

**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.

August 11, 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 June 9, 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. **Personnel Commission Presentation.** The District's appointed legal counsel, Mr. Paul McGlocklin of Atkinson, Andelson, Loya, Ruud & Romo will lead a discussion on the Brown Act and the Personnel Commission Rules and Regulations. (Ref. A) **Info**

8. **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:

- Article 4 - Application for Employment
- Article 5 - Recruitment and Examinations

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. B)

V – Action Items

9. **Final Reading of Personnel Commission Rules and Regulations.** The Personnel Commission will conduct a final reading of proposed revisions to the Personnel Commission Rules and Regulations, specifically: **Action**

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

This final reading provides the Personnel Commission with an opportunity to review the proposed revisions, discuss the language, offer feedback, and identify any recommended modifications before considering adoption at a future meeting. (Ref. C)

Motion by _____, Seconded by _____, Vote _____

10. **Meeting Dates for the 2026–2027 School Year.** Recommendation is made to approve the meeting dates for the 2026-2027 school year. (Ref. D) **Action**

Motion by _____, Seconded by _____, Vote _____

VI – Closed Session

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

VII - Adjournment

12. **Adjournment.** _____ p.m. **Action**

Motion by _____, Seconded by _____, Vote _____

Personnel Commission Presentation

The Personnel Commission will receive a brief overview of the requirements of the Ralph M. Brown Act as they apply to public meetings, along with a review of the Personnel Commission's roles and responsibilities under the Merit System. This informational item is intended to support effective governance and ensure compliance with applicable laws and regulations.



Brown Act Basics and the Role of the Personnel Commission

Personnel Commission of the Covina-Valley Unified
School District
July 14, 2026

Presented by
Paul Z. McGlocklin, Esq.

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego





Agenda

- The Brown Act – The Open Government Law
 - Who does it apply to?
 - What is a meeting?
 - Meeting Conduct
 - Agendas
 - Closed Session
 - Enforcement
- Role of the Personnel Commission

The Brown Act – The Open Government Law

“Public agencies in this state exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly”

Government Code §54950

“All meetings of the legislative body of a local agency shall be open and public and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter”

Government Code §54953(a)

The Brown Act

Who Does It Apply To?



- Legislative Bodies, as defined (GC § 54952)
 - Includes members-elect (GC § 54952.1)
- In addition to the Personnel Commission:
 - Standing Committees
 - Ad Hoc Committees comprised of PC members and others
- Excludes:
 - Less-than-quorum subcommittees of the Personnel Commission
 - Committees Appointed by the Director

The Brown Act

What is a Meeting?



- Any congregation of a majority of the members of a legislative body, no matter how informal, by any means, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body. (GC § 54952.2(a))
- Must be construed broadly – No members may communicate on any single subject outside of a meeting
- Must avoid serial meetings – including through intermediaries
- Social Media – must avoid comments and “likes” to other members
- One way communications are permitted, but use caution

What is a “Serial Meeting?”

- The development of a collective concurrence is no longer an element of a prohibited meeting (meaning it is now easier to engage in a serial meeting)
- Serial, but less than a quorum, meetings of a district’s governing board members with a mediator in an effort to reach a settlement for the termination of the district’s president, constituted the collective acquisition and exchange of facts preliminary to an ultimate decision. The court found the mediator to be an intermediary for purposes of Section 54952.2(b).
 - Page v. Mira Costa Community College Dist. (2009) 180 Cal.App.4th 471.

What is a Not a “Serial Meeting”?

- An **employee or official** of a local agency may engage in **separate conversations or communications** outside of a meeting with members of a legislative body in order **to answer questions or provide information** regarding a matter within the jurisdiction of the agency, if that person does **not communicate to members of the legislative body the comments or position of any other member** or members of the legislative body.

– Gov. Code § 54952.2(b)(2)

Social Media and Serial Meetings

Members may engage in conversations with the public on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.

