

Huntington Beach Union High School District

**PERSONNEL COMMISSION RULES / REGULATIONS**

**March 2017  
Personnel Commission**

HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT

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NOTE: The Personnel Commission Rules and Regulations have been developed to provide guidelines for interaction among the Board of Trustees, Personnel Commission, Education Code, and the Negotiated Agreement with the Employee organization. Should there be a conflict with a negotiable item, language in the contract and its interpretation will prevail unless contrary to law.

**SECTION 4200      PRELIMINARY STATEMENT AND DEFINITIONS**

**4200.1              Statutory Authority for PC Rules**

**4200.2              Interpretation and Application of Rules**

**4200.3              Generic Terminology**

**4200.4              Judicial Review**

**4200.5              Glossary of Terms**

## **SECTION 4200**

### **PRELIMINARY STATEMENT AND DEFINITIONS**

#### **4200.1 Statutory Authority for PC Rules**

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

The rules and regulations contained herein are established by the Personnel Commission pursuant to its authority under Education Code sections 45260 and 45261.

Since the implementation of new rules or amendments to existing rules can impact the Board, the administration, and the classified employees, the Commission has hereby established the policy of submitting copies of all proposed rules, amendments or deletions of existing rules to the exclusive bargaining representative(s) and the District Superintendent for their review and comments at least fourteen (14) calendar days prior to adoption by the Commission.

#### **4200.2 Interpretation and Application of Rules**

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases.

The Commission is open to responsible suggestions to amend the rules with prospective application. Each rule shall be individually considered as to both intent and retroactivity.

#### **4200.3 Generic Terminology**

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

#### **4200.4 Judicial Review**

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



4200.5 **GLOSSARY OF TERMS**

- A -

ABANDONMENT OF POSITION: When an employee is absent without notice or approval for a specified period of time.

ABSENCE: Time away from duties during assigned working hours.

ABSENCE WITHOUT LEAVE: Absence without prior approval.

ACCELERATED HIRING RATE: An initial pay rate at other than the beginning of the salary range for the class.

ACT: Refers to Division 10, Chapter 5, articles 1-10, and sections 45101 to 45403 of the Education Code of the state of California.

ADDITIONAL ASSIGNMENT: Assignment of an employee to a position or duties in addition to (and distinct from) his/her basic assignment.

ADMONITION: Simple warning to an employee by a supervisor.

ALLOCATION: The assignment of an individual position to an appropriate class title on the basis of the work actually performed in the position or the placement of a class on a salary schedule range or flat rate.

ANNIVERSARY DATE: The date of completion of a required period of service, sometimes called increment date.

APPEAL: A protest regarding an action actually or potentially detrimental to an employee or applicant.

APPLICANT: A person who, under the rules, has made formal application for employment.

APPOINTING AUTHORITY: The Board of Trustees, governing board, or Personnel Commission.

APPOINTING OFFICER: A person having power by law, or by lawfully delegated authority, to make appointments to positions.

APPOINTMENT: The official act of the appointing power in approving the employment of a person to a classified position.

APPRENTICE: An employee assigned to an established apprenticeship position requiring paid on-the-job and unpaid classroom training in accordance with the Apprenticeship Standards.

ARMED FORCES: For the purpose of military leave of absence or veteran's credit, the United States Air Force, Army, Navy, Marine Corps, Coast Guard, Army Nurse Corps, and Navy Nurse Corps.

ASSIGNED TIME: The number of regularly assigned hours per day or hours per week for a position.

ASSIGNMENT: Placement of a candidate in a position; also the position in which a candidate is placed.

AUTHORIZED ABSENCE: Absence which is taken in accordance with District policy and has administrative approval as needed.

- B -

BARGAINING UNIT MEMBERS: Refers to classified employees who are recognized as being represented by an exclusive representative under the collective bargaining laws of the state of California.

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of an immediate member of the family as provided in the Education Code/contract.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace an employee with less seniority in a class.

- C -

CALL-BACK COMPENSATION: Compensation for an employee who is called back to work after his/her normal assigned day.

CANDIDATE: An approved applicant for employment.

