and may acknowledge or recognize specific programs, activities, or personnel. **Info**

## IV – Conference Item

7. **First Reading of Personnel Commission Rules and Regulations.** The Personnel Commission will conduct a first reading of proposed revisions to the Personnel Commission Rules and Regulations, specifically: **Info**

- Article 2 - Rule-Making Authority
- Article 3 - Classification

The review is intended to provide Commissioners an opportunity to discuss the proposed language, offer feedback, and identify any recommended modifications before consideration for adoption at a future meeting. (Ref. A)

**VI – Closed Session**

8. **Public Employee Discipline/Dismissal/Release** (Gov. Code 54957)

**Discussion**

**VII - Adjournment**

9. **Adjournment.** \_\_\_\_\_ p.m.

**Action**

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote \_\_\_\_\_

## **Personnel Commission Rules and Regulations**

The Personnel Commission Rules and Regulations are established pursuant to the authority granted to Personnel Commissions under California Education Code § 45260. This section authorizes the Commission to prescribe, amend, and interpret rules necessary to ensure the efficiency of the classified service and the selection and retention of employees based on merit and fitness.

- Article 2 – Rule-Making Authority: is being presented for a first reading.
- Article 3 – Classification: is being presented for a first reading and is further supported by California Education Code § 45256, which assigns the Personnel Commission responsibility for classifying positions within the classified service.

## Chapter 2 – Rule-Making Authority

### 2.1 Organization of the Commission

#### 2.1.1 Appointment and Terms of Personnel Commissioners

The Personnel Commission is composed of three (3) persons:

- One member of the Commission shall be appointed by the Governing Board of the district. One member is nominated by the classified employee association and shall be approved by the Governing Board. Those two members shall, in turn, appoint the third member.
- The term of each of the three Commissioners is for three (3) years and expires at noon, December 1 of the third year. The term of one Commissioner expires each year.
- On or about August 1 of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Sections 45245, 45246(b)(2), 45247, and 45248; 88065, 88066(b)(2), 88067.

#### 2.1.2 Qualifications and Restrictions

To be eligible for appointment or reappointment to the Commission, a candidate must have the following qualifications:

1. Must be a registered voter.
2. Must be a resident of the school district.
3. Must be a known adherent to the principle of the Merit System.

A "known adherent to the principle of the Merit System" shall mean a person who, by nature of prior public or private service, has given evidence of supporting the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, it shall also mean a Commissioner who has clearly demonstrated support of the Merit System and its operation through meeting attendance and action.

A Personnel Commissioner may not be:

1. An employee of the same school district.

2. A board member of the same school district or the same county board of education.

*Education Code: 45247, 88067*

### 2.1.3 Election of Officers

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

*Education Code: 45247, 88067*

### 2.1.4 Quorum and Majority

Two members shall constitute a quorum for any regular or special meeting of the Commission.

The affirmative vote of at least two (2) members of the Commission is required to carry any motion or action.

*Education Codes: 45260 and 45261; 88080 and 88081*

## **2.2 Meetings**

### 2.2.1 Regular Meetings

The Commission shall hold a regular meeting on the second Tuesday of each month at 4:45 p.m. Should at any time the Personnel Commissioners and the Personnel Director have no agenda items to be placed on a regular meeting agenda, the President of the Personnel Commission may cancel the regular meeting for that month and provide appropriate notification of the cancellation. Regular meetings shall be held in the Dr. Mary Hanes Professional Development Center (220 W. Puente Ave., Covina, CA 91723).

### 2.2.2 Special Meetings

- The Secretary of the Commission may call a special meeting of the Commission whenever it is considered necessary.
- A special meeting may also be called at any time if requested by a member of the Commission.
- Public notice of a special meeting and a copy of the meeting agenda shall be posted on the district website at least 24 hours prior to the meeting.
- Written notice of a special meeting shall be delivered personally to members of the Commission and recognized employee organization representatives.
- No business shall be considered by the Commission other than that which appears on the posted notice and agenda.