- Members are not authorized to use social media to discuss among themselves business within the subject matter jurisdiction of the legislative body
- Members are prohibited from responding directly to any post and/or comment that is made, posted, or shared by any other member of the same legislative body
- Restricted communications include not only comments, but also the “use of digital icons that express reactions to communications made by other members of the legislative body” (i.e., emojis, “like” buttons, reactions)

The Brown Act

Meeting Conduct



- Must allow public comment:
 - Subject to reasonable regulation (3/20 mins. typical)
 - Public comment on closed session matters before closed session
 - Public comment on open session agenda, and non-agenda, items
 - In a special meeting, public comment only on agenda items
- Teleconferencing/Remote Meetings
 - Traditional and Post-Pandemic rules
- Disruptions
 - PC may order removal of disruptive presence – give warning first
 - PC may clear the room (other than non-disruptive media) and/or retreat to Closed Session
 - PC may adjourn the meeting and reconvene later

The Brown Act

Board Meeting Agendas



- Must be posted in advance of meetings, including on website
 - 72 hours for regular meetings, 24 hours for special meetings
 - 1 hour for emergency meetings – work stoppage/crippling disaster
- Agenda Items
 - Must reasonably apprise the public of the business to be transacted so they can determine whether to participate
 - Brief general description, usually no more than 20 words
 - Agenda materials provided to Commission become public records unless otherwise protected, must be made available for inspection
 - Closed session agenda items use “safe harbor” language

The Brown Act

Closed Session



- All meetings must occur before the public unless closed session is specifically allowed
- Confidentiality on certain matters benefit the public
- Typical closed session items:
 - Personnel – Appointments, Evaluations, Discipline/Dismissal/Release
 - Conference with Legal Counsel – Existing/Anticipated Litigation
 - Liability Claims
- Must report any closed session action in open session
- Closed session discussions are confidential (GC § 54963)

The Brown Act

Enforcement



- **Civil**

- Injunction, Writ – can result in nullification of action
 - Cancellation of contracts or settlements
- Cure and correct process (GC § 54960.1)
 - Cease and desist letter and unconditional commitment
 - Insulation from attorneys fees award

- **Criminal**

- Intentional, knowing violation is a misdemeanor (GC § 54959)
- Good faith reliance on opinion of counsel may preclude finding of intent

Role of the Personnel Commission

- Classified Employee Positions
 - The Board creates positions and “fixes the duties” of the positions
 - The Board recommends minimum educational and work experience qualifications
 - The Commission approves the qualifications but *not* the duties or the creation of the position itself
- (Education Code § 45276)

Role of the Personnel Commission

- Classifying Positions

- The Commission's most prominent role
 - Allocates positions to classes of jobs
 - Arranges positions in occupational hierarchies
 - Determines relationships within hierarchies (including relationships in pay; discussed later)
- (Education Code § 45256)

Role of the Personnel Commission

- Classifying Positions
 - Applies to *all* classified (non-certificated) positions
 - Management
 - Non-management
 - Confidential
 - Does *not* apply to non-classified positions
 - Students employed part-time
 - Apprentices
 - Professional experts

Role of the Personnel Commission

- The Hiring Process
 - Job postings
 - Competitive examinations
 - Creation of eligibility lists
 - Ranked in order of relative merit
 - As determined by competitive examination
 - Eligibles with the same score have the same rank
(Education Code § 45272)

Role of the Personnel Commission

- The Hiring Process
- With a few exceptions, the District *must* hire from the top three candidates on an eligibility list (“rule of three ranks”)
- Examples of Exceptions:
 - Executive secretarial positions (Education Code § 45272)
 - A valid driver’s license as requirement of position (Education Code § 45277)
- Employees exempted from this rule have all the “rights, benefits, and burdens” of any other classified employee

Role of the Personnel Commission

- The Hiring Process
- The Commission *may* delegate to the Personnel Director duties such as
 - Posting vacancies
 - Scheduling examinations and interviews
 - Creating eligibility lists

Role of the Personnel Commission

• Compensation

- The Commission *recommends* salary schedules to the Board
- The Board negotiates, approves, amends, or rejects the recommendations
- The Board cannot amend the recommendations until the Commission has the opportunity to state the effect of the amendments “upon the principle of like pay for like service”
- The Board *sets* salaries, which “cannot operate to disturb the relationship which compensation schedules bear to one another, as the relationship has been established in the classification made by the commission”

(Education Code § 45268)

Role of the Personnel Commission

- **Discipline**

- Employees may *appeal* a suspension, demotion, or dismissal, to the Personnel Commission
- Lesser discipline (e.g., a reprimand) is not subject to Personnel Commission review
- The Commission's decision on an employee's appeal is final and binding on the Board, subject to civil court review
- (Education Code §§ 45302-45307)