CAUSE: Specified reason for suspension, demotion, or dismissal. Cause relating to disciplinary actions against classified employees means those grounds for discipline, or offenses enumerated in the law, the written rules of a public school employer, or the negotiated agreement with the bargaining unit. No disciplinary action may be maintained for any cause other than as defined herein.

CERTIFICATION: The submission of names of eligibles from an appropriate list to an appointing authority by the Personnel Director.

CERTIFICATED EMPLOYEE: A person appointed by the Board of Trustees to serve in a position in the certificated service which requires a credential from the state of California.

CLASS or CLASS OF POSITIONS: A group of positions in the classified service sufficiently alike in duties, authority, and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay and title can be equitably applied to, all positions in the group.

CLASS SERIES: A group of classes similar in duties but different enough to be a separate class usually denoting increasing pay levels.

CLASS SPECIFICATION: A general formal statement of the duties and responsibilities of the position or positions in the class illustrated by examples of typical tasks and of the qualification requirements of the positions in the class (sometimes referred to as class description).

CLASS TITLE: The official nomenclature of a class of positions.

CLASSIFICATION: The act of placing a position in the class.

CLASSIFICATION PLAN: The official document adopted by the Board of Trustees or Personnel Commission which allocates all positions to classes. The classification plan designates the titles and specifications for each position class.

CLASSIFIED EMPLOYEE: A person appointed by the Board of Trustees to serve in a position of the classified service.

CLASSIFIED POSITION: A specific job which does not require a credential by law to perform the duties.

CLASSIFIED SERVICE: All positions not required to have certification qualifications or otherwise excluded by the Education Code, and the incumbents appointed to those positions.

CLASSIFIED SERVICE EXEMPT: Such positions are exempt from the regular classified service and do not have a regular minimum number of assigned hours per day or week. A person assigned to perform work in one or more of the following categories:

1. Short-term (temporary)
2. Substitute
3. Full-time students employed part-time (12 units)
4. A person employed in part-time recreation (playground) positions
5. An apprentice or professional expert employed on a temporary basis for a specific project, regardless of length of service

COMMISSION: The Personnel Commission established pursuant to the merit system provision of the Education Code.

COMPENSATION: The salary, wage allowance, and all other forms of valuable consideration earned by or paid to an employee by reasons of service in any position but does not include monetary reimbursement for necessary expenses incurred by employees.

COMPLAINT: An alleged misapplication of policies, regulations, or rules which are not subject to a "negotiated" grievance procedure.

COMPLAINT PROCEDURE: A procedure to resolve an employee complaint that a violation has occurred concerning a board policy, administrative procedure, or Personnel Commission rule.

CONTINUOUS EMPLOYMENT: Employment uninterrupted from the date of appointment except by authorized absence.

CONTINUOUS EXAMINATION(S): A procedure or procedures for the frequent testing of applicants in certain specified classes.

- D -

DAY: Unless otherwise specified, days will be considered calendar days.

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

DIFFERENTIAL COMPENSATION: Salary differential provided to classified employees who perform duties of a distasteful, dangerous, or unique nature when such compensation is reasonably justified. (Also see shift differential.)

DISABLED VETERAN: A war veteran who is currently rated as having at least 10 percent disability by the United States Veterans Administration as a result of services in the armed forces.

DISCIPLINARY ACTION: Disciplinary action including any action whereby an employee is deprived of any classification or any incident of any classification in which he/she has permanence, including dismissal, suspension, or demotion without his/her voluntary consent, except a layoff for lack of work or lack of funds.

DISMISSAL: The involuntary separation of an employee from employment with the District by action of the Board of Trustees.

DISTRICT: The Huntington Beach Union High School District of Orange County hereinafter referred to as the District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission under specific conditions which provides for simultaneous certification of open and promotional candidates according to examination scores.

- E -

ELIGIBLE: A person whose name appears on an eligibility list.

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

EMERGENCY APPOINTMENT: An appointment for a period not to exceed fifteen (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.

EMPLOYEE ORGANIZATION: Any organization which includes employees of the District and which has as one of its primary purposes representation of such employees in their employee/employer relations with the District.