*Education Code: 45260, 88080*

### 2.2.3 Adjourned Meetings

The Commission may adjourn any meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

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

*Education Code: 45260, 88080*

#### 2.2.4 Public Meetings

- All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in these rules. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings without their supervisor's approval.
- Insofar as possible, at least 72 hours prior to every regular meeting or 24 hours prior to every special Commission meeting, the agenda shall be provided to the designated representatives of the employee organization representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's page on the district website and distributed to news media that have requested copies.
- Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in these rules, and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to determining a course of action.

*Education Code: 45260, 88080*

#### 2.2.5 Closed Sessions

Closed sessions may be held at any meeting of the Commission and are closed to the public.

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

*Education Code: 54957*

#### 2.2.6 Amendment, Deletion, or Addition to Rules

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

- At the "first reading," the Commission will set a date for Commission action on the proposal, which date shall normally be the next regularly scheduled Commission meeting. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.
- Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

*Education Code: 45260, 88080*

### 2.2.7 Minutes

The Director of Personnel shall record in the minutes the time and place of the meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. The Director of Personnel shall record each Commissioner's approval or dissent and any expressed reasons therefor. The Commission shall not consider any matter in closed session relating to an employee unless the employee has been notified of his/her right to a public hearing and has declined the public hearing or properly failed to request a public hearing. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to the recognized employee organization representatives who have requested them.

*Education Code: 45260, 88080*

## 2.3 Commission Employees

### 2.3.1 Status of Commission Employees

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

*Education Code: 45264, 88084*

### 2.3.2 General Duties of the Personnel Director

- The Personnel Director shall perform all of the duties and carry out all of the functions imposed by law and these rules. They shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. They shall direct and supervise the classified personnel and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.
- The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as they deem necessary to their responsibilities.

- 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 presented to the Commission at the next regularly scheduled meeting. In the event an immediate resolution to the problem is required, the Personnel Director shall take appropriate action and then bring the rules in conflict to the Commission at the next meeting.

*Education Codes: 45260–45261, 45266, and 45312; 88080–88081, 88086*

## **2.4 Communication**

It is advisable to specify proper formal communication procedures with the Personnel Commission. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.

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

*Education Code: 45260, 88080*

## **2.5 Budget**

Annual budgeting process shall be covered, including its timeline, hearing and input process, judicial review if needed, as well as its adoption process by the Commission, the school board, and the county office of education.

The Commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the Governing Board in the regular budget of the School District. The budget shall be prepared for a public hearing by the Commission to be held no later than May 31 of each year. The Commission shall forward a copy of its proposed budget to the Governing Board indicating the time, date, and place for the public hearing on the budget and shall invite Board and district administration representatives to attend and present their views.

*Education Codes: 45253 and 45260; 88073 and 88080*

## **2.6 Annual Report**

The Personnel Director shall prepare, as required by Education Code Section 45266 or 88086, an annual report of Commission activities. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

When approved by the Commission, the annual report shall be submitted to the Board of Education.

*Education Code: 45266, 88086*

## **2.7 Legal Counsel**

The legal counsel for the Board of Education shall also aid and represent the Personnel Commission in all legal matters. If such counsel refuses, or if the Commission or legal counsel determines that a conflict of interest may exist, the Commission may employ its own legal counsel and the reasonable cost thereof shall constitute a legal charge against the District Board of Education's general funds, whether or not the costs of such legal services appear in the Commission's budget.