Role of the Personnel Commission

- **Discipline**

- If the Personnel Director recommends the discipline of an employee, he or she may not advise or make any recommendations to the Personnel Commission about the employee's appeal (Education Code § 45266(b))
- The Commission may modify the action approved by the Board, but it may not make the discipline more stringent (Education Code § 45307)

Role of the Personnel Commission

- **Reclassification**

- The Commission has authority to set guidelines for reclassification of positions, which must be the result of “a gradual accretion of duties” and not a “sudden change” caused by reorganization or assignment of completely new duties and responsibilities (Education Code § 45285)
- All persons within the class who have held their positions for at least three years may be reclassified with their positions
- If the reclassification involves a bargaining unit position, no change is made until reasonable notice is given to the union (Education Code § 45285.5)

Thank You

Questions or comments? Please contact:

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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 4 - Application for Employment: is being presented for a first reading.
- Article 5 - Recruitment and Examinations: is being presented for a first reading

Chapter 4 – Application for Employment

4.1 Application

4.1.1 Filing of Applications

All applications for employment shall be made on the official forms furnished by Personnel, either online or on paper. Every item shall be answered in full, and the application shall be signed by the applicant and filed in the Personnel Department on or before the time and date specified in the official vacancy notice. Exceptions may be made by the Director of Personnel or Personnel Commission when it is in the best interest of the district and in fairness to the applicant.

- a. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
- b. The application form shall require that each applicant indicate whether or not he/she has been convicted of a crime. If an applicant states that he/she has been convicted of a crime, then such applicant shall be required to provide the Commission with detailed information pertaining to all convictions on a separate form. An applicant may be disqualified based on a conviction as set forth in Rule 4.2.1 to the extent permitted by law.
- c. Applications and examination papers are confidential and become the property of the Personnel Department and shall not be returned to the applicant.

4.1.2 General Qualifications of Applicants

All applicants must be permanent residents of or must otherwise prove their right to work in the United States, and possess all other requirements that are specified in the qualifications established for the class.

- a. Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination because of race, religious creed, color, national origin, ancestry, disability, medical condition (as defined in Code

Section 12926), employee organization membership or non-membership and legal activities related thereto, marital status, sex, age, sexual orientation, or gender identity.

- b. Residency within the District shall not be a condition for filing applications or offering employment.
- c. No maximum age limit shall be set as a condition for initial or continued employment in the District.
- d. Applicants with disabilities protected under the law shall be given equal employment opportunity.
- e. Every applicant must, in all respects, be mentally and physically competent to perform the essential functions of the position for which applied.

4.2 Disqualification of Applicants and Candidates

4.2.1 Causes for Disqualification

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

- a. Failure to meet the general qualifications as described in these rules.
- b. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- c. Conviction, either by a plea or verdict of guilty or nolo contendere, a court decision of a sex or narcotics offense as defined in Code Sections 44010 or 44011.
- d. A history of drug addiction without acceptable evidence of rehabilitation to the extent consistent with federal and state laws.
- e. Any conviction, other than a sex or narcotics conviction as defined in Code Sections 44010 and 44011, may disqualify an applicant if the criminal conviction(s) is sufficiently serious to require disqualification from employment. The following factors shall be considered in determining whether an applicant's criminal conviction(s) shall disqualify the applicant:
 - 1. Nature, seriousness, and circumstances of the offense(s)

2. Recency of the convictions
 3. Number of convictions
 4. Relationship of the offense(s) to the position for which applicant has applied
 5. Age of the applicant when convicted
- f. A determination that the applicant is a sexual psychopath.
 - g. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.
 - h. Practicing any deception or fraud in connection with an examination or to secure employment. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
 - i. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these Rules.
 - j. Previous dismissal from the District.
 - k. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement notice, unsatisfactory job performance notice, or a resignation in lieu of dismissal.
 - l. Dishonorable discharge from the Armed Forces of the United States.
 - m. Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission (or the Board of Education
 - n. Unsatisfactory health conditions which clearly indicate that the applicant or candidate would be unable to perform the essential functions of the job with or without reasonable accommodation or would endanger his/her health and safety or the health and safety of others to the extent permitted under federal and state laws.
 - o. Attempting to or making contact with any member of the Board or the Commission with the intent of attempting to favorably influence the recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection

process to the Commission as a whole by any candidate through the established appeal process.

