

LOS ALAMITOS UNIFIED SCHOOL DISTRICT

**RULES AND REGULATIONS
of the
CLASSIFIED SERVICE**

PERSONNEL COMMISSION

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CHAPTER 10

DEFINITIONS AND PRELIMINARY STATEMENT

10.100 Definitions, General

Code sections cited are from the California Education Code unless otherwise indicated.

Interpretation of words and phrases occurring in these rules or sections shall have the following meanings:

ACCELERATED HIRING RATE: When the Personnel Director determines that conditions in the labor market preclude hiring employees at the base rate for a class, the Superintendent may authorize recruitment at a higher rate.

ACT: Refers to Education Code sections 45240 – 45320, inclusive.

ALLOCATION: The official placing of a position in a given class and/or the assignment of a class to a particular range on the salary schedule.

ANNIVERSARY DATE: The date assigned to regular employees as the basis for annual earned step advancement. It is the first day of the month in which the employee is employed in a class if he is compensated for one-half or more of the working days of that month, otherwise, it is the first day of the following month.

APPLICANT: A person who has filed an official application for employment.

APPOINTMENT: The official act of the appointing power to approve the employment of a person.

BOARD: The Board of Education of the Los Alamitos Unified School District.

CANDIDATE: A person who has successfully completed one or more portions of an examination.

CERTIFICATED SERVICE: All positions and employees required by law to possess credentials issued by the California Commission on Teacher Credentialing.

CERTIFICATION: The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility prior to the approval of the appointing power.

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

CLASS SPECIFICATION: A written description of the duties and responsibilities of positions in the class illustrated by examples of typical tasks and of the employment standards for positions in the class.

CLASS TITLE: A definite descriptive title or name applied to a class and to all positions of the class.

CLASSIFIED SERVICE: All positions in the District's service to which the Act applies and which are not exempt from the Act. See Rule 30.100.

COMMISSION: The Personnel Commission established under the Act for the Los Alamitos Unified School District.

CONFIDENTIAL EMPLOYEE: An employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code section 3540.1)

CONTINUOUS EXAMINATION: A method of recruiting applicants in which the last day for filing applications is not specified and examinations are conducted as the needs of the service require.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a salary range with a lower maximum rate.

DUAL CERTIFICATION: The certification of candidates from an open eligibility list when fewer than three ranks remain on the promotional list, consistent with Ed Code §45284

DISCHARGE or DISMISSAL: Involuntary separation from service for cause.

DISTRICT: The Los Alamitos Unified School District of Orange County, California.

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

ELIGIBILITY LIST: A list of names of persons who have qualified in an examination, ranked in order of final scores (Ed Code §45272).

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

EMPLOYEE: A person who is legally an incumbent of a position or who is on authorized leave of absence.

EMPLOYMENT (LIST): A list of names from which certification may be made. Includes eligibility lists, reemployment list, and lists of persons who wish to transfer, demote, be reinstated or reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status.

EXAMINATION: Any process used to determine the fitness and qualifications of applicants.

FULL TIME: An assignment of at least 87½ percent of 40 hours per week.

GOVERNING BOARD: The Board of Education of the Los Alamitos Unified School District.

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

IMMEDIATE FAMILY: Mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, or of the spouse of the employee, or any relative who has been living in the immediate household of the employee.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified.

LIMITED TERM OR TEMPORARY APPOINTMENT: A term used in the Education Code to designate appointment for periods not to exceed six months, or employment of a temporary employee during the authorized absence of a permanent employee.

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

LONGEVITY DATE: The date on which an employee starts his/her continuous permanent employment with the District. This date is used to determine longevity advancement under Section 70.200.2E. Also known as Permanency Date.

LEAVE OF ABSENCE: An approved paid or unpaid absence from duty for a prescribed period of time.

MERIT EVALUATION DATE: The date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following completion of the required period of service.

NEPOTISM: The assignment of close relatives within the same school or department in situations that may create a conflict of interest. Assignments shall comply with Gov. Code §§1090, 87100.

OFFICIAL BODY: Board of Education or Personnel Commission

OPEN ELIGIBILITY LIST: An eligibility list established by an examination of applicants not employed or having reemployment rights.

OPEN EXAMINATION: A competitive examination in which a qualified person may participate whether or not the person is a current employee.

PART-TIME ASSIGNMENTS: Assignments of less than 87½ percent of 40 hours per week.

PERMANENCY DATE: See Longevity Date

PERMANENT EMPLOYEE: An employee who is lawfully retained in his/her position after the completion of a probationary period. An employee who has successfully completed a probationary period in a class or who entered the class by transfer, demotion, or reinstatement.

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

PROBATIONARY PERIOD: The trial period immediately following an original or promotional appointment, during which the employee's performance is evaluated to determine permanency (Ed Code §45301).

PROVISIONAL APPOINTMENT: A temporary appointment made when no eligibility list exists, not to exceed 90 working days (Ed Code §§45287–45289).

PROVISIONAL EMPLOYEE: A person occupying a position pending the establishment of an appropriate employment list.

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

PROMOTIONAL LIST: An employment list resulting from an examination limited to qualified permanent employees in the District.

QUALIFICATION APPRAISAL INTERVIEW (QAI): The Oral Board rating portion of an examination.

RECLASSIFICATION: The reassignment of a position from one class to another because of significant change in the duties, responsibilities, or employment standards.

REEMPLOYMENT: Reassignment to duty of an employee who has been laid off or a former employee to a lower level class than that from which he had resigned.

REEMPLOYMENT LIST: A list of employees laid off or demoted for lack of work or funds, eligible for reemployment without examination (Ed Code §45308).

REINSTATEMENT: A reappointment without examination after resignation to a position in the employee's former class.

REGULAR EMPLOYEE: A classified employee who has probationary or permanent status.

REQUIRED PERIOD OF SERVICE: Six months or 130 days after initial appointment or promotion, whichever is later, unless a one-year period has been established for the position. (This is the period that establishes eligibility for step increases and refers to the definition "MERIT EVALUATION DATE.")

RESTORATION: Includes "reemployment and reinstatement" (see above). The reassignment of an employee who had demoted to his/her former class or to a related class.

RESTRICTED POSITION: A position funded or limited by program restrictions, with rights as defined under Ed Code §§45105, 45259.

SALARY RANGE: The range consisting of the minimum and maximum salary rates for a classification. A salary range normally consists of 5 salary steps.

SALARY RATE: The specific gross salary amount paid at a step within a salary range.

SALARY STEP: One of the consecutive levels of salary rate within a monthly or hourly salary range.

SEPARATION: The official act of the appointing authority which ends an individual's employment with the District. Includes a resignation, retirement, layoff, dismissal, and failure to return to work upon the expiration of all leaves of absence.

SERIES OR JOB FAMILY: A number of closely related classes which constitute an occupational hierarchy.

SENIORITY: Total hours in paid status in a classification and/or with the District.

STATUS: Tenure which is acquired in a classification by reason of examination, certification from an eligibility list, election or appointment by the appointing power, and the successful completion of the probationary period.

SUPERVISORY POSITION: Classes listed in collective bargaining agreement.

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

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

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service; i.e., those exempt by law. See Rule 30.100.

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

WORKING DAYS: Any day, excepting weekends, legal and local school holidays, and winter or spring break.

10.200 Preliminary Statement

10.200.1 Statutory Authority for These Rules (45260, 45261)

The Personnel Commission is established and operates under Education Code §§45240–45320. The Commission is an independent body responsible for administering the merit system for classified employees, including rulemaking, examination processes, eligibility lists, and employee rights. All rules and regulations adopted by the Commission shall be consistent with the Education Code, Government Code (including the Brown Act), federal and state labor law, and District collective bargaining agreements. In the event of a conflict, Education Code provisions shall prevail.

10.200.2 Amendment, Deletion or Addition to Rules (45260, 45261)

- 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. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the “first reading” a date will be set for action on the proposal. The Personnel Director and/or the Business Manager will 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 orally at the appropriate meeting.

10.200.3 Interpretation and Application of Rules

The Board of Education and the Personnel Commission recognize that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Board and Commission are open to responsible suggestions to amend the rules with prospective application; however, no rule amendment shall have retroactive applicability.

10.200.4 Generic Terminology

All terminology in these Rules shall be interpreted in a gender-neutral manner. Appointment: The official act of employing a person in the classified service.

10.200.5 Judicial Review

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

10.200.6 Distribution of Rules

As required by the Education Code, a copy of these Rules and Regulations will be available at each site. Notice of changes will be furnished each employee by posting on approved bulletin boards.

10.200.7 Relationship to Collective Bargaining Agreements

In matters covered by collective bargaining agreements, the agreement shall prevail unless inconsistent with the Education Code. In matters not addressed in collective bargaining agreements, these Rules and Regulations shall govern.

CHAPTER 20

THE PERSONNEL COMMISSION

20.100 Organization of Commission

20.100.1 Term(s) of Office and General Selection Procedures (45244, 45245, 45246 and 45247)

The Personnel Commission is composed of three members who reside in the Los Alamitos Unified School District, and are “known adherents to the principle of the merit system.” One member of the Commission is appointed by the Governing Board, one member is appointed by the classified employee organization which represents the largest number of the District’s classified employees, and the third member is appointed by the other two (2) members of the Commission.

A. Eligibility for Commission

To be eligible for appointment or reappointment to the Commission, a candidate must have all of 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 Personnel Commissioner may not be:

1. An employee of the same school district.
2. A board member of the Governing Board of the same school district or a board member of education for the same county.

B. Definition of Known Adherent to the Principles of Merit System

As used in this chapter, “known adherent to the principle of the merit system,” with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this chapter, “known adherent to the principle of

the merit system,” with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.

C. Term of Office

By law, the term of office for each of the Commissioners is for a three (3) year period and expires at noon on December 1st of the third year.

The terms of office have been scheduled so that the term of office of not more than one (1) commissioner expires each December 1st.

20.100.2 Specific Appointment Procedures (45244-45248)

On or about September 1st of each year, the Personnel Director shall notify the Governing Board and the recognized classified employee organization(s) of the name and home address of the Commissioner whose term will be expiring, and whether or not that Commissioner will accept reappointment for another three-year term. The notification will also provide the name of the appointing authority and the procedures to be followed in filling the upcoming vacancy.

A. The Governing Board’s Appointment

By September 30th, the Governing Board shall publicly announce the name of the person it intends to appoint or reappoint. At a board meeting to be held after September 30 and within 45 days of the date of the Board publicly announcing its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Governing Board for appointment. The Governing Board at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

B. The Classified Employees’ Organization Appointment

By September 15th, the classified employee organization having authority to nominate the classified employees’ appointee to the

Commission, shall publicly submit the name of the person it wishes to appoint to the Commission. At a board meeting to be held after 30 and within 45 days of the date the employees' nominee was submitted to the Board, the Board shall hold a public hearing to provide the public, employees, District administration, and employee organizations the opportunity to express their views on the qualifications of the person nominated by the classified employee organization for appointment. The Board shall appoint the nominee, unless the classified employee organization voluntarily withdraws the name of the nominee and submits the name of a new nominee. In the latter case, the Board shall then appoint the new nominee.

1. If the Board and the classified employees' organization are unable to agree upon a nominee (because the Board has made a legitimate claim as to the lack of mandated qualifications of the nominee), or the classified employee organization has refused to submit a nominee by September 30th, the Executive Office of the State Personnel Board shall, within thirty (30) days, make the necessary appointment.
2. In the event that a vacancy is created on the Personnel Commission because of the classified employees' organization's failure to agree upon a nominee, the Governing Board, upon the recommendation of the Personnel Director, may make an emergency appointment until such time as a permanent appointment can be made, but not exceed sixty (60) days.

C. The Commissioners' Appointment

By September 30th, the appointee of the Governing Board and appointee of the classified employees' organization (or appointee of the Executive Officer of the State Personnel Board if that is the situation) shall publicly announce the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held after 30 and within 45 days of the date the Commission publicly announced its

candidate, the Commission shall hold a public hearing to provide the public, employees, employee organizations, and members of the Governing Board the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

1. In the event that a vacancy would otherwise exist on the Personnel Commission as of December 1st because of the failure of the Commission to take action on a new appointment, the commissioners' prior appointee shall continue in office and to function as a member of the District's Personnel Commission until such time as the Commissioners take the necessary action(s) to appoint a qualified successor and that person is prepared to assume the duties and responsibilities of the position. If the reason for the lack of appointment is an inability to agree upon a joint appointee, the appointment shall be made by the Executive Office of the State Personnel Board if no agreement is reached by December 15th.