*Education Code: 45313, 88132*

## **2.8 Ethics and Beliefs**

### **2.8.1 Statement of Ethics and Beliefs of Personnel Commission and Personnel Commission Staff**

We, the Personnel Commission and staff of the Personnel Commission of Covina-Valley Unified School District, shall:

- Honor and support the goals of the Board of Education;
- Implement the merit system with a blind eye to any particular group, reinforcing the principle that favoritism shall not enter into any decisions made;
- Make all decisions on the merits, free from partiality, prejudice, or conflicts of interest, and fulfill our responsibilities and use our positions to advance public interest, not for personal gain;
- Conduct all business openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials and employees accountable;
- Honor and respect democratic principles; observe the letter and spirit of the laws; carry out in good faith all rules and regulations of the Personnel Commission and policies of the Governing Board in the mutual interest of the employees, students, and the community we serve;
- Safeguard the public confidence in the integrity of the merit system and public service by avoiding appearances of impropriety and conduct unbecoming public officials and public employees;
- Treat all persons fairly, with respect and dignity; honor our responsibilities by behaving in a trustworthy and responsible manner; and conduct ourselves in an ethical manner free of conflict of interest at all times;
- Support the educational program of this District through efforts to recruit and provide to the District the most qualified classified employees possible;
- Ensure the efficiency of the classified service through well-defined processes free from partiality, prejudice, or conflicts of interest in recruiting, testing, selecting, promoting, and retaining qualified employees;
- Strive to ensure diversity in the candidates available for selection, as equal employment opportunity is a keystone of the merit system principles, and a diverse workplace is important in fostering strong relationships among people of different cultures; and

- Fulfill our responsibility to the constituencies we serve — students, parents, community, and District — to provide the best possible caring service. Service as an employee or volunteer Commissioner in public schools is a noble calling.

*Education Codes: 45221–45225 (88051–88055), 45243–45249 (88063–88069), 45253 (88073), 45255 (88075), 45260 (88080), 45264 (88084), 45266 (88086), 45310 (88129), 45312 (88131), 45313 (88132), and 45317 (88136)*

*Government Codes: 54952–54957*

## Chapter 3 – Classification

### 3.1 Classified Service

All positions established by the Board of Education, which are not exempt from the classified service by law, shall be a part of the classified service of the 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.

The Commission shall classify all employees and positions within their jurisdiction. No person whose contribution consists of rendering personal services and whose employment does not come within the scope of the exceptions listed in 3.1.1 or as established by law shall be employed outside the classified service.

Classification of a position shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.

*Education Codes: 44065, 44066, 44068, 44069, 45103, 45104, 45105, 45105.1, 45106, 45108, 45256, 45256.5, and 45259; 88076, 88077, 88079*

#### 3.1.1 Positions and Employees Exempt from the Classified Service (Ed. Code 45256 & 88076)

- a. Positions that require certification qualifications. (LVN's)
- b. Full-time students employed part-time.
- c. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and which is financed by state or federal funds. The District may employ such students pursuant to the Education Code. 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 services.
- d. Positions established for the employment of professional experts on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Personnel Commission.

#### 3.1.2 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, the Board of Education, or these Rules and Regulations.

*Education Codes: 44065, 44066, 44068, 44069, 45103, 45204, 45205, 45205.1, 45106, 45108, 45256, 45256.5, 45257, 45258, 45259, 51760, 51760.3, and 51764; 88076, 88077, 88078, 88079*

## **3.2 Professional Expert Positions**

Professional experts and independent services contractors are exempt from the classified service and obtain no permanency in the classified service regardless of the nature of the duties performed.

Whenever the use of a professional expert assignment is being contemplated, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the employee so assigned, 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.

## **3.3 Establishment and Maintenance of the Classification Plan**

### **3.3.1 Assignment of Duties**

- a. The Board of Education shall prescribe the duties and responsibilities of all positions in the classified service and other positions not requiring certification qualifications of the school district, except for those persons employed as part 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 Director of Personnel shall report that fact to the appropriate administrator so that any necessary action may be taken.
- b. The Board of Education may designate the Superintendent to act on its behalf to prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff.
- c. Whenever the Superintendent or a designated representative proposes to establish a new position or to revise the duties of an existing position, a statement of proposed duties and the basis for the request shall be presented in writing to the Director of Personnel.
- d. The proposed duties of a new position, as recommended and authorized by the Superintendent, shall be the duties to be prescribed for the position. The Board shall fix position duties by taking action to establish (fund) said classified position(s) before or after the Commission acts to classify position duties pursuant to these rules, as long as it does so before the issuance of an announcement calling for a competitive examination to fill position vacancies.