- p. Failure, after due notice, to report for review of any of the above causes for disqualification.
- q. Failure to report for duty after an assignment has been offered and accepted.
- r. Failure to pass the pre-employment drug/alcohol testing for safety-sensitive positions. (BP 4112.41)
- s. Other causes deemed sufficient by the Personnel Commission (Commission).

4.2.2 Appeal from Disqualification

Any applicant, candidate, and/or eligible disqualified based on Rule 4.2 shall be notified in writing, indicating the reasons for disqualification and advising the individual that he/she has four (4) working days from receipt of notification to appeal the decision to the Director of Personnel.

- a. Anyone who has appealed a disqualification shall conditionally be permitted to take the examination pending final decision.
- b. Upon receipt of an appeal, the Director of Personnel shall conduct an investigation. If the decision is in favor of the applicant, the applicant shall be notified and given rights as though the disqualification had not occurred. If the decision is to deny the appeal, the applicant may appeal to the Personnel Commission (Commission) within five (5) working days after being notified.
- c. Upon receipt of an appeal, the Commission shall conduct a hearing and shall receive evidence and render a decision within fourteen (14) calendar days. If the Commission's decision is in favor of the applicant, the applicant shall be given rights as though the rejection had not occurred. The decision of the Commission is final and binding on all parties.
- d. Appointments may be made from available eligibles pending final decision on the appeal (unless ordered otherwise by the Commission) and shall not be changed even though the outcome is in the appellant's favor, unless such appointments were fraudulently made.

4.2.3 Submitting Proof of Veteran's Credit

Any applicant who claims veteran's credit must submit DD Form 214 at the time the employment application is submitted. Failure to submit DD Form 214 at the time of application shall result in no veteran's credits being considered or added to any passing score.

4.2.4 Applicant's Names Not to be Made Public

The names of applicants or unsuccessful candidates in any of the District's selection processes shall not be made public.

4.3 Equal Opportunity Employment

4.3.1 General Statement

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

4.3.2 Equal Opportunity Employment/Merit System

The Commission will: ensure that all classified personnel actions are conducted without regard to race, color, age, religious creed, sex, sexual orientation, sexual identity, national origin, Vietnam Era or disabled veteran status, marital status, ancestry, medical condition, physical handicap or disability; ensure employment and promotion decisions are made in a manner to further the principles of equal employment opportunity and Merit System principles.

4.3.3 Position Qualifications

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

Code Sections: 12921, 12926, 12940, 44010, 44011, 45111, 45122, 45123, 45124, 45134, 45260, 45261, 45272, 45274, 45294, 45295, 45296, 45303, 45309, 88080, 88081, 88091, 88093, 88113, 88114, 88115, 88122, 88128

Chapter 5 – Recruitment and Examinations

5.1 Opening Announcement Procedures

The Personnel Commission shall direct and administer the holding of examinations for the purpose of filling vacancies or creating lists for the Classified Service.

No examination announcement may be made and no part of any examination may be held for a new position until the Board of Education has properly designated the position duties and the Commission has completed the position classification, including the establishment of minimum qualifications. (Note: A newly created position is one that does not have a previously separate existence.)

Whenever it is necessary to fill existing or anticipated vacancies and an appropriate eligibility list does not exist (as determined by the Commission), the Commission shall announce each examination on the appropriate vacancy announcement form, which shall be distributed to all employee work sites and community locations for at least ten (10) working days. It shall be the responsibility of each site administrator or department head to ensure that all vacancy announcements are posted in an area where all employees shall have access to them. The Director of Personnel shall determine the appropriateness and may place advertisements in newspapers, trade and business journals, or other media. The Director of Personnel shall ensure that community agencies and organizations dealing with women, minorities, and the physically challenged are notified of each examination.

When a vacancy occurs in an established position, a Personnel Requisition shall be completed.

5.2 Opening Announcement Contents

The vacancy announcement shall contain the following: the title of the class; information concerning the purpose of the examination; a description of the scope of duties and responsibilities of the class; the qualifications and requirements of the class; the salary, benefits, and other compensation; the closing date for filing applications; and such other information as will assist interested persons in fully understanding the nature of the employment and procedures necessary to participate in the examination.

5.3 Notification of Required/Desired Skills

When a position is posted for recruitment and special skills are either desired or required, that information shall be noted on the recruitment announcement.