20.100.3 Filling of Vacancies During Term of Office (45244-45248, 45260)

In the event that a vacancy occurs during the term of office of any of the Commissioners, a new appointee shall be selected by the original appointing authority to complete the unexpired term in accordance with the procedures noted below. The Personnel Director shall immediately notify the other Commissioners, the Governing Board, and the recognized classified employee organization(s) of the name of the Commissioner, the effective date of the vacancy, the duration of the unexpired term, the name of the appointing authority, and the procedures to be followed in filling the vacancy.

A. The Governing Board's Appointment

Within 15 days of notification of the vacancy, the Governing Board shall publicly announce the name of the person it intends to appoint to fill the unexpired term. At a board meeting to be held after 30 and

within 45 days of the date the Board publicly announced its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Governing Board for appointment. The Board at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

B. The Classified Employees' Organization Appointment

Within 15 days of notification of the vacancy, the classified employee organization having authority to nominate the classified employees' appointee to the Commission shall publicly submit the name of the person it wishes to appoint to the Commission to fill the unexpired term. At a board meeting to be held after 30 and within 45 days of the date the employees' organization nominee was submitted to the Board, the Board shall hold a public hearing to provide the public, employees, District administration and employee organizations the opportunity to express their views on the qualifications of the person nominated by the classified employee organization for appointment. The Board shall appoint the nominee, unless the classified employees' organization voluntarily withdraws the name of the nominee and submits the name of a new nominee. In the latter case, the Board shall then appoint the new nominee.

1. If the Board and the classified employees' organization are unable to agree upon a nominee because the board has made a legitimate claim as to the lack of mandated qualifications of the nominee, or the classified employees' organization has refused to submit a nominee within 30 days of notification of the vacancy, the Executive Officer of the State Personnel Board shall, within thirty (30) days, make the necessary appointment.
2. In the event that the vacancy goes unfilled because of the classified employees' organization's failure to agree upon a

nominee, the Board Trustees, upon the recommendation of the Personnel Director, may make an emergency appointment until such time as a permanent appointment can be made, but not to exceed sixty (60) days.

C. The Commissioners' Appointment

Within 15 days of notification of the vacancy, the appointee of the Governing Board and the appointee of the classified employees' organization (or the appointee of the Executive Officer of the State Personnel Board if that is the situation) shall publicly announce the name of the person they intend to appoint to fill the vacancy. At a Personnel Commission meeting to be held after 30 and within 45 days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, employee organization and members of the Governing Board the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

1. If the Commissioners are unable to agree upon a joint appointment within 45 days after the notification of the vacancy, the appointment to fill the unexpired term shall be made by the Executive Officer of the State Personnel Board.

20.100.4 Emergency Appointment of Commissioners (45244, 45248, 45260 and 45261)

Notwithstanding these rules, the Governing Board at the request of the Personnel Director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy or vacancies to ensure the continuance of the functions of the Personnel Commission. An interim appointment shall terminate on the date the notification of permanent appointment is received by the appointee.

A. An interim employee must meet the requirements of Section 45244 of the Education Code and Rule 2.100.1 and be free of the restrictions contained therein.

B. An interim appointment in no event shall be valid for more than 60 calendar days.

20.100.5 Officers (45260 and 45261)

At its first regularly scheduled meeting in December of each year, the Commission shall elect one of its members to serve as Chairperson and another of its members to serve as Vice-Chairperson for a period of one (1) year or until such time their successors are duly elected.

20.100.6 Quorum and Majority Vote (45260 and 45261)

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

20.100.7 Events Causing Vacancy Before Expiration of Term (45244, 45245, 45246, and 45247)

Personnel Commissioners shall be expected to attend all regular and special meetings of the Personnel Commission. If a member is unable to attend a scheduled meeting, the member shall contact the Personnel Director to inform the Commission of the expected absence. A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission on the happening of any of the following events before the expiration of the prescribed term:

A. The death of the commissioner.

B. A decision pursuant to a legal proceeding declaring that the commissioner is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe the commissioner will not be able to perform the duties of the office for the remainder of the term.

C. The Commissioner's resignation.

- D. The Commissioner's removal from office by a court of competent jurisdiction.
- E. The Commissioner ceasing to meet all of the legal requirements to continue to be a Commissioner as outlined in Rule 2.100.1.
- F. The Commissioner ceasing to discharge the duties of the office for a period of three consecutive months, except when prevented by sickness.
- G. The Commissioner's absence exceeding four (4) total regular meetings in a calendar year, except when prevented by sickness.
- H. The Commissioner's conviction of a felony or of any offense involving a violation of the official duties of a Commissioner as required by these rules and/or the law. A Commissioner shall be deemed to have been convicted under this rule when trial court judgment is entered.
- I. The decision of a competent tribunal declaring void the Commissioner's appointment.

Section 20.100 Revised 10/8/2014

20.200 Notice of Meetings

20.200.1 Regular Meetings (California Government Code [GC] Section 54954)

The Commission shall meet regularly, at least once each month, consistent with the Ralph M. Brown Act (Gov. Code §§54950–54963). Notice and agendas for regular meetings shall be posted physically and electronically at least seventy-two (72) hours in advance; special meetings require twenty-four (24) hours' notice. Meetings may be held via teleconference or hybrid format consistent with state law. Two Commissioners constitute a quorum for official action. Minutes shall record votes and actions taken.

Subject to cancellation or proper change, the Commission shall meet on the second Wednesday of each month at the time designated on the posted agenda, at the District Office Board Room. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day. In cases of emergency, the Commission may meet at some other time and/or place.

20.200.2 Notice of Meetings and Changes (GC 54955)

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

20.200.3 Special Meetings (GC 54956)

Special meetings may be called at any time by the Chairman and shall be called upon written request of any two members. Written notice shall be delivered personally or by mail to each member of the Commission and to the Superintendent's Office. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, radio or television station and recognized employee or other organization. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's official bulletin board.

The order shall specify the time and place of the special meeting and business to be transacted. No other business shall be considered at such meeting by the Commission.

20.200.4 Public Meetings (GC 54953)

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

20.200.5 Closed Sessions (GC 54957.1)

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

20.200.6 Agenda and Supporting Data

- A. At least 72 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing District classified employees and the Superintendent's Office. The agenda shall be posted on the bulletin board and at other places readily available to classified employees such as schools' bulletin board, Instructional Materials Center, District Office, Support Services Building, where district employees and members of the public may view it, and distributed to news media which have requested it. (Government Codes 54954.2 and 54956)
- B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in Rule 20.200.5, and will be provided reasonable opportunity to present their views orally. The Commission

will consider their comments and recommendations prior to arriving at a course of action.

- C. At its regular meetings, the Commission may hear and briefly respond to statements or questions posed by persons exercising their testimonial rights. No action shall be taken on any item not appearing on the posted agenda at regular or special meetings unless the item qualified for emergency action. The agenda must contain a brief general description of each item of business. (Government Codes 54954.2, 54954.3, and 54956.5)

20.200.7 Minutes

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

20.200.8 Conduct of Meetings

Except where otherwise specified in these rules or at law, all meetings will be conducted in accordance with Roberts Rules of Order.

20.200.9 Violations

Any interested person may seek a judicial determination that an action taken by the Personnel Commission in violation of the public meeting or agenda posting requirements is null and void. The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken. If the Personnel Commission takes no curative action within 30 days of receipt of the demand, the interested person must file suit within the earlier of:

(1) 15 days after the expiration of the 30-day period; or (2) 15 days after receipt of written notice from the Personnel Commission of its decision to cure, or not to cure, the challenged action. Notwithstanding the foregoing, an action of the Personnel Commission cannot be determined to be null and void if: (1) the action was taken in substantial compliance with the Ralph M. Brown Act (GC 54950 et seq.); (2) the action was taken in connection with the issuance of an evidence of indebtedness; (3) the action taken gave rise to a contractual obligation upon which a party has, in good faith, and without notice of a challenge to the validity of the action, detrimentally relied; or (4) the action was taken in connection with the collection of any tax.

(Government Code 54960.1)

20.300 Commission Employees

20.300.1 Status of Commission Employees (45264)

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be employees of 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.

20.300.2 General Duties of the Personnel Director (45266)

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

Duties include planning and administering examinations, maintaining eligibility lists, conducting classification studies, and ensuring adherence to Education Code §§45266–45270. The Director shall prepare meeting agendas and reports for Commission consideration.

B. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he/she deems necessary to his/her responsibilities and may be designated as an “other representative” in accordance with Education Code Section 45312.

20.400 Miscellaneous Provisions

20.400.1 Communications (45260)

- A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.
- B. Individuals or groups who wish to present proposals for action by the commission shall be encouraged to present them to the Personnel Director for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject.
- C. Agendas, minutes, and adopted rules shall be publicly available on the District's website. The Commission encourages transparent communication and compliance with the California Public Records Act.

20.400.2 Budget (45253)

- A. **The Personnel Commission shall prepare, approve, and adopt an annual budget for its operations pursuant to Education Code §45253. The Personnel Director shall prepare and submit to the** Commission a proposed operating budget for the Commission for the next ensuing year. The budget shall be submitted no later than the first Commission meeting in April.
- B. The Commission shall designate one of its meetings in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing, it shall direct the Personnel Director to forward a copy of the proposed budget to the Board of Education and the Superintendent and notify the Board of the time, date and place of the public hearing. Board and Administration representatives shall be invited to attend the public hearings and present their views on the proposed budget.
- C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions that may be offered by District

Administration, the Board, or other concerned persons or organizations.

Efforts shall be made to resolve any difference that may exist between the Commission and the Board.

- D. When approved, the Commission shall forward its proposed budget to the county superintendent of schools for action.
- E. Any modification by the Board shall be limited to the same percentage adjustment applied to all District departments, consistent with Education Code §45253(b).

The budget shall include sufficient funding for examinations, classification studies, staff training, legal compliance, and technological support.

- F. Following adoption, the Personnel Commission budget shall be made publicly available through the District's website as part of the annual financial reporting process.

20.400.3 Annual Report (45266)

- A. The Personnel Director shall prepare, as required by Education Section 45266, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.

The report shall include, but not be limited to:

1. Number and type of examinations conducted;
2. Appointments made and eligibility lists established;
3. Classification and salary studies completed;
4. Reclassifications, reemployment actions, disciplinary hearings, and appeals;
5. Professional development or outreach activities; and

Recommendations for future Commission goals and rule revisions.

The report shall be presented to the Personnel Commission by October 1 of each year and forwarded to the Board of Education, Superintendent, and bargaining unit representatives for information.”

- B. The report shall be prepared for Commission approval in August. The report shall cover Commission activities for the preceding months.

20.500.1 Conflict of Interest and Ethics

- A. Commissioners and staff shall avoid participation in matters that could create actual or apparent conflicts of interest. Compliance with Government Code §§1090 and 87100 is mandatory. Commissioners shall not use their positions to influence employment actions.

CHAPTER 30

POSITION CLASSIFICATION PLAN

30.100 The Classified Service

30.100.1 Positions Included (45256)

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

30.100.2 Exemption from the Classified Service (45256)

Positions required by law to have certification qualifications, full-time day students employed part-time, apprentices, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission, shall be exempt from the classified service. The Superintendent shall ensure that all such persons employed by the Board meet the requirements of Sections 40.100.3 and 80.400 of these Rules and Regulations.

30.100.3 “Part-Time” Defined (45256)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis is less than 87½ percent of the normal assigned workweek of 40 hours.

30.100.4 Effect of Exemption

Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Education.

30.200 General Classification Rules

30.200.1 General Nature of the Classification Plan (45256)

The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall be considered as “promotional classes”, provided that the Personnel Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate or range applicable to each class. Classification shall be based on the principle that positions requiring substantially similar duties, responsibilities, and qualifications shall be grouped under a single class title.

The Director of Classified Personnel shall ensure periodic review of classifications at least once every three (3) years, or more often as necessary to maintain equity and alignment with District needs (Ed Code §45285.5).

30.200.2 Class Specifications (45256)

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

- A. The official class title;
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
- C. A statement of typical tasks to be performed by persons holding positions allocated to the class;

- D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics;
- E. A statement of distinguishing characteristics which differentiates the class from other related or similar classes; and
- F. License or other special requirements for employment or service in the class.