*Education Codes: 45109, 45276, and 88095*

### **3.3.2 Classification Plan**

- a. The Commission shall classify all employees and positions within the jurisdiction of the Board or the Commission based on prescribed duties, except those positions which the Commission determines to be exempt from the Classified Service pursuant to Rule 3.1.1. The Personnel Commission shall classify existing and new positions, including, but not limited to: assigning a job classification title; establishing minimum qualifications for regular employment; allocating positions to appropriate classes; arranging classes into occupational hierarchies; recommending reasonable relationships between classes, within occupational hierarchies, and overall internal alignment; and preparing written class specifications.
- b. The Personnel Commission may create new classes and abolish, divide, or merge existing classes within the classification plan, as the needs of the classified service require. In so doing, the Personnel Commission shall establish the relative ranking within occupational hierarchies.
- c. The Director of Personnel shall be responsible for classifying positions to existing classes or recommending the creation of a new class to the Personnel Commission. In determining this action, all positions substantially similar as to duties performed and the responsibilities exercised by the incumbents for various positions, and as to their qualifications and requirements, shall be assigned to the same class and salary range.

*Education Codes: 45241, 45256, 45268, and 45276; 88061, 88076, 88087, and 88095*

### **3.4 Class Specifications**

For each class of positions initially established or subsequently revised by the Commission, the Director of Personnel shall establish and maintain a class specification, which shall include:

- a. The official class title, which should be as descriptive as possible of the duties performed and in concert with prevailing titles.
- b. The definition of the class indicating the general type of duties and responsibilities of the class, and the amount of supervision received and exercised.
- c. A statement of essential or representative duties to be delegated to persons employed in positions assigned to the class and the critical knowledge, skills, and abilities or job competencies required.
- d. Minimum entrance requirements for admission to examination and regular service in the class.
- e. For purposes of the Americans with Disabilities Act (ADA), identification of essential functions to be performed by all incumbents.
- f. Any special certificates or licenses required as a condition of employment.
- g. A statement of distinguishing characteristics which differentiates the class from other related or similar classes.
- h. The type of supervision received and supervision exercised (when applicable).

#### **3.4.1**

Minimum qualifications shall not require a teaching, administrative, or other certificated credential, nor may the required work experience restrict applicants to credential holders. Titles shall not be assigned that may restrict competition to holders of credentials.

*Education Code: 45104, 45109, and 45276; 88095*

### **3.5 Interpretation of Class Specification**

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

#### **3.5.1**

The basic function definition and representative duties are descriptive and explanatory only, and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position.

#### **3.5.2**

The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of a similar kind and/or quality, as determined by the Personnel Commission.

#### **3.5.3**

The specification for each class is considered as a whole in determining the class to which any position shall be allocated, giving consideration not to isolated clauses, phrases, or words, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

#### **3.5.4**

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.

#### **3.5.5**

Qualifications commonly required of all positions and incumbents within the District, such as ability to perform the essential functions of the job with or without reasonable accommodation, citizenship or other legal right of employment in this country, and honesty, sobriety, freedom from drug addiction, and personal industry, are included as part of the minimum qualifications requirements in the specifications even though they are not specifically listed therein.

#### **3.5.6**

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.