5.3.1 Required Special Skills

When a position requires special shorthand or transcription skills, demonstration of the possession of said skill shall be a minimum qualification for the successful completion of the testing process. Having been successful in the testing process, the candidate shall have noted on the resulting eligibility list that he/she possesses the skill and shall be certified for available positions, which require the skill above other eligibles with higher scores who have not indicated through the testing process that they possess the skill.

5.3.2 Desirable Skills

When a position is identified as desiring a special skill, such as the ability to speak, read, and write a second language or to utilize shorthand or transcription skills, demonstration of the possession of said skill shall not be a minimum qualification for the successful completion of the testing process. Candidates who have been successful in the testing process shall have noted on the resulting eligibility list that they possess the skill but shall not be certified for available positions, which list the skill as desirable above other eligibles with higher scores who have not indicated through the testing process that they possess the skill.

Code Sections: 45109, 45260, 45261, 45272 and 45278; 88080, 88081, 88091 and 88097

5.4 Examination Procedures

5.4.1 Types of Recruitments

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

a. **Open Competitive**

Entry-level classifications with the Classified Service of the District shall always have an open competitive examination.

Education Code: 45284

b. **Promotional**

Where it has been determined by the Director of Personnel that an adequate field of competition exists within the District and examinations can reasonably be expected to result in at least three (3) qualified ranks of eligibles, the field of competition may be limited to promotional applicants. As a guideline, six (6) qualified applicants will be considered an adequate field of competition.

Promotional examinations shall be restricted to probationary and permanent employees of the District and former employees on a valid reemployment list who meet the qualifications of the class.

Applicants for promotional examination must meet the established minimum qualifications for the class.

Code Sections: 45260, 45261, 45272 and 45281; 88080, 88081, 88091 and 88101

c. Promotional and Open Competitive Examinations

Where it has been determined by the Personnel Commission that an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Personnel Administrator may advertise the examination among employees and the general public.

Applicants shall be considered as a group in determining passing scores on the examination.

This examination procedure shall result in a promotional and an open eligibility list. The promotional eligibility list shall take precedence when certifying eligibles. When the promotional eligibility list does not contain sufficient ranks of eligibles (defined as having fewer than three (3) eligible and available ranks), certification of additional ranks shall then be made from the open list.

Code Sections: 45260, 45261, 45272, 45281 and 45284; 88080, 88081, 88091, 88101 and 88108

d. Merged (Dual Certification)

An examination may be held under merged promotional and open competitive procedures. The resulting eligibility list shall consist of promotional and open competitive candidates merged on one eligibility list.

Code Sections: 45284, 88108

e. Continuous

The Commission may designate examinations for specified classes as continuous examinations. Applications shall be accepted every working day and examinations shall be given as the need arises. If a qualifications appraisal interview is required, the interview panel shall consist of at least two persons who may be employees of the District or the Commission, as designated by the Director of Personnel.

Code Sections: 45292, 88111

5.4.2 Types of Examinations

Examinations shall consist of at least two independent parts unless determined otherwise by the Personnel Commission. The parts shall be contained within the following: written examination; practical demonstration of skill; oral Interview panel examinations; other tests of fitness determined by the Personnel Commission

Code Sections: 45260 and 45273; 88081 and 88092

a. Written Exam Procedures

Applicants in any written test must take the test on the prescribed date unless prior approval of the Director of Personnel has been obtained. Alternate test dates/times shall only be approved in cases of emergency or severe hardship, as determined by the Director of Personnel.

Copies of the questions in a test shall not be made by applicants or other unauthorized persons.

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

An applicant in any examination who places an identifying mark upon his/her test paper (other than the identifying mark prescribed at the time of examination) or makes an attempt to disclose to others the identity of his/her papers prior to the completion of the examination may be disqualified.

Admission to an examination shall be by a valid examination invitation or by inclusion in a listing of qualified applicants for those examinations

where applications have been submitted and evaluated prior to the examination. No candidate may be admitted to any examination without this authorization. In addition, each candidate must provide personal identification (with picture I.D.) at time of examination admittance in order to take the test.