30.200.3 Interpretation of Class Specifications

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

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, or other attributes as typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition; freedom from work-related disabling defects; communicable diseases; ability and strength

commensurate with the duties of the class; honesty; sobriety; and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements.

- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and the evaluation of the qualification of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

30.200.4 Allocation of Positions to Classes

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

30.200.5 Changes in Duties of Positions

Any substantial changes in the duties of existing positions where such changes affect at least 10% of the employee's time shall be promptly reported in writing by the appointing authority to the Personnel Director, who shall determine whether the positions should be allocated to different classes.

30.200.6 Working Out of Classification (45110)

Whenever a classified employee is required to perform duties other than those assigned by the Board, or reasonably related thereto, for a period of more than five days in a fifteen calendar day period, the fact shall be reported immediately to the Personnel Director. The Personnel Director shall conduct, or cause to be conducted, an immediate investigation to determine the nature of the extraordinary duties assigned and shall notify the Personnel Commission and the appointing authority of his/her findings. If the Personnel Director finds that the extraordinary duties would be assigned normally to a class with higher salary range than that of the incumbent, he/she shall indicate in his/her notification the class to which such duties would be assigned normally and the salary to be paid by the Board to the incumbent as long as such duties are assigned. The provisions of Section 45110 of the Education Code which allow school districts to temporarily work employees outside of

their normal duties will be applied only when normal appointment procedures are inefficient and/or impossible to follow. (The burden of proof of inefficient or impossible conditions shall be upon the appointing authority.) Nothing in this rule shall be construed as permitting an employee to refuse to perform duties legally assigned by competent authority. The decisions of the Personnel Director which are reached in the application of this rule may be appealed in accordance with Rule 80.100.1 by any of the parties involved in each particular case.

30.200.7 Review of Positions (45162, 45285)

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

30.200.8 Creation of New Positions (45276)

Whenever a new classified position is proposed, the Director of Classified Personnel shall allocate it to an existing class or recommend establishment of a new class based on a position study.

Employees, supervisors, or bargaining unit representatives may request reclassification when substantial and permanent changes in duties occur.

The Director shall conduct a position study and present findings to the Personnel Commission.

The Commission shall determine final classification based on the preponderance of assigned duties and comparable positions (Ed Code §45285).

Reclassification decisions shall not result in a loss of salary or status for incumbents.

30.200.9 Classification of New Positions

The Personnel Director has the authority to classify new positions established by the Board of Education if the position fits into an existing classification.

The Personnel Commission shall be notified of such classification action at its next scheduled meeting. If the duties of the new position do not fall within an existing classification, then the Personnel Director will process this new position in accordance with Personnel Commission Rules and Regulations.

30.300 Reclassification

30.300.1 Requests for Study (45256, 45258)

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

30.300.2 Effective Date of Reclassification

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

30.300.3 Effects on Incumbents (45285)

A. If the duties of a position are reclassified to a higher level, the incumbent shall be reclassified with the position if they have performed the duties of the higher class for a period equivalent to the probationary period and the Commission determines the duties have become permanent (Ed Code §45285).

If not, the position shall be filled through competitive examination.

Salary adjustments due to reclassification shall be effective on the first of the month following Commission approval. The basis for reclassification of positions must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion will be on the basis of guidelines provided by Personnel Commission rules.

When all positions in a class are classified to a class with a higher salary range, incumbents of the positions who have been in the class for two or more years will be granted status in the higher class without further

competitive examination provided the last two performance reports on the incumbents on file in the office of the Personnel Commission have each been satisfactory.

Incumbents of the position who have been in the class less than two years and whose last two performance reports on file in the office of the Personnel Commission are each satisfactory, will be granted status in the higher class provided that their names must have appeared on an appropriate eligibility list established within two years of the effective date of the reclassification.

Appropriateness of eligibility lists shall be determined by the Personnel Commission. Incumbents granted status pursuant to this paragraph shall be granted all the rights and benefits in the higher class attained in the lower class.

When a portion of the positions in a class are reclassified to a class with a higher salary range, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified will be granted status at the higher level without further competitive examination provided that the last two reports of performance on file in the office of the Personnel Commission have each been satisfactory.

An incumbent who has a continuous employment record of less than two years in one or more of the positions being reclassified, must receive an appointment from an appropriate eligibility list for the higher class in order to remain an incumbent of one of the reclassified positions. Such incumbents will have up to one year from the date of the study to appear on the appropriate eligibility list for the higher class.

Those incumbents not able to be reclassified with their positions will have one opportunity to compete in a competitive examination for the higher class.

- B. When a position or group of positions is reclassified to a class with a lower wage or salary range, an incumbent shall have the following rights:
1. The right to bump the employee in the same class with the least seniority in the class, provided that the incumbent has greater seniority in the class;
 2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served; provided that he had greater seniority in the class;
 3. The right to be demoted without examination, to the class to which his position is reclassified.

The employee may choose to transfer, demote or exercise bumping rights at the employee's option. This choice shall not affect rights under Rule 30.300.4, below.

Reclassification at the Same Level – Incumbents of positions reclassified to a class at the same salary level shall be granted status in the new class without further examination.

- C. Any employee whose position is reclassified to a lower class, and any employee who is bumped by an incumbent who is so reclassified, shall receive 45 days advance written notice of the change and any available bumping rights.

30.300.4 Reemployment List for Displaced Incumbents (45298)

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

30.300.5 Classification Review Cycle

The Director of Classified Personnel shall maintain a classification review schedule ensuring all job families are reviewed at least once every seven (7)

years to maintain internal equity, competitive compensation, and compliance with Education Code §45285.5.

30.300.6 Transparency and Employee Participation

Employees and their representatives shall be notified in writing of pending classification or reclassification studies affecting their positions and shall have the opportunity to provide input prior to final Commission action.

CHAPTER 40

APPLICATION AND EXAMINATION

40.100 Application for Employment

40.100.1 Filing of Application

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

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

40.100.2 General Qualifications of Applicants (45261)

- A. Aliens lawfully authorized to work in the United States may apply for any District position for which they qualify.
- B. Applicants must meet all entrance requirements, including the minimum qualifications of the class specification officially adopted by the Commission and set forth on the examination announcement.
- C. No application will be rejected on the basis of the applicant's race, religious creed, color, sex, national origin, ancestry, marital status, physical or mental disability (unless it directly affects the applicant's ability to perform an essential function of the job), sexual orientation, medical condition, or age.
- D. The Personnel Director may refuse to examine an applicant, or after examination may withhold from certification from an eligibility list the name of an applicant for any of the following reasons:
 - 1. Failure to meet the general qualification for employment.
 - 2. Knowing membership in the Communist Party. (45303)
 - 3. Advocacy or membership in any organization which the employee knew during the time of his or her membership advocated for the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

4. Conviction of or pleading guilty or nolo contendere in court to a charge of moral turpitude, any sex or controlled substance offense enumerated in sections 44010 or 44011 of the Education Code, serious or violent felony, or mistreatment of children.
5. Conviction of a felony.
6. Intentionally making a false statement or intentionally omitting a statement as to any material fact on the application form.
7. Practicing any deception or fraud in connection with an examination or to secure employment.
8. Current use, distribution or possession of illegal drugs.
9. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District or previous dismissal from this District.
10. A record of unsatisfactory service with this District even though separation has not occurred.
11. Physical or mental condition that renders the individual unable to perform an essential function of the job, with or without reasonable accommodation, or that poses a direct threat to the individual or others in the workplace.
12. Failure to report for duty after an assignment has been offered and accepted.
13. Refusal to furnish non-privileged testimony at a hearing or investigation before the Personnel Commission or Board of Education.
14. Other reasons deemed sufficient by the Personnel Commission.

40.100.3 Elimination of Unfit Applicants, Candidates and Eligibles

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons.

- A. Failure to meet the general qualification of Rule 40.100.2.
- B. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

- C. Conviction of or pleading guilty or nolo contendere in court to a charge of moral turpitude, any sex or controlled substance offense enumerated in sections 44010 or 44011 of the Education Code, serious or violent felony, or mistreatment of children.
- D. Criminal, infamous, dishonest, or immoral conduct according to standards approved by the Personnel Commission. Conviction of a felony is evidence of criminal conduct.
- E. Falsifying or omitting any information requested on the application, where such information, if truthfully presented, would disqualify the applicant under any provisions of 40.100.2 or 40.100.3.
- F. Practicing any deception or fraud in connection with an examination or to secure employment.
- G. Current or recent use, distribution, or possession of illegal drugs.
- H. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- I. Previous dismissal from this District unless the District waives this subsection.
- J. A record of unsatisfactory service with this District even though separation has not occurred.
- K. Physical or mental condition that renders the individual unable to perform an essential function of the job, with or without reasonable accommodation, or that poses a direct threat to the individual or others in the workplace.
- L. Dishonorable discharge from the armed forces of the United States.
- M. Failure to report for duty after an assignment has been offered and accepted, or failure to report for an interview.
- N. Failure, after due notice, to report promptly for review of any of the above bases for rejection.
- O. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Education.

40.100.4 Rejection and Appeal from Rejection

A. Eligibles not employed by the District may be notified of rejection.

Employees who are rejected for any of the reasons enumerated in Rule 40.100.3, other than for failure to meet the minimum qualifications, shall be notified in writing by the Personnel Director. The notification shall state:

1. The reason(s) for rejection.
2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.
3. That within seven calendar days, the employee may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

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

1. Given a written notice outlining the reason(s) for sustaining the rejection, and
2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:
 - a. Discrimination because of affiliations, political or religious acts or opinions, race, color, sex or marital status.
 - b. Abuse of discretion.
 - c. Inconsistency of the reasons given for the rejection with the facts.

C. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to the appellant and the Personnel Director. The decision shall be final.

40.100.5 Action When Rejection Is Not Sustained

If a rejection is not sustained, the Director shall immediately restore the applicant's rights as though the rejection had not occurred. Appointments made in the interim shall not be disturbed unless determined by the Commission to have been fraudulently made.

40.100.6 Veteran's Preference (45294, 45295, 45296, 45280)

A. Veterans' preference shall be applied only at the time of examination scoring and prior to establishment of the eligibility list, in accordance with Education Code §§45294–45296. No adjustment shall be made after the list has been established.

B. In the case of all competitive examinations, veterans who obtain passing scores shall be allowed an additional credit of 5 points. Disabled veterans shall be allowed an additional credit of 10 points. Classified Personnel Director; Director, Facilities, Maintenance, Operations and Transportation; Director of Food Service; and Maintenance Supervisor are not entrance level classifications and are exempt from the Veteran's preference.

“Veteran” means any person who has served in the United States Armed Forces in time of war or national emergency declared by the President of the United States, and who has a discharge or release other than dishonorable. Armed Forces means in the United States Army, Navy, Air Force, Marines, or Coast Guard.

C. In order to obtain credit, the applicant shall furnish, prior to establishment of the eligibility list, satisfactory proof that qualifying military service occurred. No adjustment of rank on the list shall be made when such proof is presented thereafter.

40.200 Examinations (45261)

40.200.1 Examinations (45272)

All examinations shall be job-related and consistent with state and federal nondiscrimination laws. Applicants shall be afforded reasonable accommodation. Candidates shall have the right to review written examination materials within a timeframe established by the Commission.

- A. Upon approval of the Commission, the Personnel Director, as the needs of the service require, may announce and hold promotional examinations which shall be limited to District employees.
- B. Applicants for promotional examination must meet the established minimum qualifications for the class and their last performance evaluation shall have been satisfactory or higher in all categories.
- C. Employees may take promotional exams and upon qualification in the exams shall be eligible for appointment upon satisfactorily completing the required probationary period. Employees who have achieved permanency in any District position are eligible for promotion.
- D. If there are fewer than three eligible permanent employees on the promotional list, probationary employees may be certified before candidates on an open eligibility list.
- E. Any limited term or provisional appointee who immediately preceding his current appointment held permanent status in an eligible class shall be deemed to meet the requirement of permanent status for eligibility to compete in a promotional examination.
- F. When an open competitive examination and a promotional examination for a particular class are held at the same time, the Commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added. (45284)

- G. Classified employees laid off because of lack of work or lack of funds have the right to participate in promotional examinations within the school district during the 39-month period after layoff.