### 3.5.7 Creation of New Positions

When the Board of Education or Personnel Commission creates a new position, when appropriate, a list of the duties to be performed shall be submitted to the Personnel Administrator in writing. The Director of Personnel shall review the duties and responsibilities, and submit recommendations to the Commission, which will:

- a. Determine if the new position shall be a part of the Classified Service or if it meets the exemption criteria as specified in these rules.
- b. Classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established.
- c. If a new class is recommended, the Director of Personnel shall set forth a proposed class specification setting out the title, duties, qualifications, and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Education.
- d. The Commission shall designate the proper salary placement on the appropriate classified salary schedule.
- e. The Commission shall direct the Director of Personnel to notify the Board of the Commission's action.

*Education Codes: 45104, 45105, 45105.1, 45109, 45241, and 45256; 88061 and 88076*

## 3.6 Allocation of Positions to Classes

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

### 3.6.1 Positions Requiring Special Language or Skills

The Board of Education may request that the Personnel Commission designate certain positions within a class or classes to require the holder of the position to possess a special skill, license, or language. The Board of Education must clearly set forth valid reasons for requesting such special requirements. The duties of the position must be the same as those for all other positions within the classification, except for the special requirement.

### 3.6.2

The Commission shall have the right to designate a differential salary rate to compensate incumbents in such special positions for their special skills.

### 3.6.3

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

#### 3.6.4

When a vacancy occurs in a position which has approved special skill requirements, the position shall maintain the requirement for the special skill unless the Board of Education certifies that the special skill is no longer required for the position.

#### 3.6.5

If a request to designate a position in a class as requiring a special skill is challenged, the Personnel Commission shall cause a proper investigation to be made, and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

*Education Code: 45104, 45105, 45105.1, 45109, 45241, 45256, and 45277; 88076 and 88096*

### **3.7 Changes in Duties of Position(s)**

Any substantial change in the duties of existing positions shall be promptly reported in writing to the Director of Personnel, who shall conduct a review to determine whether the position should be allocated to a new or different class. Should a change in classification be warranted or necessary, the Director of Personnel shall submit recommendations to the Personnel Commission for action.

*Education Code: 45256, 45260, 45273, 45276, 45277, 45285, and 45285.5; 88076, 88080, 88092, 88095, 88096, 88014, and 88104.5*

### **3.8 Working Out of Classification**

Each classified employee shall be required to perform the essential duties that are fixed and prescribed for the position by the Board of Education and classified by the Personnel Commission for the class to which he/she is assigned. Classified employees shall not be required to perform duties and responsibilities which are not fixed and prescribed for their positions by the Board of Education, unless the duties assigned reasonably relate to those fixed for the position by the Board, for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period, except as provided by this rule. The Supervisor shall submit a Personnel Requisition to request that an employee work out of class, state the reason therefor, and specify the classification. Upon approval, an employee may be assigned to work outside the scope of his/her normally assigned duties, provided that the salary is adjusted as outlined below:

#### 3.8.1

An employee may be required to perform duties consistent with those assigned to a higher position by the Board of Education for a period of more than five (5) working

days, provided that his/her salary is adjusted upward for the entire period he/she is required to work out of classification.

### 3.8.2

Working out of class in a lower classification or to another classification on the same salary range shall not constitute a change in salary.

### 3.8.3

Whenever an employee is required to perform the assigned duties of a higher classification, the salary shall be adjusted upward to the salary range of that classification, and then to the step of that range that will provide the employee at least a 5% increase above the employee's regular salary for the duration of the assignment.

### 3.8.4

Working out-of-class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a different classification. No employee shall be assigned to work out of class for more than ninety (90) working days in one fiscal year or for more than one assignment without the approval of the Assistant Superintendent of Human Resources. An example of the kind of exemption allowed by the Commission would be the temporary replacement of an employee on a long-term illness leave where the employee is assigned to work out of class for the duration of the absent employee's leave.

### 3.8.5

Whenever an employee is required to perform duties which are not allocated to an existing class, the assignment shall be reported to the Director of Personnel in writing so that a review may be conducted to determine the appropriate pay differential for the temporary assignment.