Education Codes: 45260, 45261 and 45273; 88080, 88081, 88092

b. Oral Panel Examinations

If an examination requires the use of a Qualifications Appraisal Interview Panel, the Director of Personnel shall assure that the following rules are followed:

1. The panel shall consist of at least two (2) persons who shall be technically qualified in the specified occupational areas under examination.
2. An employee of the District or of the Commission may serve on an interview panel if that 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.
3. The interview panel shall evaluate general fitness for employment in the class and the candidates' technical knowledge and skills.
4. Members of the Board of Education or Personnel Commission shall not serve on interview panels.
5. Interviews shall be electronically recorded and filed in the Commission Office.
6. Scores achieved by the candidate on other parts of the examination shall not be made available to the interview panel.
7. In no case will an oral or performance examination board be provided with confidential references on candidates who are competing in examinations.
8. In interview panel examinations, ratings accorded competitors shall be expressed in percentages with seventy percent (70%) being the minimum qualifying rating. Ratings shall be made independently by each interviewer either before or after discussion with other interviewers. Ratings shall be made on forms prescribed by the Director of Personnel, which shall be signed by the interviewer and be delivered to the Director of Personnel or his/her representative. When a competitor is disqualified by a member of the Qualifications Appraisal

Interview Board, the interviewer shall make a record of the reason(s) on the rating sheet.

9. The ratings of the several members of the Qualifications Appraisal Interview Board shall be averaged to determine each candidate's final rating. If the majority of the rating panel gives a candidate a score of at least seventy percent (70%), but the final averaged score is below seventy percent (70%), the candidate shall be given a final rating of seventy percent (70%). If the majority of the rating panel gives a candidate a score below seventy percent (70%), but the final averaged score is above seventy percent (70%), the candidate shall be disqualified, regardless of the fact that his/her average rating may be seventy percent (70%) or more. If the panel consists of only two (2) raters, the final score shall be the average of the two (2) raters.

Education Codes: 45260 and 45273; 88080 and 88092

c. Evaluation of Training and Experience

If a part of the examination is an evaluation of the applicants' training and experience, the evaluation shall be individually and independently conducted by at least two (2) members of a committee other than the interview panel. The scores of all applicants shall be listed in rank order. The Director of Personnel shall determine and weight the passing scores of the training and experience evaluation.

Code Sections: 45260 and 45276; 88080 and 88096

5.5 Examination Scoring Procedures

5.5.1 Establishment of Minimum Scores

Candidates will 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.

Code Sections: 45260, 45261, 45272 and 45273; 88080, 88081 and 88091

5.5.2 Weighted Scores

All examination parts shall be prepared under the direction of the Director of Personnel, who shall determine passing scores and assign relative percentage weights to each part. The procedure for setting percentage weights shall be impartial.

5.6 Examination Scoring Procedures

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Codes Sections: 45260 and 45261; 88080, 88081

5.6.3 Notice of Final Score

Each candidate who qualifies shall be notified by the Personnel Commission's staff within fifteen (15) working days after completion of the examination of his/her standing on the eligibility list. Candidates who do not qualify shall be notified within fifteen (15) working days after completion of the examination.

Code Sections: 45260 and 45261; 88080 and 88081

5.7 Examination Records

5.7.1 Records Retention

Examination records, including test answer sheets, tape recordings of interviews and the rating sheets of each member of an oral interview panel, shall be retained by the Personnel Commission for a period of three (3) years.

5.7.2 Confidentiality of Records

All papers submitted by candidates in the course of an examination process are the property of the Personnel Commission and shall be confidential. Records, such as identifiable ratings of oral panel members and confidential references of previous employers, shall not be available for review.

5.7.3 Review Procedures

Remaining examination records, such as papers, tapes and scores of the candidate or eligible shall be available for review only by the candidate or eligible or his/her representative. The candidate or eligible or his/her representative may not review the records of another person. Except under conditions of a formal protest, examinations shall not be available

for review. No candidate or representative may remove or copy information from the examination materials.

Code Sections: 45260, 45261 and 45274; 88080, 88081 and 88093

5.8 Examination Appeals Procedures

Remaining examination records, such as papers, tapes and scores of the candidate or eligible shall be available for review only by the candidate or eligible or his/her representative. The candidate or eligible or his/her representative may not review the records of another person. Except under conditions of a formal protest, examinations shall not be available for review. No candidate or representative may remove or copy information from the examination materials.

Code Sections: 45260, 45261 and 45274; 88080, 88081 and 88093

5.9 Examination Appeals Procedures

5.9.1 Examination Protest

Protest forms shall be available at all examination processes. These forms shall be for the purpose of protesting the inclusion or content of any examination question and/or section. Failure to file a protest timely shall constitute a waiver of the right to appeal that part of the selection process.