40.200.2 Continuous Examinations

- A. When there is a shortage of eligibles to fill vacancies in the service in any class, the Commission may authorize recruitment by continuous examinations.
- B. All qualified applicants who have applications on file at the beginning of a continuous examination process for a class shall be notified.
- C. The continuous examination shall be promulgated under similar conditions and techniques as previous examinations for the same class and resulting eligibility lists may be merged with previous lists for the class in the relative order of merit of the eligibles.
- D. Termination of continuous examination procedures for any class may be effected by action of the Commission.

40.200.3 When Held

Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist as determined by the Commission, the Commission shall direct the holding of an examination to provide eligibles. At least ten working days advance public notice of such examinations shall be given. The notice shall contain the following facts:

- A. Information concerning the location of employment, the expected number of vacancies, and other conditions of employment;
- B. Description of the scope of duties and responsibilities of the position and the class;
- C. Minimum qualifications required;
- D. The salary and other forms of compensation;
- E. The last date for filing an application;
- F. The subjects about which competitors may be examined and the weights of the various parts of the examination; and

- G. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.

40.200.4 Who May Compete (45272, 45280, 45281)

- A. Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 40.100.4 except that examinations may be restricted to promotional candidates at the discretion of the Commission.
- B. An examination for Business Manager will be open and promotional, in order to attract competent and qualified applicants from any source.
 - 1. All permanent employees of the District, classified and certified, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates.
 - 2. Seniority credits, if any, shall be equally applicable to both classified and certified promotional candidates.
 - 3. Eligibility lists resulting from the examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for seniority credits, if any.
 - 4. The examination for Business Manager shall not be construed to be an entrance level position examination.
- C. A candidate who took a written test but failed the testing process will not be eligible for re-examination including the same written test for a period of six calendar months.

40.200.5 Notice of Examination

Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application.

40.200.6 Character of Examinations (45273)

Examinations shall be administered objectively and fairly and consist of test parts that relate to job performance. Examinations may be written or oral or in the form of a practical demonstration of skill and ability, or any combination of these. Any lawful investigation of education or experience, and test of technical knowledge, manual skill, or physical and mental ability to perform the essential functions of the position, which, in the judgment of the Personnel Commission, serves this end, may be employed.

40.200.7 Examination Procedures

The following examination procedures shall be observed:

- A. The Personnel Director shall prepare or cause to be prepared the performance, the written, and/or oral examinations. With the approval of the Commission, he/she may secure the assistance of any competent person or agency outside the District service.
- B. All competitors in the written examination must take the examination on the prescribed date and under the same or similar conditions. Upon the Personnel Director's discretion, emergency retesting may occur.
- C. All necessary explanations will be made to the whole group. Examiners are forbidden to explain the meaning of or to make remarks relating to any question that may assist in its solution.
- D. Communication between competitors during examination is strictly forbidden and competitors are forbidden to receive aid from one another or to use any unauthorized help in any form. Before the commencement of an examination, competitors will be required to hand to the examiner any printed or written material in their possession that might serve to aid them in the examination, unless such material is expressly permitted as part of the examination process. Evidence of copying or collusion by a competitor may result in the cancellation of his/her examination papers and the exclusion of the competitor from future examinations. Copies of questions in the examination shall not be made or taken from the examination room.

- E. Any competitor in an examination who places any identifying mark upon his/her examination papers (other than the identifying mark prescribed at the time of the examination), or who makes any attempt to disclose to others the identity of his/her papers prior to the completion of the examination may be deprived of all benefits under such examination.

40.200.8 Examination Weighting

The relative weights of the different parts of the examination shall be determined by the Commission and set forth in the announcement of the examination. All examination papers shall be prepared and rated under the direction of the Personnel Director.

40.200.9 Minimum Examination Rating

Competitors may be required to attain a designated minimum rating in each part or in combined parts of the examination to qualify for participation in the next succeeding part.

40.200.10 Testing Accommodation

Candidates who so request will be provided reasonable accommodation in the testing process. Need for accommodation must be identified at least 48 hours in advance of the examination.

40.200.11 Qualifications Appraisal Interview (Oral Examination) (45273)

- A. If any examination includes a Qualifications Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).
- B. A QAI Board will consist of at least two persons, at least one of whom shall be technically qualified to interview for knowledge in the area of the class of positions being examined.
- C. The Personnel Director may designate a district employee, with the concurrence of his/her supervisor, to serve as a member of an oral board; however, the employee may not be in the first or second level of supervision over a vacant position in the class for which the examination is being held.

D. The proceedings of the QAI will be electronically recorded and the record will be available for the applicant's review.

40.200.12 Seniority Credit -- Promotional Examinations

In promotional examinations, seniority credit shall be added to the final passing scores of candidates in the amount of five points. To be eligible for this credit, candidates must have been employed for at least one year and must have successfully completed their probationary period. The total score, including seniority credit, shall not exceed 100 points. Credit shall be granted only for time spent in regular employee status. (see definition).

40.200.13 Ties in Examination Scores (45272)

The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage rank will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

40.200.14 Notice of Final Score

Each competitor shall be notified of his final score and of his relative standing on the eligibility list, if qualified.

40.200.15 Review of Examination (45274)

- A. When the examinations of all competitors have been rated, each candidate will be notified of his grade, on each part passed, and the place, date, and time at which he may review his test paper and QAI recording, if any. No candidate may copy or remove from the review room any questions or answers.
- B. Examination records, including examination answer sheets, tape recordings of interviews, and the rating sheets of each member of an oral interview panel shall be retained for a period of at least ninety (90) calendar days after promulgation of an eligibility list.
- C. Review by applicants of written examination questions, except standardized test questions, shall be allowed during the four working days following the administration of the test. (For purposes of this section,

40.200.15, working days is defined as any day the District Administrative Offices are open for business.) Protests of questions shall be made within four working days, shall be in writing, and must contain rationale to support the protest. Failure to submit a written request for review within the four days shall constitute waiver of the right to appeal that part of the selection process.

- D. A candidate may review and protest any part of an examination provided:
 - 1. The protest must be received in the office of the Personnel Director not later than the fourth working day following the day the candidate receives notification of the results of the pertinent part of the examination.
 - 2. The protest shall be made in writing.
 - 3. The protest must include rationale to support the protest.
- E. The written protest shall be submitted to the Personnel Director for review and investigation. The Personnel Director shall review and act upon all protests. If protests result in any change, the test papers of all applicants will be reviewed and re-rated accordingly. The Personnel Director shall inform the protestant of his/her decision. If the Personnel Director rules against the protest, the applicant may appeal to the Personnel Commission, but the appeal shall not delay other parts of the examination process. The Commission shall review the protest, together with the recommendations of the Personnel Director, as well as any additional information requested by the Commission. The decision of the Commission shall be final, and the Personnel Director shall notify the candidate lodging the protest of the Commission's decision. In promotional examination for classes for which continuous examination procedures have not been authorized, the review and protest period shall be held prior to regular appointment from the eligibility list.
- F. Examination records shall be available only to the candidate or eligible or his/her representative and shall be restricted to papers, tapes and scores of the candidate or eligible. Such candidate, or eligible, or his/her

representatives may not review the examination records of another person or confidential records from previous employers. Review of examination material for the purpose of test counseling may be scheduled at the mutual convenience of the applicant and the Personnel Director or his/her designee.

40.200.16 Penalties (45317)

Any person who willfully or through culpable negligence violates any of the provisions of Article 6 of chapter 5, part 25, division 3 of the Education Code is guilty of a misdemeanor. It is also unlawful for any person:

- A. Willfully by himself, or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under this article or Personnel Commission rule.
- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Personnel Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or Personnel Commission rule.

40.300 New Employee Clearances

40.300.1 Physical Examinations (45122)

A. Initial Employment

1. Every person being initially employed by the District, whether in a regular position, as a substitute, relief, limited-term, or provisional employee, shall be required to comply with the provision of Education Code Section 49406 – Requirement for TB Exam.
2. Prior to employment, each person is required to submit adequate proof that he/she has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within 60 days preceding the date of employment.
3. An offer of employment may be conditioned upon the satisfactory completion of a medical examination given to determine fitness for employment in the job classification. The applicant may submit, at the time of the examination, any pertinent medical evidence, including an independent medical opinion. Any additional medical evidence supplied by the applicant shall be obtained at the applicant's own expense. An appeal of a decision for disqualification will follow procedures outlined in section 40.100.4; however, only current District employees may appeal medical disqualification. Neither the District nor the Commission shall request or receive information from the examining physician regarding a candidate's medical condition, prognosis, or treatment without the prior written consent of the candidate. All information obtained from the examining physician shall relate solely to the functional limitations, if any, of the candidate. The examination shall address the applicant's ability to perform the duties described in the job description. The Personnel Director shall identify classifications for which a medical examination will be required.

For purposes of this regulation, initial employment is defined as an offer to an employee new to the District or an offer of a position in a different job classification to a current employee.

Certification of candidates for appointment shall be made in accordance with the Rule of Three (Ed Code §45272). The appointing authority may select any candidate whose name appears in the top three ranks certified.

B. After Employment

1. Every employee is required to undergo an examination to determine that he is free from active tuberculosis at least once every four years after initial employment.
2. The District shall maintain adequate records on each employee which indicate compliance with these rules and the law. Such records shall be kept in a confidential, secure location.

C. School Bus Drivers (Vehicle Code Section 12517.2)

1. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a medical examination report submitted on the proper government approved form. School bus drivers over 65 must undergo a physical examination annually.
2. The District shall arrange for and defray the costs of the school bus driver's examination for its employees and shall reimburse new employees for the costs of the required examination, but not to exceed the amount which it pays for the examination required of its regular employee bus drivers.

D. Medical Review Board

1. The Personnel Commission may employ outside medical experts to give a medical advisory opinion.
2. The Personnel Commission, based on evidence submitted and the advice of medical experts to the Personnel Commission, shall

determine whether or not the denial of appointment or return from leave shall be sustained.

40.300.2 Criminal Records Check (45125, 45126)

A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place before employment.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Department of Justice will be reviewed together with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the person should be employed or retained in employment. If the record discloses no information beyond that supplied by the person on his/her application form, and nothing in that information disqualifies the person from employment, the person shall be considered employable.
3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons thereof.

CHAPTER 50

EMPLOYMENT LISTS

50.100 Eligibility Lists (45260, 45261, 45300)

50.100.1 Establishment and Life of Eligibility Lists (45300)

- A. After an examination, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points where applicable. The list shall be presented for approval of the Personnel Commission at its next meeting.
 1. To facilitate the orderly process of business, the Personnel Director may submit eligibility lists for ratification and approval by the Commission subsequent to appointments from the list. Such appointments shall be on a provisional basis until the list is ratified by the Personnel Commission. An employee hired prior to this process shall accrue rights and benefits effective to the date of employment.
(Education Code Section 45272)
- B. After approval, an eligibility list shall be in effect for one year, unless exhausted, and may be extended for up to two additional years at the discretion of the Commission. The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment bulletin for the examination. Names of successful competitors may be merged with the eligibility lists resulting from continuous examinations without prior approval by the Commission.

50.100.2 Reemployment Lists (45298)

Reemployment lists shall take precedence over all other lists, including promotional and open eligibility lists.

This list shall contain the names of all permanent classified service employees who have been laid off or demoted from any position because of lack of work or lack of funds. Persons laid off because of lack of work or funds, and persons who have taken voluntary demotions in lieu of layoff, are

eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Such persons laid off have the right to participate in promotional examinations within the District during the 39-month period.

50.100.3 Termination of Eligibility Lists (45300)

- A. An eligibility list is automatically terminated one year from the date of its approval unless previously extended by the Commission.
- B. An eligibility list cannot be extended more than two years after its original termination date. Extensions must be approved prior to expiration and documented in Commission minutes.
- C. An eligibility list is automatically terminated when no eligibles remain on the list. An eligible remains on the list until he or she is offered and declines an appointment for the third time.
- D. An eligibility list may be terminated by the Commission prior to its expiration either when the list is exhausted of eligibles, or when it contains fewer than three eligibles for appointment to current vacancies.
- E. An eligibility list is automatically terminated upon the expiration of the period for which the list was established, or when a new list for the class is established.

50.100.4 Consolidation of Eligibility Lists (45278, 45291, 45300)

If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score, plus additional points where applicable.

Promotional lists shall be merged only with promotional lists, except that, where “dual certification” applies, open and promotional lists shall be merged for certification.

50.100.5 Eligibility After Appointment (45300)

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

appointment shall continue to be eligible for full-time appointment, and an eligible who accepts a limited-term assignment shall continue to be eligible for regular appointment.