EMPLOYEE RELATIONS: Employee/employer contacts, both formal and informal, to discuss matters of mutual or individual interest.

EMPLOYMENT LIST: A list of names from which certification may be made. The term includes eligibility lists and reemployment lists as well as lists of individuals who wish to be transferred, demoted, reinstated after resignation, or those who wish to be reinstated to a former class after a voluntary demotion.

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

ENTRANCE QUALIFICATIONS: Minimum qualifications prescribed for those who wish to compete in examinations for a specific class.

EQUAL EMPLOYMENT OPPORTUNITY: The elimination of discrimination in employment.

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

- F -

FISCAL YEAR: July 1 to June 30.

FRINGE BENEFITS: Term used to encompass items such as vacation, holidays, insurance, medical benefits, pensions, and other similar benefits received by an employee under his/her employment in addition to regular pay.

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

- G -

GOVERNING BOARD: The Board of Trustees of the District.

GRIEVANCE: Formal written statement by a classified employee covered by a collective bargaining agreement that the District has violated an express term of said agreement.

GRANDFATHERED IN: Term used to provide an exception to new or changed rules when it impacts employees in a negative way.

GRIEVANCE PROCEDURE: A process to resolve grievances as defined in collective bargaining agreement(s) between the District and employee organizations.

**- H -**

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

HEARING OFFICER: A qualified person employed to hear and make recommendations on appeals from disciplinary actions or other matters for which a hearing officer would be retained.

**- I -**

IMMEDIATE ADMINISTRATOR: A member of the District's management team who has immediate jurisdiction over an employee or said member's designee.

IMMEDIATE FAMILY: Mother, father, grandmother, grandfather, or grandchild of the employee; son, daughter, brother, sister or the spouse of the employee; or any of the in-law or step of previously stated members, any relative or singular individual designated as significant other living in the immediate household; any dependent for whom the employee is the court-appointed legal guardian, and domestic partners.

IMMEDIATE SUPERVISOR: A person occupying a position who assigns, checks, and/or supervises the work of a given employee.

INCOMPETENT: Failure to perform adequately the minimum standards of duties required for a given position.

INCREMENT: A salary increase provided for in certain pay plans.

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS: Absence because of injury or illness which arose out of and in the course of employment with the District.

INSUBORDINATION: Willful failure of an employee to comply with a reasonable directive from his/her supervisor, or any act which indicates clearly and beyond doubt his/her unwillingness to accept the authority of a supervisor.

**- J -**

JOB ANALYSIS: The technique or procedure by which specified job facts, tasks, essential duties, skills, knowledge, and abilities are discovered and recorded.

JOB CLASSIFICATION: See CLASSIFICATION.

JOB DESCRIPTION: See POSITION DESCRIPTION.

- L -

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

LEAVE OF ABSENCE: Approved absence from duty with or without pay for a prescribed period of time.

LIMITED-TERM: A term used in the Education Code to designate employment for periods not to exceed six (6) months or employment during the authorized absence of a regular employee.

LIMITED-TERM EMPLOYEE: An employee who is serving in a position established for a limited period of six (6) months or less or as a substitute for a regular employee.

LONG-TERM LEAVE: A board-approved leave of absence for a period not to exceed twelve (12) months.

LOYALTY OATH: A statement required for each new employee concerning his support of the United States and California constitutions as required by state law.

- M -

MERGING LISTS: The act of combining two (2) or more eligibility lists for the same class, established not more than one (1) year apart, in order of the scores of eligibles.

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

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

MINIMUM WAGE: The lowest allowable rate for a given classification or for any employment as regulated by state and federal law.

- N -

NEGOTIATIONS: A process in collective bargaining which imposes the mutual obligation on the public school employer and employee organizations to exchange information, opinions, and proposals; and to make and consider recommendations under orderly procedures in a conscientious effort to reach an agreement on wages, hours, and other terms and conditions of employment.

- O -

OCCUPATIONAL GROUP: Several series of classes in associated or related occupations, professions, or activities.

OPEN EXAMINATIONS: A competitive examination in which any qualified person who is not a permanent employee may participate.