Protest forms must be filed within twenty-four (24) hours of the ending of the examination. The Director of Personnel shall review and act upon all protests. If the protest results in any change, the test papers of all applicants shall be reviewed and re-rated.

5.9.2 Appeal to Commission

The Director of Personnel shall inform the candidate who has submitted the protest of his/her decision. That decision shall be in writing and served in person or by certified mail (Return Receipt Requested) to the applicant. This requirement will be deemed to have been met if the Director of Personnel's decision is sent certified mail to the 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 U.S. Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timeliness outlined in these rules. The responsibility for keeping the District informed of a home address is the requirement of the applicant. 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 of Personnel rule

against the protest, that decision may be appealed to the Commission. However, the filing of such an appeal shall not stop or otherwise delay the selection (examination) process unless so ordered by the Commission.

Appeals to the Personnel Commission shall be submitted in writing to the Personnel Office within three (3) working days of receipt of the decision of the Director of Personnel.

The Personnel Commission shall hold a hearing to hear the appeal of the applicant. The decision of the Commission shall be in writing and served on the applicant using the procedures as outlined in your prescribed procedures. The decision of the Commission shall be final and binding on all parties.

Code Sections: 45260, 45261 and 45274; 88080, 88081 and 88093

5.10 Violation of these Examination Rules/Laws

Whenever the Personnel Commission, after a public hearing, finds that any appointment has been made in violation of the Education Code provisions of the merit system, or these rules as they apply to examination procedures, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order. 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 guilty of such violation.

Code Sections: 45260, 45261, 45310, 45311, 45312, 45313 and 45317; 88080, 88081, 88129, 88130, 88131, 88132 and 88136

Personnel Commission Rules and Regulations – Final Readings

Reference materials are provided for the Personnel Commission's review of proposed revisions to the following articles before future consideration for adoption.

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

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:

- a. One member of the Commission shall be appointed by the ~~Governing~~ Board of ~~the district. Education.~~ 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.
- b. 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.
- c. 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.~~

Code Sections: 454224, 45245, 45246(b)(2), 45247, 45248, 88065, 88066(b)(2), and 88067

2.1.2 Qualifications and Restrictions

To be eligible for appointment or reappointment to the Personnel 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 Sections: 45244, 45247, and 88067

2.1.3 Election of Officers

At its first meeting following December 1 of each year, the Personnel 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 Sections: 45247 and 88067

2.1.4 Quorum and Majority

Two members 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.

~~Education~~ Code Sections: 45260, 45261, 88080, and 88081

2.2 Meetings

2.2.1 Regular Meetings

The Personnel Commission shall hold a regular meeting on the second Tuesday of each month at 4:45 p.m. The Commission President shall preside at all meetings and shall decide questions of order and shall appoint committees unless otherwise directed by the Commission. The President shall have the same rights and privileges as other members of the Commission in voting, introducing resolutions and in discussing questions. 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. The Vice President shall act as presiding officer at all meetings where the President is absent. While acting in this capacity, the Vice President shall have all of the powers and privileges of the President. The Vice President shall succeed to the office of President if that office becomes vacant. Regular meetings shall be held in the Dr. Mary Hanes Professional Development Center (220 W. Puente Ave., Covina, CA 91723), unless otherwise specified.

2.2.2 Special Meetings

- a. The Secretary of the Personnel Commission may call a special meeting of the Commission whenever it is considered necessary.
- b. A special meeting may also be called at any time if requested by a member of the Commission.
- c. 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.

- d. Written notice of a special meeting shall be delivered personally to members of the Commission via electronic format and recognized employee organization representatives.
- e. No business shall be considered by the Commission other than that which appears on the posted notice and agenda.

Education Code Sections: 45260 and 88080

2.2.3 Adjourned Meetings

The Personnel 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 Sections: 45260 and 88080

2.2.4 Public Meetings

- a. All regular and special meetings of the Personnel 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. All meetings are governed by the rules of parliamentary procedures and provisions in the Ralph M. Brown Act.
- b. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings without their supervisor's approval.
- c. 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.
- d. 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 Sections: 45260 and 88080

Government Code Section: 54950

2.2.5 Closed Sessions

Closed sessions may be held at any meeting of the Personnel 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 Section: 54957

Government Code Sections: 54950-54957.7

2.2.6 Amendment, Deletion, or Addition to Rules

- a. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Personnel Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- b. At the "first reading," the Commission will set a date for Commission action on the proposal, which date shall 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.
- c. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