50.100.6 Removal of Names from Eligibility Lists

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

- A. A written request by the eligible for removal;
- B. Failure to respond to a written inquiry regarding availability for employment, or to keep an interview appointment;
- C. Waiver of three offers of regular appointment; or
- D. Any of the causes listed in Rule 50.100.3, above.

50.200 Certification from Employment Lists (45272, 45277, 45279, 45284)

50.200.1 Order of Precedence

- A. Names shall be certified for appointment from employment lists in the following sequence:
1. Reemployment list
 2. Promotional eligibility list (three ranks)
 3. Open eligibility list (three ranks)
 4. Appointments may be made from other than the first three ranks on the eligibility list when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement of the position to be filled. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in the class. Where such a position is to be filled, the appointment shall be made from among applicants in the highest three ranks on the appropriate eligibility lists who meet the special requirements and who are ready and willing to accept the position. If there are insufficient applicants who meet the special requirements, the Commission shall certify the top applicant or applicants plus those who meet the special requirements. Certification shall be made from the top three ranks in accordance with Education Code §45272.
- B. All appointments shall be made from the first three ranks who are ready, willing and able to accept employment.

50.200.2 Dual Certification (45284)

When the same examination is held on an open competitive and promotional basis to provide a list of eligibles for any class having fewer than three permanent positions or for which the most recent promotional eligibility list failed to provide sufficient available eligibles to fill all the vacancies occurring in permanent positions during the first year of life of the eligibility list, the Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists. The names certified shall be

those of open and promotional eligibles who have the highest examination scores, without veterans' credit and including seniority credit from promotional eligibles. When all promotional eligibles have been removed from the list, through appointment or otherwise, veterans' credit shall be added to scores of remaining open eligibles, and their ranks shall be adjusted accordingly.

50.200.3 Procedure When Fewer Than Three Names Remain

- A. When fewer than three eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three eligibles.
- B. When fewer than three eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination, without penalty to eligibles.

50.200.4 Other Sources of Eligibility

- A. In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement or reemployment (after resignation), restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists.
- B. In the absence of an eligibility list for a class in which a vacancy exists, or occurs, certification may be made from a list for a comparable class or a higher class if the following criteria are met:
 - 1. The duties and qualifications of the comparable or higher job classification for which the examination was given must include substantially all of the duties of the position to be filled.
 - 2. The necessary skills and knowledge were adequately tested in the examination process.
 - 3. The District Administration requests the use of this procedure to expedite the hiring process.

4. The Personnel Commission finds that the use of the list is in the best interest of the school district. Each request will be reviewed on an individual basis.
5. Appointment from such lists will be voluntary on the part of eligibles, and no waiver will be charged for those candidates declining such appointment.
6. The Personnel Commission determines the use of the list is in the best interest of the District.
7. Commission approval documented in minutes.
8. Job analysis confirmation that testing covered essential duties.

50.200.5 Procedure of Certification and Appointment (Employment)

- A. When a position is to be filled, the appointing power shall notify the Personnel Director of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Personnel Director.
- B. The Personnel Director shall first determine whether there is a reemployment list for the class, in accordance with Rule 50.100.2. Qualified persons on the reemployment list shall be given the opportunity to accept or decline the appointment. Declining an appointment shall not result in removal of a person from the reemployment list.
- C. If there is no reemployment list for the class, the Personnel Director shall ascertain the availability of eligibles and shall certify names to the appointing power in accordance with these rules.
- D. The appointing power shall make its selection and shall notify the Director, who shall see that the necessary employment procedures are carried out.

50.200.6 Waivers of Certification

- A. An eligible may request a waiver of certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by notifying the personnel office in writing within

five calendar days of the offer of interview. Waiver shall not count as refusal unless the eligible has been offered formal appointment. After three such requests of waiver by an eligible, the eligible will be removed from the Eligibility List.

- B. Certification of eligibles who have waived shall not be made, provided that eligibles may revise or withdraw their waivers in writing prior to the actual transmittal of the list of eligibles to the supervisor.
- C. A current permanent instructional assistant who has successfully been placed on a certified list of eligibles for other instructional assistant categories, may request in writing that his/her eligibility not go into effect for up to one full year following certification. Upon written activation of his/her eligibility, the employee will remain on the eligibility list for one year. Any candidate electing to defer eligibility may still be employed as a substitute in this classification.

50.200.7 Refusals of Appointment

If an eligible refuses appointment to any position or positions three times, the eligible shall be removed from the list.

50.200.8 Reduction in Eligibility

A reduction in eligibility from a higher class to a lower class may be granted provided the individual meets the qualifications for the lower class. A person granted a reduction in eligibility will have his name removed from the eligibility list for the higher class and placed at the bottom of the eligibility list for the lower class, if such eligibility list exists.

50.200.9 Withholding Names from Certification

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

- A. He/she expresses unwillingness or inability to accept appointment.
- B. He/she fails to respond within five business days following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.

- C. He/she fails to present himself/herself for duty at the time agreed upon after having accepted an appointment, or fails to keep an appointment for an interview or test.
- D. He/she cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. He/she fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met.)
- F. For any reason listed in Rule 40.100.3.

50.200.10 Restoration to Certification

When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto by the Personnel Commission under the following circumstances:

- A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to enquiry as to his/her availability, to appear for an interview, or to present himself/herself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he/she is now willing and able to accept appointment.
- B. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the defect has since been corrected. Revisions and withdrawals of waivers shall not require approval by the Commission.

50.200.11 Duties of Eligible

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification if he/she cannot accept immediate appointment.
- B. An eligible who has been certified shall be allowed two weeks to report for duty after an offer of appointment to a permanent position has been

made. If he/she is unable or unwilling to report by the end of two weeks, he/she may be considered to have refused appointment; and the appointing power may request certification of another name from the eligibility or reemployment list.

1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of his/her selection.
 2. Notification may be made by telephone (and confirmed in writing), telegram, or registered or certified mail.
 3. The appointing power may allow a period longer than two weeks at its discretion.
 4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- C. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Commission any change of his/her correct mailing address and place of residence. This address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his/her order of certification and/or appointment from any such list or lists.

50.300 Appointments

50.300.1 Types of Appointments

- A. All appointments shall comply with the Rule of Three pursuant to §50.200
- B. The appointing power may fill a vacant position by any of the following (as provided in sections 60.200 and 60.700): transfer of a current employee; reinstatement of a formerly separated employee as provided in Section 60.700 of these rules; appointment from a 39-month reemployment list; appointment from a layoff list; appointment from a promotional or open competitive eligibility list; or by provisional, limited term, or emergency appointment.
- C. When vacancies occur, the following procedures will apply in regard to filling vacancies:
 - 1. All persons on a reemployment list pursuant to Rule 50.100.2 who have been laid off or demoted from a position because of lack of work or lack of funds, and any persons on a 39-month reemployment list who are able to assume the duties of the vacant position, shall be contacted in order of their seniority in the class, plus higher classes. (Education Code 45195, 45298, 45308.)
 - 2. All current employees who have written requests for transfer, lateral transfer, increased working hours or voluntary demotion will be scheduled for an interview with the appointing authority.
 - 3. In addition to any transfer requests, the appointing authority will have the right to interview the top three candidates on the eligibility list who are ready, willing and able to work.
 - 4. The Personnel Commission must approve requests for lateral transfers or voluntary demotions submitted by employees who have been deemed eligible for appointment by the appointing authority.
 - 5. The appointing authority will submit his or her choice(s) for appointment to the Personnel Office on the Record of Personnel Interview form.

6. Employees who are interviewing for increased hours in their same job classification must be appointed from among the top three on the basis of seniority. Total time calculated on the basis of hours worked shall determine seniority, except for those employees hired from January 1, 2000, whose seniority shall be determined by original date of employment.

50.300.2 Limited Term Appointments (45286)

The length of a limited-term appointment shall not exceed six months.

However, if a limited-term (substitute) appointment is made in lieu of an absent regular employee, the appointment must not exceed the authorized absence of the regular employee. The appointing power shall submit a request in which the probable duration of the appointment is stated. The limited-term employee shall automatically be separated when the maximum assignment has been reached or the regular employee returns. This automatic separation shall apply to all summer school assignments. Limited-term employees do not acquire probationary credit unless otherwise provided by law.

50.300.3 Provisional Appointments (45287, 45288, 45289)

- A. Upon request by the appointing authority, when no eligibility list exists for a vacant classified position, the Personnel Director may authorize a provisional appointment, which may accumulate to a total of 90 working days, followed by a 90-calendar-day interval during which the person will be ineligible to serve in any full-time provisional capacity. No person shall be provisionally employed for more than 126 working days in any one fiscal year.
- B. The Commission may extend a 90-working-day, full-time provisional assignment for an additional 36 working days, provided that an examination for the class was completed during the initial 90 working days of a person's provisional assignment, but despite an adequate recruitment effort, the position cannot be satisfactorily filled, and extension of the provisional assignment is necessary to carry on vital functions of the District.

- C. In the absence of an appropriate eligibility list, successive provisional appointments of 90 working days or less may be made in any class, provided that continuous examination procedures for the class have been authorized by the Commission. Such successive provisional appointments may be made, and persons may be employed thereunder in temporary capacities, for more than six months in any one year. Such appointments may not be extended if a certification can be made from an appropriate eligibility list.
- D. Provisional appointees must meet the minimum qualifications prescribed for the class.
- E. Upon completion of the recruitment, the provisional appointee must be one of the top three eligibles to be certified for appointment to the vacant position.
- F. The services of provisional appointees who have failed to qualify for a position in their class after having taken an examination for such position shall be terminated within fifteen calendar days after the date on which an eligibility list has been established. This fifteen day period shall not extend beyond their 90-day provisional assignment.

50.300.4 Emergency Appointments

- A. When eligibles are not immediately available and in order to prevent stoppage of public business, the appointing power may make an emergency appointment of not more than fifteen working days. Emergency appointments shall not be used to circumvent eligibility list procedures. When such emergency appointments are made, it shall be the duty of the appointing power immediately to notify the Personnel Director naming the appointees and such data as may be required by the Personnel Director who shall pass on the sufficiency of the reasons and the compliance with the provisions of this rule before any salary can be paid under any such emergency appointment. Time served under such emergency appointment shall be considered as part of the period permitted under the Act for provisional appointments.

- B. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by the system upon appointment by a school employer or by the Trustees of the California State University either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration, if that service does not exceed, in any fiscal year, a total of 960 hours for all employers. The retired person's rate of pay for this employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties.

50.300.5 Restricted Appointments (45105, 45108, 45109, 45259)

- A. Restrictions limiting the opportunity for employment to specific groups are allowed only when a position is established under a specially funded state or federal project requiring the appointment of individuals in low income groups or from designated impoverished areas or other required criteria which limits the privilege of all citizens to compete for employment.
- B. Selection and retention to a restricted position shall be made on the same basis as that of persons in positions that are part of the regular service. Restricted employees may compete in open examinations.
- C. Persons employed in restricted positions shall not:
1. be accorded employment permanently following the initial probation period;
 2. acquire seniority;
 3. be placed in provisional assignments;
 4. be eligible for promotion into the regular classified service;
- until completing six months of satisfactory service in the "Restricted" assignment, and successfully completing the qualifying examination, regardless of final numerical listing on an eligibility list, as required for all other persons serving in the same class. If such conditions are met, he/she shall be accorded full rights, benefits, and burdens of any other classified

employee. His/her service date shall be the original date of employment in the restricted position.

50.300.6 Summer Session Appointments (45102)

- A. Every classified employee shall be deemed to be employed for 12 months during each school year regardless of the number of months in which he is normally in paid status in compliance with the Education Code Section 45102.
- B. Those employees assigned to a particular position will have preference for assignment during summer school. Seniority in the class will determine any other assignment if the regular incumbent declines. When it is necessary to assign classified employees not regularly assigned to serve between the end of one academic year and the commencement of another, such assignment shall be made on the basis of qualifications for employment in each classification of service which is required.

50.300.7 Conditional Provisional Appointments

Conditional provisional appointments may only be made when no applicant meeting minimum qualifications is available, and such appointment shall not exceed the limits of provisional service under Education Code §45287.