### 3.8.6

The Director of Personnel shall review the assigned duties and shall determine if the duties are of a different classification. If the requirements of Section 3.8 are satisfied, the Personnel Director shall recommend approval to the Personnel Commission of an appropriate pay differential consistent with these rules. Should the Director of Personnel's review determine that the assigned duties are not of an equal or higher classification, the Director of Personnel shall notify the employee, the appropriate supervisor, and the association, and present the findings to the Personnel Commission at the next regular meeting. These rules shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

*Education Code: 45110, 45256, 45260*

### 3.8.7 Review of Positions

The Director of Personnel shall review the duties and responsibilities of positions as necessary to determine their proper classification(s) and shall cause all positions to be reviewed at least once every five (5) years. If the Director of Personnel finds that a position or positions should be reclassified, he/she shall advise the administration of the

findings. If the administration verifies the duties of the position or if the duties are not revised to fit the current classification, the Director of Personnel shall report the findings to the Personnel Commission for appropriate action. The Director of Personnel shall also report the findings in cases where the review indicates that a change of classification is unwarranted.

### **3.9 Reclassification**

Requests for the reclassification study of a position may be initiated by an employee, the Director of Personnel, or a recognized employee organization. Requests initiated by an employee or an employee organization shall include a listing of duties and a statement indicating the reasons the employee feels a reclassification is justified. Requests initiated by the Director of Personnel shall include the above information as well as a statement by the employee's supervisor verifying the authorized duties of the position.

#### **3.9.1 Definition of Gradual Accretion**

For purposes of these guidelines, two (2) or more years of regular service shall be interpreted to mean assignment for at least two (2) complete years within the assignment basis of the class or position. The determination as to gradual accretion will be based on an analysis of data to be supplied by the division or school, as well as the Personnel Commission staff, regarding the following guideline factors:

- a. The nature and scope of each identified change in duties and responsibilities.
- b. The exact or approximate date the employee began the performance of the newly required duties and responsibilities.
- c. The conditions that led to the association of the added duties and responsibilities.
- d. Evidence of the employee's performance of the added duties and responsibilities.

#### **3.9.2 Reclassification of Vacant Position(s)**

If a reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

#### **3.9.3 Notification of Reclassification**

Notification of a recommendation for the classification or reclassification of a position or employee shall be given to the employee(s) affected, their exclusive representative, the employee's supervisor, and the District Administration before the classification proposal is adopted.

#### **3.9.4 Effective Date of Reclassification**

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, immediately, or sufficiently in the future to allow time for an examination process to be completed, but not more than three (3) months from the date of the Commission's action.

### 3.9.5 Salary Placement After Reclassification

When a position is reclassified upward, incumbents who are to be reclassified with the position shall be placed on the step within the new range that represents at least a 5% increase in salary, unless the new range has a top step of less than a 5% difference, in which case salary placement will be at the top step of the new range.

### 3.9.6 Effects of Reclassification on Employees

Whenever a position or entire classes of positions are reclassified, the rights of incumbents will be determined in accordance with these Rules and Regulations.

### 3.9.7 Reclassification Upward

When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two (2) or more years may be reclassified by the Commission to the higher class without any further competitive examination process.

When one or more positions within a class, but not all of the positions within that class, are reclassified upward, the incumbent(s) in the position who has a continuous employment record of two (2) or more years in one or more of the positions being reclassified may be reclassified by the Personnel Commission with the position.

In order for an incumbent to be reclassified to the higher class, 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 assignment of completely new duties and responsibilities. Determination 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 shall be ineligible for subsequent reclassification for a period of at least two (2) years from the date of the reclassification.

Those incumbents not able to be reclassified with their positions shall have an opportunity to compete in the Personnel Commission's selection process for promotion into the higher class.

### 3.9.8 Reclassification to Equal or Lower Wage

If a position or a group of positions is reclassified to a class with an equal or lower wage or salary range, salary changes shall be negotiated between the Board of Education and the collective bargaining group.