~~Education~~ Code Sections: 45260 and 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 Personnel Commission, and the votes of the Commissioners. The Director of Personnel shall record each Commissioner's approval or dissent and any expressed reasons therefore. 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. Discussions occurring in closed session shall not be recorded in the minutes; only actions taken or decisions reached in closed session shall be reported out and recorded in accordance with applicable law. 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 Sections: 45260 and 88080

2.3 Personnel Commission Employees

2.3.1 Status of Personnel 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 Sections: 45264 and 88084

2.3.2 General Duties of the Personnel Director

- a. The Personnel Director shall perform all of the duties and carry out all of the functions imposed by law and these rules. They shall act as secretary to the Personnel 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.
- b. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as they deem necessary to their responsibilities.
- c. 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. They will then bring the rules in conflict to the Commission at the next meeting.

~~Education~~ Code Sections: 45260–45261, 45266, and 45312; 88080–88081, and 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 Personnel 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 Sections: 45260 and 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 Personnel 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 Board of Education 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 the Board and district administration representatives to attend and present their views.

~~Education~~ Code Sections: 45253, and 45260, 88073, and 88080

2.6 Annual Report

The Personnel Director shall ~~prepare, as required by Education Code Section 45266 or 88086,~~ prepare an annual report of Personnel 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 Sections: 45266 and 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 Board's~~ general funds, whether or not the costs of such legal services appear in the ~~Commission's Commission's~~ budget.

~~Education~~ Code Sections: 45313 and 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:

- a. Honor and support the goals of the Board of Education;
- b. Implement the merit system with a blind eye to any particular group, reinforcing the principle that favoritism shall not enter into any decisions made;
- c. 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;
- d. Conduct all business openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials and employees accountable;
- e. 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;

- f. Safeguard the public confidence in the integrity of the merit system and public service by avoiding appearances of impropriety and conduct unbefitting public officials and public employees;
- g. 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;
- h. Support the educational program of this District through efforts to recruit and provide to the District the most qualified classified employees possible;
- i. 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;
- j. 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
- k. 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 Code Sections: 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 Code Sections: 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 Code Sections: 44065, 44066, 44068, 44069, 45103, 45104, 45105, 45105.1, 45106, 45108, 45256, 45256.5, 45259, 88076, 88077, **and** 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 of Education ~~or by the Commission~~ when so designated by the Personnel Commission.

Code Sections: 45256 and 88076

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~~ Code Sections: 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, and 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 length or 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 or 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 Personnel 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~~ Code Sections: 45109, and 45276, and 88095

3.3.2 Classification Plan

- a. The Personnel Commission shall classify existing and new positions within the jurisdiction of the Board of Education 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 the following: 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 Code Sections: 45241, 45256, 45268, 45276, 88061, 88076, 88087, and 88095

3.4 Class Specifications

For each class of positions initially established or subsequently revised by the Personnel 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 Sections: 45104, 45109, 45276, and 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 Personnel 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 Personnel Commission must reasonably relate to the duties assigned to the position by the Board of Education.
- d. The Personnel Commission shall designate the proper salary placement on the appropriate classified salary schedule.
- e. The Personnel Commission shall direct the Director of Personnel to notify the Board of the Commission's action.

Education Code Sections: 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 Personnel 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 Sections: 45104, 45105, 45105.1, 45109, 45241, 45256, 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 Sections: 45256, 45260, 45273, 45276, 45277, 45285, 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 ~~therefore~~, 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 Personnel 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~~ Sections: 45110, 45256, and 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, 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 Personnel 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 classified executive 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 Personnel 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 Code Sections: 45104.5, 45260, 45261, 45285, 88080, and 8808.

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 Personnel 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 Personnel 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.

2026-2027
Personnel Commission Meeting Dates

A recommendation has been made that the 2026-2027 Personnel Commission meetings be held at 4:45 p.m., the second Tuesday of the month, unless otherwise noted, at the Hanes Professional Development Center.

Tuesday, August 11, 2026
Tuesday, September 8, 2026
Tuesday, October 13, 2026
Tuesday, November 10, 2026
Tuesday, December 8, 2026
Tuesday, January 12, 2027
Tuesday, February 9, 2027
Tuesday, March 9, 2027
Tuesday, April 13, 2027
Tuesday, May 11, 2027
Tuesday, June 8, 2027