CHAPTER 60

EMPLOYMENT STATUS – JOB ASSIGNMENT, EVALUATION, LEAVES, DISCIPLINARY ACTION

60.100 Probationary Period (45269, 45270, 45301)

60.100.1 Duration of Probation

- A. A new employee appointed from an eligibility list shall serve a probationary period of six months or 130 days of paid service, whichever is longer, in one class before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months or 130 days of paid service, whichever is longer, in the higher class before attaining permanency in that class. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.
- B. For positions designated by the Personnel Commission as executive, administrative, or supervisory, the probationary period shall be one year of paid service in one classification in the classified service.
- C. Absences from work of over ten working days for any reason, including sick leave, are excluded from the computation of paid service required to attain permanent status.

60.100.2 Rights of Probationary Employees

- A. A new employee who resigns in good standing during his or her initial probationary period shall, upon request, have his or her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- B. A probationary employee may be released at any time during the probationary period without cause and without the right of appeal, in accordance with Education Code §45301.
- C. A new employee who is suspended during his or her initial probationary period shall be notified in writing of the action taken.

He or she shall not have the right of appeal. Employees released during probation are not eligible for restoration to an eligibility list.

- D. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be involuntarily returned during the probationary period to his or her former class without recourse to an appeal or hearing by the Commission except when the demotion results in separation from the permanent classified service. He or she shall be notified in writing of the action.
- E. A permanent employee who is suspended or dismissed or demoted to other than his or her former class during a probationary period retains full rights of appeal.
- F. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should he/she be laid off without fault or delinquency on his/her part before his/her probationary period is completed, his/her name shall be restored to the eligibility list and the time he/she has served shall be credited to him/her toward completion of the probationary period in any subsequent position to which he/she is appointed in that same classification.
- G. Permanent status is achieved upon successful completion of the probationary period in a class. Permanent status applies only to the classification in which it was earned and does not guarantee continued employment in a different classification.

60.200 Changes in Position and Class

60.200.1 Transfer (45260, 45261, 45308)

- A. An employee may be transferred at his/her request or for the good of the service from one position to another in the same class at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons. Transfers shall not be used to circumvent disciplinary procedures or merit system principles.
- B. A permanent employee may be transferred to a position in the same salary range where the Commission determines the employee meets the minimum qualifications.
- C. Transfers shall be made without change in salary rate, anniversary date, accumulated illness leave, and accumulated vacation credits.
- D. A permanent employee who meets the qualifications for another class is eligible for transfer to that class.
- E. A permanent employee who transfers to a position in a class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of six months or 130 working days, whichever is longer.
 - 1. At any time during the probationary period, the employee may be returned (transferred) to his/her former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter case of demotion, the employee shall have the same appeal rights as a permanent employee who is demoted or dismissed.
 - 2. Within 45 days of the transfer to the new class, the employee may voluntarily transfer back to his/her former position if the former position is vacant.
- F. Transfers shall have the following effects on seniority:
 - 1. Within the same class: none.
 - 2. From one class to another: the employee shall receive seniority credit in a lower class for service in higher classes; but shall not receive

seniority credit in a higher class for service in lower classes. All such service shall be credited as seniority in the classified service.

- G. Transfers shall not be used as a device to alter the effects of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this rule contemplates.
- H. Reasons for any transfer which is not voluntary shall be discussed with the employee by his or her immediate supervisor before the transfer is effective.
- I. Where two or more employees request transfers to the same vacant position, the Administration shall grant priority based on the following factors:
 - 1. Seniority in the classified service.
 - 2. The request is based on reclassification, impending layoff or health.
 - 3. Education and experience required in the new class.

60.200.2 Demotions (45298, 45302)

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of his/her department head and that of the head of the department into which the employee seeks demotion. (See sections 60.200.3D1 and 70.200.5 for range and step placement upon demotion.)
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when he or she would otherwise be laid off for lack of work or lack of funds.
- C. Employees who take voluntary demotions in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off
(reemployment for a period of 39 months) and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided that the same tests of fitness under which they qualified for appointment to that class shall still apply. Employees who take voluntary demotions in lieu of layoff shall be, at the option of the employee,

returned to a position in their former class as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

D. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

60.200.3 Restorations and Reemployment (45298, 45309)

A. A former employee who resigned in good standing may be reinstated in his/her former class and status within 39 months of the last date of paid service. Also, he/she may be reemployed in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority.

B. Effects of Reinstatement within 39 Months of the Last Date of Paid Service:

1. Restoration to the former step in the salary range for the class, or, if reemployed in a lower class, or voluntarily demoted, to the rate closest to that of the step to which he or she would be reassigned if he/she were reinstated in his or her former class.
2. If restored to permanent status, restoration of accumulated sick leave and seniority.
3. Evaluation and salary review dates will not be affected by a period of layoff up to three months. This date will be recomputed to exclude all absence or layoff exceeding three months.

60.200.4 Changes in Assigned Time (45137, 45260, 45261)

A. General Rule

1. If a part-time employee is required to work for 30 minutes or longer per day for 20 consecutive workdays in excess of the regular assigned time, the assigned time of the position will be changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis.
2. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions

shall be based on seniority in the class. The three most senior employees requesting additional time shall be certified as eligible to be selected for the vacant positions.

3. A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority-bid list shall accept or reject a “vacant” position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a “vacant” position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made.
4. A permanent employee displaced by virtue of this rule shall be entitled to bumping rights in accordance with proper seniority.
5. All part-time employees eligible for full-time employment shall be notified when a full-time vacancy occurs if a written request for more hours has been filed in the personnel office.

The three most senior employees in the classification requesting additional hours and with satisfactory ratings on the two most recent evaluations shall be certified to the appointing authority.

B. Decreases in Assigned Time (45117, 45308, 45298)

1. When the regular hours of employment of a position or positions are to be reduced due to lack of work or lack of funds, the Administration shall:
 - a. Determine the class(es) and location(s) affected by the reduction;
 - b. Notify the Personnel Director so that a 45-day notification of impending reduction can be delivered to the employee.
 - c. Work with the Personnel Director to alleviate the effect of reduction on employees.
2. When a permanent position is to be reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer into any vacant position in the class. If a vacant, permanent position is not available, the incumbent may bump the incumbent of the position who has the least seniority in the class, provided that he or she has

greater seniority. An employee so bumped shall have similar bumping rights.

3. When an employee is faced with a reduction in assigned time, the rules on transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.
4. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increases in assigned time.

60.300 Assignments of Disabled Employees (45279)

60.300.1 General Policy

When a permanent employee becomes unable, with or without reasonable accommodation to perform the duties of his or her classification because of illness or injury as determined by medical authority designated by the Board of Education, effort shall be made to place him or her in a vacant position the duties of which are within his or her capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Personnel

Commission in the cases noted below.

60.300.2 Reassignments

A. A disabled employee's duties in his/her regular position may be modified in accordance with his or her functional limitations.

Essential functions of a position shall not be removed for this purpose.

Such changes in duties shall be reported to the Personnel

Director, who shall determine if the position requires a reclassification study.

B. A disabled employee who cannot perform the essential functions of his or her position may accept demotion or transfer to a less demanding class, with the approval of the Personnel Commission if a vacancy exists.

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

60.300.3 Effect of Refusal by Employee

A disabled employee may refuse assignments to other classes without effect on his or her rights under sick leave provisions of the law and these rules.

However, there is no obligation for the appointing authority to renew offers of reassignment which have been refused or to make alternative offers.

60.400 Evaluation

60.400.1 Evaluation of Bargaining Unit Members

Evaluation of employees in the classified bargaining unit is governed by the provisions of the applicable collective bargaining agreement.

60.400.2 Evaluation of Unrepresented Classified Employees

A. When Evaluations Are To Be Made

All unrepresented employees in the classified service (who are not members of the bargaining unit) shall be evaluated by their immediate supervisor in accordance with the following schedule:

1. Probationary employees will be evaluated on an ongoing basis and formally in writing at least twice during the probationary period. Normally the evaluations shall be made prior to the end of the third and sixth months of service. Failure to provide a timely evaluation shall not affect the District's right to release a probationary employee during the probationary period.
2. Permanent employees who are not at the maximum step in their salary range shall receive an evaluation each year. An annual evaluation shall be completed prior to the last day of each school year.
 - a. Employees receiving a satisfactory evaluation shall move to the next step in their salary range.
 - b. Employees receiving an unsatisfactory evaluation shall be denied step increase at their anniversary date.
3. Permanent employees who have reached Step Five on the salary schedule shall receive an evaluation every two years.

Evaluation shall be completed prior to the last day of the school year in the evaluation year.
4. If an employee is absent for fifteen (15) consecutive days or more during the last two months of the evaluation period, the evaluator shall be given another thirty (30) working days to complete the evaluation. If the absence is for more than sixty

(60) consecutive days, the evaluation may be extended by the length of the absence.

B. Who Evaluates

1. Each currently employed supervisor under whom the permanent employee has served during the current rating period may provide input into the performance evaluation, even though the employee may have left the supervisor's control.
2. Unrepresented employees are to be evaluated by persons in the District's management or administrative unit.

C. Evaluation Procedure

1. Evaluations shall be reviewed with the employee. Both the evaluator and the employee will sign the evaluation form, whether or not the employee agrees with the evaluation.
2. The employee may attach written comments to his/her evaluation within five working days after the review and his/her comments shall be attached to the evaluation.
3. Evaluation shall be based on the observation, knowledge, or investigation of the evaluator or other person with supervisory or administrative responsibility for the employee, and not solely upon hearsay statements. The content of the evaluation language and substantive judgment of the evaluator shall not be subject to any complaint procedure or appeal except as provided in this Rule.

D. Performance Improvement Plan

1. When the evaluator or immediate supervisor determines that improvement is required, the evaluator shall meet with the employee and outline the following in writing:
 - a. specific suggestions for improvement
 - b. specific performance area(s) where improvement is needed
 - c. additional resources that will be utilized to assist with improvement
 - d. the evaluator's role in assisting the employee

- e. techniques for measurement of improvement
 - f. time schedule for monitoring progress including a date for review of progress which does not exceed a six-month period except where the performance area does not reoccur during the six-month basis.
2. At the conclusion of the remediation period, a new evaluation will be written and a new performance improvement plan may be written at this time.

E. Appeal Procedure

- 1. An employee who is dissatisfied with his/her evaluation may request personal review of the report by the Assistant Superintendent, Human Resources. The decision of the Assistant Superintendent, Human Resources shall be final.
- 2. The request for review shall be made in writing to the Assistant Superintendent, Human Resources no later than ten (10) working days after the evaluation report was received by the employee. The Assistant Superintendent, Human Resources will render a decision ten (10) working days after the written request is received.
- 3. No aspect of this appeal procedure shall be subject to any further appeal or complaint process.

60.400.3 Evaluations of the Director, Classified Personnel

- A. The Chair, Personnel Commission will be responsible for accomplishment for required performance evaluations of the Director, Classified Personnel.
- B. Due to the Director's unique functional position—working under day-to-day supervision of the Administration while being directly responsible to the Personnel Commission—the Director's performance evaluation will be supplemented by letters of evaluation.
- C. Letters of evaluation will normally be requested from the Superintendent and the President of the recognized employee association(s). Other letters

of evaluation may be requested at the discretion of the Personnel Commission.

- D. In their performance evaluation of the Director, Classified Personnel, the Personnel Commission is obligated to comment regarding specific strengths and weaknesses referenced in each letter of evaluation received. These letters will be attached to the Performance Evaluation Report.

60.500 Leaves of Absence

60.500.1 Leaves of Absence for Bargaining Unit Members

Leaves of absence for employees in the classified bargaining unit are governed by the provisions of the applicable collective bargaining agreement.

60.500.2 Leaves of Absence for Unrepresented Classified Employees

All unrepresented employees in the classified service (who are not members of the bargaining unit) shall be entitled to leaves of absence as provided by the Education Code and other federal and state laws and District policy as it applies to those employees.

60.600 Layoff (45114, 45117, 45195, 45272, 45298, 45308)

60.600.1 Procedure Regarding Layoff

- A. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, and District, shall be considered to have the least seniority and, therefore, shall be laid off first.
- B. The names of permanent and probationary employees thus laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the relative order of seniority. (For transfers, voluntary reductions, recall, reinstatement, restoration, and reemployment, see: Sections 60.200.1, and 60.200.3.)

60.600.2 Limited-Term Positions (45286)

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

60.600.3 Notice

Written notice of layoff shall be provided by Administration to each employee at least 60* days prior to the effective day of layoff.

Per AB1908 notification changed from 45 to 60 days, effective 8/23/2012.

60.700 Resignation (45201)

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

A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights to other positions which he/she may hold on eligibility lists.