OVERTIME PAY: Extra compensation paid for hours worked in excess of eight (8) hours in one day or in excess of forty (40) hours in any calendar week unless excluded by these rules or other provisions of law.

- P -

PART-TIME EMPLOYEE: An employee who works less than full-time.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service (less than thirty-five (35) hours per week).

PERFORMANCE EVALUATION: The administrator's periodic, official summary of his/her evaluation of an employee's performance.

PERMANENT EMPLOYEE: A person who has completed a probationary period in a regular position in the classified service.

PERSONAL BUSINESS LEAVE: Leave which may be taken for reasons of personal business.

PERSONAL NECESSITY LEAVE: Leave which may be taken for reasons of personal necessity.

PERSONNEL COMMISSION: Three (3) members appointed in accordance with Education Code provisions and responsible for maintenance of the merit system for classified employees of the District.

PERSONNEL DIRECTOR: Used in these rules, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the merit system under the provision of law and the rules and regulations established by the Personnel Commission. (Also referred to as Director, Human Resources - Classified or Secretary to the Personnel Commission.)

PLACEMENT: Bringing new employees into a job. This may be done by appointment, promotion, demotion, reassignment, reinstatement, reemployment, or transfer within an organization.

POSITION: A group of duties and responsibilities assigned by the appointing authority requiring the full- or part-time employment of one (1) person.

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

POSITION DESCRIPTION: A statement of duties and responsibilities comprising the work assigned to an employee.



PREVAILING RATE: Wage rates that are paid to most workers engaged in the same or similar occupations within a geographic or labor market area.

PROBATIONARY EMPLOYEE: A person who has been properly appointed to a position before acquiring permanent status in that class.

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

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

PROMOTIONAL EXAM: A competitive examination in which only permanent employees may participate.

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

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list and subject to prescribed time limits.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

PUBLIC NOTICE: Placed announcements of examinations, meetings, hearings, and other actions of the Personnel Commission on official bulletin boards.

- R -

RANK: The same percentage score of eligibles who have participated in an examination process.

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

REASSIGNMENT: A change in assignment of an employee.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another, which is due to a gradual accretion of duties.

RECOGNIZED EMPLOYEE ORGANIZATION: An employee group which has complied with the requirements for recognition and has been recognized by the Board as qualifying to represent their members in their relations with the District.

RECRUITMENT: The process of attracting applicants for employment.

REDUCTION IN ASSIGNED TIME: See LAYOFF.

REEMPLOYMENT: Return to duty of an employee who has been laid off.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment or reclassification of position, exhaustion of sick leave or industrial accident leave privileges, or other reason specified in these rules, and who are eligible for reemployment without examination in their former class for a period of thirty-nine (39) months, arranged in order of their right to reemployment.

In certain specific cases of reduction in class or assigned time in lieu of layoff, the period of reemployment is extended an additional twenty-four (24) months.

REGULAR APPOINTMENT: An appointment to a position of more than six (6) months or 195 days duration.

REGULAR EMPLOYEE: A person employed in a full-time or part-time position in the classified service, which position is on a continuing basis for over six (6) months duration or 195 working days and which has been authorized by action of the Board.

REGULAR POSITION: A position authorized by the Board of Trustees, either full-time or part-time, which has been established on a continuing basis for 75 percent or more of a school year. (Education Code section 45103, defines 75 percent of the school year as "195 working days, including holidays, sick leave, vacation and other paid leaves of absence.") A position where the incumbent will have either probationary or permanent status.

REINSTATEMENT: Non-competitive restoration to the classified service authorized on the basis of appointee's previous service.

REPRIMAND: Action less severe than a discharge, may be written or oral.

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

RESTRICTED EMPLOYEE: A person employed in a position properly classified as restricted.

RESTRICTED POSITIONS: Positions whose incumbents must be from low income groups, from designated impoverished areas, or other criteria authorized by the Education Code.

RETIREMENT: Separation from the service after attaining eligibility for the annuity benefits of the appropriate Retirement Act.

REVIEWER: A member of the District's Management Team.

RIGHT: A benefit which is bestowed by law or rule and which must be granted.