### 3.9.9 Re-employment List(s) for Displaced Incumbents

The reclassification of all positions in a class automatically reclassifies the mandatory reemployment list (if any) for that class. The Personnel Commission shall also review the appropriateness of the current eligibility list for the class to determine whether or not it should be reclassified. Salary reallocations of classes shall have no effect on lists unless a specific finding to the contrary is made by the Commission.

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.

Persons laid off or who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff 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 (39) month period.

#### 3.9.10 Establishment of Senior Management Exemptions

The Board of Education may adopt a resolution designating certain positions as senior management of the classified service. Notwithstanding the provisions of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code (The Rodda Act), the decision of the Board of Education shall not be deemed a matter subject to negotiation with any exclusive certified employee organization. The decision of the Board to make a position senior management shall be subject to review by the Public Employment Relations Board.

#### 3.9.11 Definition of Senior Management

An employee in the highest position in a principal district program area, as determined by the Board of Education, which does not require certification qualifications, and which has district-wide responsibility for formulating policies or administering the program area.

An employee who acts as the fiscal advisor to the Superintendent.

#### 3.9.12 Filling Senior Management Positions

Positions in the senior management of the classified service shall be filled using the Rules and Regulations of the Personnel Commission except as noted below:

- a. The position shall be filled from an unranked eligibility list developed by the Personnel Commission and arrived at by competitive examination(s) as determined by the Commission.
- b. The appointing authority shall have the right to interview all eligible candidates certified by the Commission from the unranked list.
- c. The Personnel Commission shall determine the minimum qualifications for the position designated senior management, taking particular note of managerial ability necessary to successfully perform in the position, and the final eligibility list shall be unranked rather than ranked.

#### 3.9.13 Impact of Senior Management Designation on Incumbents

Employees whose positions are designated as senior management of the classified service shall be a part of the classified service, and shall be afforded all rights, benefits, and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status in a senior management position.

#### 3.9.14 Discontinuance of Senior Management Position

The Board of Education may adopt a resolution abolishing any or all positions of the senior management of the classified service. An employee occupying a senior management position abolished by such action shall become a member of the classified service in a position to which he or she would otherwise be entitled if the employee had not been a member of the senior management of the classified service.

If the employee in the senior management of the classified service had been a member of the regular classified service, he or she shall be entitled to a position which is the same as, or similar to, the position to which he or she holds rights outside of the senior management of the classified service.

*Education Codes: 45104.5, 45260, and 45261; 88080, 88081*

### **3.10 Executive Secretary Exemptions**

#### **3.10.1 Definition of Executive Secretary / Board Authority**

Upon the request of a majority of the members of the Board of Education, the Board may request that the Personnel Commission consider exempting certain executive secretary positions from specific provisions of the Education Code and these Rules and Regulations. The Personnel Commission shall have the power to grant or not grant such a request. The granting of waivers by the Personnel Commission shall be considered only if the Commission determines that it is in the best interests of the District, and not detrimental to the philosophy, intent, and purpose of the merit system. If a waiver is granted, it shall only be done pursuant to these rules and regulations.

#### **3.10.2 Filling Executive Secretary Positions**

The position shall be filled from a ranked eligibility list developed by the Personnel Commission and arrived at by competitive examination(s) as determined by the Commission. The Personnel Commission shall determine the minimum qualifications for the position. The appointing authority shall have the right to interview all eligible candidates certified by the Commission from the ranked list.

#### **3.10.3 Impact of Executive Secretary Designation on Incumbents**

Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular classified service of the District, except that the employee shall not attain permanent status in the executive secretarial position.

#### **3.10.4 Discontinuance of Executive Secretary Services**

Any person whose services in an executive secretarial position are discontinued for a reason other than a cause for disciplinary action as specified in the Education Code or in a rule of the Commission shall have the right to return to a position in a classification he or she previously occupied, or, if that classification no longer exists, to a position in a similar classification, as determined by the Commission.