A former permanent employee who resigned in good standing may be reinstated within 39 months without examination.

60.800 Disciplinary Action and Appeal

60.800.1 Causes for Suspension, Demotion, Dismissal (45302, 45307, 44010, 44011)

A. Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:

1. Incompetency, inefficiency, inattention to or dereliction of duty. Negligence in the performance of duty, or in the care and use of District property.
2. Insubordination or failure to follow directions of supervisor.
3. Discourteous, disrespectful, offensive, or abusive conduct or language toward the public, pupils, or fellow employees.
4. Any willful failure of good conduct tending to injure the public service.
5. Willful or persistent violation of the provisions of the Education Code or rules, regulations, or procedures adopted by the Board of Education or the Personnel Commission pursuant to valid authority.
6. Dishonesty.
7. Possession or being under the influence of alcohol or drugs while on duty or other evidence of alcohol or drug use affecting duties or the work environment; use of illegal drugs or prescription drugs without a valid prescription.
8. Immoral conduct.
9. Political activities engaged in by an employee during the employee's assigned hours of employment.
10. Conviction of, including a plea or verdict of guilty or a conviction following a plea of nolo contendere, a felony or serious crime, including but not limited to, any sexual offense or crime of dishonesty or moral turpitude; a record of one or more convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading

information on application forms or examination and employment records concerning material matters.

11. Frequent tardiness or unexcused absence or failure to report tardiness or absence.
12. Continuous absence or abandonment of position, defined as a failure to report or notify supervisor within five days from start of absence.
13. Failure to report for review of criminal records or for health examination after due notice.
14. Discovery of an inability to perform, with or without reasonable accommodation, the essential functions of the employee's position, that was known by the employee and not disclosed during the hiring process.
15. Duplication of a key to any school building without written permission from the Business Manager. (P.C. 469)
16. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against pupils, the public or other employees.
17. Possession of unauthorized, dangerous and/or deadly weapons on District property.
18. Unauthorized access to, creating, changing, or deleting of data or other information and/or use of same for personal or other unauthorized purposes or unauthorized release of confidential or private information from District records.
19. Retaliation against any District employee, pupil, or member of the public who, in good faith, reports, discloses, divulges or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
20. Offering anything of value or offering any services in exchange for special treatment in connection with the classified employee's job or

employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee, pupil, or member of the public. Improper conduct during a selection process. Offering or accepting anything of value that creates a conflict of interest.

21. Conduct which harms the interests of the District for the purpose of inappropriately benefiting the employee.
22. Falsification of any District document.
23. Commission of acts outside of duty hours which injure the performance of the employee's assigned task.
24. Inability to meet requirements of job description, including but not limited to loss of a license or certificate.
25. Failure to obey a work-related subpoena duly served, or refusal to furnish testimony or documents at a work-related hearing or investigation.
26. Refusal to comply with shift assignments, working hours, or work locations.
27. Uninsurability to drive a District vehicle when such is a requirement of the employee's position.
28. Withholding information needed for employment, insurance or other necessary purposes.
29. Failure to report injuries or damage to property which occurred while on duty.
30. Evident unfitness for service.

60.800.2 Procedure for Disciplinary Action (45116)

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of Paragraph A.8, Rule 60.800.1, or for any cause that arose more than two years before the date of filing the charges, unless the cause was concealed or not disclosed by

the employee when it could reasonably be assumed the employee should have disclosed the facts to the District.

- B. The written charges must contain causes as set forth under Rule 60.800.1 along with supporting instances sufficient to provide the employee with adequate information to respond.
- C. Notice to the employee shall include a copy of the charges and a statement of his/her right to appeal, if any, together with a copy of Rule 60.800.3.
- D. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board within three (3) weeks. If the Board is unable to meet within this period for ratification, the employee's pay may be suspended for a maximum of three weeks. After the three-week period, the employee will be paid on a daily basis until the Board is able to meet. During this time the employee will remain on suspension.
Requirements in regard to charges and notifications must be met when the Board ratifies the Administration action.
- E. An employee charged with the commission of any sex offense as defined in Section 44010 of the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 45304 of the Education Code. Such suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in the Code section. Such suspension shall be reviewed by the Personnel Commission every 90 calendar days.
- F. Dismissal shall cause removal of the employee's name from all employment lists.

- G. Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive.
- H. A substitute, limited term, provisional, temporary, or other classified employee not part of the permanent classified service, may be released at any time during his/her assignment without regard to procedures set forth under Rule 60.800.

60.800.3 Appeal (45305, 45306)

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges. Grounds for appeal may include, but are not limited to, the following:
 - 1. That the procedures set forth in these rules have not been followed.
 - 2. That the removal was made because of political or religious affiliations, acts or opinions, or on the basis of a status or characteristic protected by state or federal law.
 - 3. That there has been abuse of discretion.
 - 4. That the action taken was not in accord with the facts.

60.800.4 Hearing Procedure (45306, 45311, 45312)

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by the technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing office shall determine the relevancy, weight, and credibility of testimony and evidence.
- D. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and

evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.

- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representation.
- G. Subpoenas. The Personnel Commission, or hearing officer if one is appointed, may, upon its own motion or if requested, subpoena percipient witnesses and/or require the production of records or other material evidence.
 - 1. Parties to Personnel Commission hearing proceedings may request the issuance of subpoenas by the Personnel Commission or hearing officer, if any. Filing of such requests with the Commission must allow for sufficient time to issue and serve subpoenas and shall be made no later than five business days prior to a regularly scheduled Commission meeting preceding the hearing date. If a hearing officer is appointed, requests for subpoenas must be submitted to the hearing officer no later than ten business days prior to the hearing date.
 - 2. Requests for subpoenas must be typewritten and state with sufficient particularity the persons, documents, or other material sought by the requesting party. A copy of the request must be served on the other party at the same time it is submitted to the Personnel Commission or hearing officer.
 - 3. The non-requesting party shall have the opportunity to object to the issuance of the subpoenas at the Personnel Commission meeting or before a hearing officer. If a hearing officer is appointed, the parties may confer by telephone with the hearing officer, who will determine whether to issue the subpoenas.

Reasons for denying subpoena requests may include, but are not limited to:

 - a. The subpoena seeks records or documents that are confidential or would, if produced, constitute an invasion of privacy;

- b. The witness or document(s) sought under the subpoena are cumulative or otherwise inadmissible;
- c. The appearance of the witness or production of the document(s) sought under the subpoena is not likely to lead to admissible evidence; or
- d. It appears the subpoena is sought for purposes of delay or harassment.

The decision of the Commission or hearing officer with respect to issuance of subpoenas is final.

- 4. Subpoenas shall be approved upon majority vote of all members of the Personnel Commission or by the hearing officer. Each subpoena issued shall be signed by a member of the Personnel Commission or the hearing officer following approval and prior to issuance. The Personnel Director or designee, or the hearing officer, shall deliver the signed subpoenas within two business days to the requesting party for service.
- 5. Each requesting party shall serve and bear the costs of serving their subpoenas. Subpoenas may not be served on District employees during work hours or on a District student on school grounds or during school hours.
- 6. Each requesting party shall bear the costs of attendance of witnesses and production of documents.
- 7. The Commission shall not, except in extraordinary circumstances and at its discretion, pursue penalties or issue warrants against any witness for violation of a subpoena issued under this Rule.
- H. The Commission or hearing officer may, prior to or during a hearing, grant a continuance for any reason it reasonably believes to be important to its reaching a fair and proper decision.
- I. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Commission, its

counsel, and its staff shall be permitted to participate in the deliberations. If the Personnel Director or any staff is not serving solely for the Commission and/or was a witness in the proceedings, he/she shall also be barred from the Commission's final deliberations.

- J. The Commission shall render its judgment as soon as possible after the conclusion of its deliberations. The Commission's decision shall set forth which charges, if any, are sustained and the reasons therefor.
- K. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain or reject the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Board.
- L. The Commission order of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated, which may be any time on or after the date of the disciplinary action.
- M. If the Commission sustains the employee, it may order paid all or part of his/her full compensation from the time of suspension, demotion, or dismissal, and it shall order his/her reinstatement.
Upon notification of the Commissions' decision, the Board shall reinstate the employee and authorize such compensation as the Commission directs.
- N. The employee may obtain a copy of the transcript of the hearing upon written request. The employee will be responsible for the full cost of producing the copy of the transcript. The employee may obtain a duplicate copy of the tape recording at no charge from the District.
- O. In the case of Personnel Commission staff members, a hearing officer shall be appointed by the Personnel Commission and his/her findings shall be binding on the Personnel Commission, unless this recommendation is rejected by a unanimous vote of the Personnel Commission.

60.800.5 Effect of Action (45307)

- A. Dismissal of any employee from the service shall, unless otherwise ordered by the Commission:
 - 1. Constitute a dismissal as of the same date from all classified service positions.
 - 2. Result in the automatic removal of the employee's name from any and all employment lists on which it may appear.

CHAPTER 70

HOURS, WAGE AND SALARY PROVISIONS

70.100 Work Periods and Overtime

70.100.1 Workday and Workweek (45127)

The maximum number of hours of regular employment of an employee is eight hours a day, and 40 hours a week, which is eight hours per day for five days. The workweek shall begin on Sunday of each week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized Administrators, order and authorize employees to work in excess of eight hours in one day or 40 hours in one week. Regular part-time employees whose five-day workweek is daily (20 hours) are on overtime status on the 6th and 7th day of work. Regular part-time employees scheduled for less than four hours daily each five-day workweek are on overtime status on the 7th day of work. (45128)

The regular workday, workweek, and assigned schedule for represented employees shall be governed by the applicable collective bargaining agreement. For unrepresented employees, the District shall establish the work schedule consistent with law and these rules. All time actually worked must be accurately recorded, whether or not the work was authorized in advance. Unauthorized work may result in corrective or disciplinary action but shall not result in the denial of compensation required by law.

70.100.2 Overtime Defined (45128)

Overtime is ordered and authorized working time in excess of eight hours in one day and 40 hours in one week. No one shall order or authorize overtime unless it is compensable as provided below.

Overtime of less than 15 minutes shall not be credited; all overtime shall be reported and credited in multiples of 15 minutes of working time. Overtime is authorized working time for which overtime compensation is required by law, Education Code, or the applicable collective bargaining agreement.

Employees shall accurately record all time worked. Overtime should be approved in advance except in an emergency; however, compensable time actually worked shall be reported and paid or credited as required by law.

70.100.3 Compensation for Overtime (45129)

- A. A regular employee who works authorized overtime shall be paid at a rate equal to one and one-half times the amount of overtime worked. Shift and special-assignment differentials regularly received by the employee shall be included in determining the regular rate of pay.
- B. Overtime, computed at the time-and-a-half rate, may be taken as compensatory time off in units of 15 minutes or more, when approved by the responsible Administrator. The maximum amount of compensatory time allowed to be accrued is 40 hours. The compensatory time must be used within a 12-month period.
- C. The District may maintain a lower accrual limit than the maximum permitted by federal law. Accrued compensatory time shall be used and paid out in accordance with law, District procedure, and the applicable collective bargaining agreement.

70.100.4 Classifications Exempt from Overtime Payment (45130)

Employees in the classes designated as executive or administrative by Rules and Regulations shall be excluded from overtime payment provisions of this rule. These positions, with supervisor approval, may be awarded compensatory time off.

70.100.5 Lunch Periods and Rest Periods

The District shall establish an unpaid duty free lunch period of not less than one-half hour for a unit member scheduled five (5) or more consecutive hours per day. The Board shall provide a paid 15-minute rest period for each unit member for each four (4) hour consecutive period worked at times approved by the immediate supervisor, but not during the first or last hour of the work day.

70.200 Application of Salary Schedule

70.200.1 Initial Placement

New employees shall normally be appointed at Step 1. A candidate or appointing authority may request advanced-step placement before the candidate accepts the final employment offer. The request must be supported by objective documentation, including directly related experience, specialized qualifications, recruitment difficulty, competing compensation, or internal salary alignment. Advanced-step placement shall require approval by the Personnel Director and Superintendent, or other authority designated by the Commission. Approval shall not be retroactive after the employee begins service except to correct an administrative error.