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

- S -

SALARY RATE: A specific amount of money paid for a specified period of service; i.e., dollars per hour, pay period, or month.

SALARY SCHEDULE: The complete list of ranges and their relationships established for the classified service.

SALARY STEP: One of the salary levels within the range or schedule of rates for a classification.

SALARY SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry or other public agencies and the report of such data.

SCOPE OF REPRESENTATION: The scope of representation shall include all matters relating to employment conditions and employer/employee relations, including but not limited to wages, hours, and other terms and conditions of employment.

SENIORITY: Status secured by length of service to which certain rights attach.

SEPARATION: The termination of employment of an individual.

SHIFT: The stated regular working period for an employee or a group of employees.

SHIFT DIFFERENTIAL: Added pay or reduction in hours worked for other than a daytime shift.

SICK LEAVE: Conditions under which employees are paid their earned entitlement during illness absence; the procedure to be followed for payment of earned entitlement during an absence for illness or injury.

STATUS: The condition of an employee's present appointment such as temporary, provisional, part-time, probationary, or permanent.

STEP ADVANCEMENT: Movement to a higher step on the salary schedule.

SUBSTITUTE: One who is employed in place of an employee already filling an assigned position.

SUSPENSION: An involuntary absence imposed by the appointing authority for a disciplinary purpose.

- T -

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

TRANSFER: The reassignment of an employee without examination from one position to another position within the same class.

TRANSFER TO A RELATED CLASS: The reassignment of an employee to another classification at the same salary range which is related to the current classification for which the incumbent meets the minimum qualifications.

- U -

UNAUTHORIZED ABSENCE: Time taken away from normal working duties during normal working hours in violation of District policy and without needed administrative or supervisory approval.

- V -

VACANT POSITION: Any unfilled authorized position in the classified service.

VETERAN'S CREDIT: Additional points added to a passing score in entrance examinations for military or related service rendered during time of war or national emergency.

VOLUNTARY DEMOTION: A demotion requested by an employee in order to retain employment when layoff from his/her position is imminent or for other reasons for which the action is entirely voluntary on the part of the employee.

- W -

WAIVER: The voluntary relinquishment by an eligible of a right.

WORK DAY: The number of hours of work normally assigned per day for a particular position.

WORK WEEK: The number of consecutive days of work assigned per week for a particular position.

WORK YEAR: Interval between the beginning and ending dates of a regular assignment within the school fiscal year.

- Y -

Y-RATE: A frozen salary rate above the normal salary for a step within a range.

Y-RATED: A person whose salary rate is frozen above the normal salary for a step within a range.

**SECTION 4210 THE PERSONNEL COMMISSION**

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**SECTION 4210**

**THE PERSONNEL COMMISSION**

**4210.1**      **Terms**

- A. The Personnel Commission is composed of three individuals who must be registered voters, reside in the Huntington Beach Union High School District area, and be "known adherents to the principle of the merit system." One member of the Commission is appointed by the Board of Trustees, one member is appointed by the Board of Trustees upon the recommendation of 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 members of the Commission.
- B. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During a commissioner's term of office, a member of the Commission shall not be an employee of the District.
- C. As used in this section, "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 employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.  
  
As used in this section, "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.  
(EC 45244)
- D. By law, the term of each commissioner is for three years and expires at noon, December 1. The term of one commissioner expires each year. On or about June 1 of each year, the Director, HR-Classified shall notify the appointing authority of the name and address of the commissioner whose term will expire. The notification shall also indicate that the provisions of Education Code section 45246 must be followed.
- E. As used in this section, "classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the District as determined by the Board exercising its authority under Education Code section 45245.
- F. Personnel commissioners shall be expected to attend all regular and special meetings of the 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.

G. Events Causing a Vacancy Before Expiration of Term

A member of the 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:

1. The death of the commissioner.
2. An adjudication pursuant to a quo warranto proceeding declaring that the commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the commissioner will not be able to perform the duties of the office for the remainder of the term.
3. The commissioner's resignation.
4. The commissioner's removal from office by a court of competent jurisdiction.
5. The commissioner's ceasing to meet all the legal requirements to continue to be a commissioner as defined by the Education Code.
6. The commissioner's ceasing to discharge the duties of the office for a period of six (6) total regular meetings in a fiscal year.
7. The commissioner's conviction of a felony or 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.
8. The decision of a competent court declaring the commissioner's appointment to be illegal.
9. The violation of the confidentiality of a closed session.