70.200.2 Step Advancement

- A. Employees placed on Step 1 of a range will advance to Step 2 on the first of the month following completion of six months service in the class. Each succeeding step will be attained one year from the preceding step. New employees placed above Step 1 of any range will advance on one year intervals until the maximum step has been achieved. Employees placed on Step 1 of a range in a supervisory position will advance to Step 2 on the first of the month following completion of one year's service in the class. In all instances, step advancements will be made only if the employee received at least a satisfactory (meets standards) rating by his/her supervisor on his/her evaluation.
- B. For the purpose of this rule, employment made between the first and fifteenth day of the month shall be considered as effective on the first day. Employment after the fifteenth day shall be considered as effective at the beginning of the next month for purposes of evaluation and salary step increases.
- C. Any person employed in an established position, whether part or full-time, for more than 21 consecutive working days, shall receive the base step of the established range for that position for the duration of such employment.

1. If a substitute appointment which was intended for a less amount of time actually lasts over 21 consecutive working days, the employee shall be entitled to full pay for that classification from the first day of his/her appointment thereto.
 2. A limited-term appointment given to a regular employee to enable him to fill in for a missing employee, perform a temporary job, or determine his/her suitability for promotion, shall not be governed by the above rule. No limited-term appointment shall be made for any period exceeding three months or 90 working days, whichever is longer. Assignments in excess of this period shall be subject to reclassification.
 3. An employee serving in a substitute capacity shall receive a salary increment, if provided in the salary schedule, for each 225 days, and/or partial days, assigned to duty.
- D. All regular part-time employees shall receive yearly increments as indicated on the adopted salary range for their position upon completion to the required service for the step (see Section 70.200.2A).
- E. Any period of layoff from which recalled, reinstated, or reemployed shall not interrupt “continuous, permanent employment with the District”, but will not be considered as time worked for the purpose of longevity advancement under this section, until the period of layoff has been made up.

F. Longevity Advancement

Ten years from the date on which an employee starts his/her continuous permanent employment with the District, he/she shall be compensated with a sum of money, monthly, for service. The sum shall be computed as an additional step to the top step on the current salary schedule of that range to which the employee is permanently assigned at the end of his/her 10th year of service.

This sum shall be in addition to, and separate from, any other step assignment, nor shall it be affected by any promotion, demotion, or step change occurring to the employee thereafter. Additional increases, using the above method of computation, shall be awarded each employee for every additional five (5) years of service thereafter.

70.200.3 Promotions

Upon promotion, the employee shall be placed at the lowest step of the new range that provides at least the compensation increase established by the applicable collective bargaining agreement or salary-placement rule, not to exceed the maximum of the new range. The employee's new step-advancement date shall be established from the effective date of promotion.

70.200.4 Placement After Leave of Absence

Unless the leave taken under these rules or law provides that the break in service will be disregarded, the employee upon return from a leave of absence will be placed on the step range he occupied before a leave started. Time spent on leave shall not be credited toward the time needed for step advancement.

70.200.5 Placement When Demoted

- A. An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate he/she earned in the higher class, provided that he/she shall not receive a salary increase thereby. He/she shall retain the anniversary date established in the higher class.
- B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 70.200.2A.

70.300 Holiday Pay

70.300.1 Eligibility

All classified employees will be entitled to payment for authorized holidays, provided that they were in paid status during any portion of the day immediately preceding or succeeding the holiday, and providing that it was a day on which the employee would have worked as part of his/her normal (regular) assignment. The only exceptions to this rule are cited in 70.300.2.

70.300.2 School Holiday

Regular employees who are not normally assigned to duty during the school holidays which include December 24 and 25, January 1, and June 19 shall be paid for those three holidays, provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

70.300.3 Paid Holidays

Established by the Board of Education are available for review by employee by obtaining a District calendar.

70.400 Payrolls

70.400.1 Official Roster

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

70.400.2 Payroll Audit (45266)

- A. The Personnel Director shall audit all initial assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing law and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll following the initial assignment and certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification by the Personnel Director.
- B. The Personnel Director shall make periodic audits of all payrolls, and if he/she finds assignments not in accordance with the law and rules, he/she shall withdraw his/her certification and order payment stopped in accordance with the procedure described above.

70.400.3 Error in Payment of Salary or Wages (45167)

When an underpayment is identified, the District shall provide the employee with a written explanation and supplemental payment within the period required by Education Code section 45167. When an overpayment is identified, the District shall provide written notice stating the amount, pay periods involved, calculation, proposed recovery method, and opportunity to dispute the determination. Recovery shall occur only in accordance with applicable law, the collective bargaining agreement, and any written repayment agreement.

CHAPTER 80

GRIEVANCE-RELATIONS AND POLITICAL ACTIVITY

80.100 Procedure For the Adjustment of Grievances of Classified Personnel

80.100.1 Purpose of the Adjustment Procedure

Represented employees shall use the grievance procedure contained in the applicable collective bargaining agreement for matters arising under that agreement. These rules shall govern only matters within the Personnel Commission's statutory or rule-based jurisdiction and complaints of unrepresented classified employees when no other controlling procedure applies.

The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies or administrative procedures, working conditions, or job relations including the complaint of one employee against another employee.

Because complaints should be adjusted as promptly as possible, various time limits have been established to minimize delays in the various steps that have been provided. There is an obligation on the part of an aggrieved employee to make known the existence of his/her complaint and the facts pertaining to his/her complaint within 30 working days of any specific or documented incident or at the earliest possible date after the recognition of a nonspecific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships. Matters excluded from the adjustment procedure shall be:

- A. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Board of Education in closed session.
- B. Matters specifically reserved for action or review by the Personnel

Commission under Personnel Commission rules in effect at the time the events leading to the complaint occurred. Such matters shall be processed through normal channels by the Personnel Commission.

When jurisdiction is uncertain, the Personnel Director shall determine the appropriate procedure, subject to review by the Commission. Procedural requirements may be extended by mutual written agreement, but substantive rights and statutory requirements shall not be waived.

- C. Complaints about the subject matter of a Board rule or policy or administrative procedure, rather than the administration of the Board rule or policy or procedure. An employee with such a complaint should direct his/her suggestions for change through administrative channels to the Board or to the administrator who established it.

80.100.2 Steps in the Adjustment Procedure

A. Informal Discussion

An employee should first attempt to resolve the concern informally with the immediate supervisor, unless the complaint concerns that supervisor or circumstances make informal resolution inappropriate. The supervisor shall meet with the employee or provide a response within five working days, unless extended by mutual agreement.

B. Informal Review

1. If the problem has not been resolved by the immediate supervisor, the employee may request of his/her immediate supervisor, either orally or in writing, that an informal review be made by the next higher-level supervisor in whom authority exists to take corrective action. In the case of school-assigned personnel, this supervisor would be the principal unless the informal discussion was between the principal and the employee.
2. The supervisor shall attempt to hold a conference within five working days after he/she has received the employee's request for an informal review.

3. The employee must be in attendance; he/she may present his/her own case or may present the problem through a representative of his/her own choosing at the informal review and at any subsequent stage of the adjustment procedure. The supervisor and the respondent may each have a representative at the informal review and at any subsequent stage of the adjustment procedure. Any employee of the District may serve as a representative without prejudice or loss of salary, provided that he notifies his/her supervisor in advance. Representation for the employee may not unreasonably delay the process.
4. Following the oral presentation of the complaint to the supervisor, if the complaint has not been resolved to the satisfaction of all concerned, the employee or his/her representative shall prepare and present the complaint in writing to the supervisor and respondent, if other than the supervisor, within five working days. The respondent, if other than the supervisor, shall prepare a similar statement of his/her position and submit it to the supervisor with a copy to the complainant.
5. The supervisor shall communicate in writing his/her decision and supporting reasons to the respondent, if other than the supervisor, the complainant's immediate supervisor, and the concerned division heads within five working days.

C. Administrative Review

1. If the complainant remains dissatisfied following the informal working days after receipt of the decision, requesting a formal administrative review.
2. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the formal review, the reasons why the decision is being appealed, and the name of the complainant's representative, if any. The complainant may obtain

assistance from the District's Human Resources Office or such other office as may be designated, throughout the course of the adjustment procedure.

3. The complainant shall submit the complaint directly to his/her supervisor and route one copy of the complaint through the complainant's administrative chain of command, one to his/her division head for information purposes only, and one to the respondent.
4. The administrator or the administrator's designated representative shall hold a conference with all interested parties on the complaint within five working days of receipt, unless there is a mutual agreement that more time shall be allowed.

Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved. Failure to meet the filing deadline may result in dismissal unless the employee demonstrates good cause or the parties agree in writing to an extension.

5. The administrator or his/her designated representative shall submit written notice to the complainant and the complainant's supervisors of the decision in the matter within five working days after the conclusion of the conference. One copy shall be forwarded through the administrative chain of command, one to the division head for information, and one to the respondent, if other than the supervisor. The administrator shall implement the decision. The administrator cannot grant a remedy beyond his/her authority.

D. Formal Hearing

8.1.2.4 Formal Hearing (See Education Code 45312)

8.1.2.4.1 If the appellant is dissatisfied with the decision of the administrative review, he may send to the Personnel Director, within five working days after receipt of the decision, a written request for a hearing before the Director. A copy shall be sent to the respondent.

8.1.2.4.2 The district shall provide the hearing officer with all necessary technical and clerical staff assistance in preparing for and conducting the hearing and in preparing the findings.

8.1.2.4.3 The Director shall convene a hearing on the earliest practical date after his selection. He shall establish his own procedures. He shall review the written statements submitted by the parties to the grievance. The appellant and the respondent may request the presence of witnesses. The Director shall be empowered to direct the attendance of any district employee at the hearing without loss of salary to the employee.

8.1.2.4.4 The hearing shall be conducted in an informal manner with only those having legitimate interest in the problems of issue, as determined by the Director, admitted. The appellant and the respondent shall each be limited to two days to present their respective positions. The Director may admit evidence and testimony regarding incidents and occurrences that antedate the event giving rise to the grievance if he concludes that they have sufficient relevance as background information. He may also take such additional time as necessary to take such further testimony as he deems necessary. The hearing shall be conducted in accordance with fundamental rules of fairness and due process.

The Director shall render written findings, conclusions and recommendations within 10 working days of the termination of the hearing. The findings, conclusions, and recommendations shall be sent to the parties concerned and to the Superintendent for implementation.

8.1.2.5 Personnel Commission Review (See Education Code 45311)

8.1.2.5.1 If the appellant, the respondent, or the concerned division heads are not satisfied with the recommendations submitted by the Personnel Director, a written appeal may be made to the Personnel Commission within five working days after receipt of the findings, conclusion, and recommendation. A copy of the appeal shall be submitted to the Superintendent.

8.1.2.5.2 A copy of the appeal shall be provided to the responding party, and he shall be required to submit his written reply to the points made in the appeal within five working days of receipt thereof.

8.1.2.5.3 The Personnel Commission may review the records of the hearing, including the findings, conclusion, and recommendations, or conduct its own hearing or investigation of the appeal.

8.1.2.5.4 When the Personnel Commission has reached a decision, the Personnel Director shall notify the Superintendent and the individuals involved as soon as possible after the completion of the review of the appeal. The Superintendent shall implement the decision.

8.1.2.5.5 The decision of the Personnel Commission on an appeal shall be final and conclusive.

80.200 Employer-Employee Relations

80.200.1 General Provisions

Employer-employee relations involving District public school employees and employee organizations shall be governed by the Educational Employment Relations Act, Government Code sections 3540–3549.3, applicable decisions and regulations of the Public Employment Relations Board, collective bargaining agreements, and other applicable law.

80.200.2 Board Rules

Board policies and administrative regulations concerning employer-employee relations shall apply to classified employees to the extent they are consistent with law, applicable collective bargaining agreements, and the independent authority of the Personnel Commission. A Board policy shall not amend or supersede a Commission rule unless authorized by law and adopted through the applicable rule-revision procedure.

80.300 Political Activity (7050-7058)

80.300.1 Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code.

80.300.2 Cause for Disciplinary Action

Any employee may be disciplined for improper political activity.

Improper political activity includes:

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

80.300.3 Personal Candidacy

Any employee may be a candidate for any political office for which he/she may file without suffering any loss of employment status in the District unless he/she violates the provisions of Rule 80.200.2.

80.300.4 Leave of Absence for Political Activity

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

80.300.5 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with his/her normal duty hours and assignment with the District, may request, and shall be granted, an unpaid leave of absence which shall commence on the date he/she assumes the office and shall terminate not later than 30 days after his/her last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. He/she will be placed on (an) appropriate employment list(s), and notified that he/she may be offered limited-term employment.

80.300.6 Intent

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