H. Removal of a Commissioner for Cause by the Commission

The Commission may declare a position vacant pursuant to the Personnel Commission Rule 4210.1.G by a majority vote of the Commission. Such action must be taken at a regular or special meeting of the Commission, and the proposed declaration of vacancy must be listed as an action item on the official published agenda for said meeting. If the majority of the commissioners votes to declare a seat vacant, the Commission shall direct the Personnel Director to so inform the removed commissioner in writing. The Personnel Director shall initiate the necessary legal steps to fill the vacancy as mandated by the Education Code and these rules and regulations.

**4210.2 Officers**

At its first meeting following December 1 of each year, the Commission shall elect one of its members as chairperson and another member as vice chairperson to serve a term of one year or until their successors are duly elected.

**4210.3 Quorum and Majority**

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

**4210.4 Meetings**

A. Regular Meetings

Subject to cancellation or proper change, the Commission shall meet on the second Thursday of each month. When the regular meeting date falls on a holiday, the Commission shall designate some other day for its meeting. The Commission may meet at some other time and/or place, provided that at least seventy-two (72) hours' notice is given to all commissioners, employees, and administration representatives and said notice posted on the Commission's official bulletin board. Notice must also be given to local newspapers who have filed written requests for such notices.

B. Adjourned Regular Meetings

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

C. Special Meetings

Special meetings may be called at any time by the chairperson and shall be called upon the written request of any two (2) members. Written notice shall be delivered personally or by mail to each member of the Commission. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organization.

Such notice must be delivered personally or by mail at least 24 hours before the time of such meetings 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 the business to be transacted. No other business shall be considered at such a meeting by the Commission.



D. Public Meetings

All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Personnel Commission Rule 4210.4.E. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

E. Closed Sessions

1. The Commission may hold closed sessions to consider the appointment, employment, dismissal or evaluation of any employees or to hear complaints or charges brought against such employees, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in closed session relating to an employee unless the employee has been notified of his/her right to a public hearing and has declined the public hearing, or properly failed to request same.
2. The Commission may hold closed sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding salaries, salary schedules or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives.
3. The Commission may hold closed sessions to consider matters affecting national security or legal matters coming within the purview of the attorney/client relationship.
4. The Commission may hold closed sessions for other issues in accordance with the Brown Act.
5. A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor under the provisions of Government Code sections 1111 and 1770(h). Repeated violation of the confidentiality of a closed session by a commissioner may be grounds for removal from office.

F. Compensation of Commission Members

In accordance with the Education Code, the members of the Personnel Commission may receive compensation not to exceed two hundred fifty dollars (\$250) per month. The members of the Commission may also be entitled to the same health insurance plan of the District as regular employees.

At this time, members of the Personnel Commission receive fifty dollars (\$50) per meeting and receive the same health insurance plan available to members of the Board of Trustees. (EC 45250)

**4210.5 Agenda and Supporting Data**

- A. Insofar as possible, at least seventy-two (72) hours prior to every regular or twenty-four (24) hours prior to every special meeting, the agenda shall be provided to the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance.
- 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 Personnel Commission Rule 4210.4.E, 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.

**4210.6 Amendment, Deletion, or Addition to Rules**

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered a first reading at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the first reading the Commission will set a date for action on the proposal, which date shall not be less than two (2) weeks later. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.
- C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.
- D. Rules of the Commission shall be printed and made available to each school and department, and shall be distributed to school libraries for loan to employees.

**4210.7 Minutes**

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

**4210.8 Commission Employees**

- A. Status of Commission Employees

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

and shall be employees of the Personnel Commission. The Commission shall decide on how these employees will be utilized and determine the assigned time of each employee reporting to the Commission as well as the compensation to be paid.

Such employees shall be appointed from eligibility lists, be classified employees of the school district, and be accorded all the rights, benefits, and burdens of any other classified employees serving in the regular service of the District, including representation by the appropriate exclusive representative, if any. (EC 45264)

B. General Duties of the Personnel Director

1. The Personnel Director shall perform all the duties and carry out all of the functions imposed by law and these rules; act as secretary to the Commission and issue and receive all notifications on its behalf; direct and supervise the employees of the Commission; and conduct administrative transactions consistent with the laws and necessary to the proper functioning of the office and staff of the Commission.
2. 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. The Personnel Director may be designated as a hearing officer in accordance with Education Code section 45312.
3. In cases where two (2) or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Commission.

**4210.9 Miscellaneous Provisions**

A. Communications

1. 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.
2. 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.

B. Budget

1. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the ensuing fiscal year. The budget shall be submitted no later than the first Commission meeting in April.

2. The budget shall be prepared for a public hearing by the Commission during the month of May of each year. The Commission shall forward a copy of its proposed budget to the Board of Trustees indicating the time, date, and place for the public hearing of the budget and shall invite Board and District administration representatives to attend and present their views. The Commission shall fully consider the views of the Board prior to adoption of its proposed budget. The Commission shall then forward its proposed budget to the County Superintendent of Schools for action.
3. If the County Superintendent of Schools proposes to reject the budget as submitted by the Commission, he/she shall, within 30 days after the Commission's submission of the budget, hold a public hearing on the proposed rejection within the affected district. He/she shall have informed both the Commission and the Board of Trustees of the date, time, and place of the hearing. He/she may after such public hearing either reject or, with the concurrence of the Commission, amend the proposed budget. In the absence of agreement between the Commission and the County Superintendent, the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission.
4. The Commission may, with respect to the staff of the Commission, expend funds for their orientation, training, retraining, and development and for any purpose prescribed by Article 9 commencing with Education Code section 45380.
5. Nothing in this section shall prohibit the Personnel Commission and the Board of Trustees from agreeing to different dates for budget preparation and adoption to coincide with the process of adoption of the school district budget. (EC 45253)

**4210.10      Annual Report**

- A. The Personnel Director shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board. (EC 45266)
- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

**4210.11      Guidelines for the Conduct of Commission Meetings**

- A. All meetings will be recorded.
- B. The recording secretary will not attend closed sessions.
- C. There will be no debate from the audience during discussion of business items. (Questions pertinent to the subject matter may be asked and answered.)

- D. When preparing recommendations on action items, the recommendation should be so stated that it may be incorporated as part of a motion. If the Commission decides not to follow the recommendation, then a different motion is in order.
- E. A person shall be allowed five (5) minutes to speak on an agenda item. A person must indicate under oral communications his/her name and items to be addressed.
- F. Issues that are raised which create many questions that should be answered will be handled by directing these questions to the chairperson. The chairperson will in turn refer the question, if deemed necessary, to the appropriate party. Following this procedure, answers will be directed to the chairperson thereby tending to alleviate the direct exchange of dialogue with the audience.
- G. When discussion continues which no longer involves an agenda item or exceeds the time limit, the audience member speaking must be reminded by a gavel that he/she is out of order.
  - 1. If the person continues to speak, the chairperson will ask him/her to leave the room.
  - 2. If that fails, the chairperson will announce a brief recess, state the length of the recess, approach the disruptive party with a warning that should the disruptive behavior continue the Commission will prosecute under Section 403 of the Penal Code.
- H. The Personnel Director should, after the Chairperson announces the business item for discussion, present a recommendation with back-up information.
- I. A Commission member, not the Chairperson, should make the motion whenever possible and get a second to put the item on the floor for discussion by the Commission.
- J. Upon conclusion of the discussion, the Chairperson may ask the Secretary to repeat the motion from the notes and request the Commission to vote.

**4210.12 Legal Counsel for the Personnel Commission**

The legal counsel of the governing board shall aid and represent the Commission in all legal matters. If the legal counsel does not respond to a written request by the Commission for aid or representation within 15 working days of receipt of the written request, the counsel is deemed to have refused to aid or represent the Commission in that matter.

The legal counsel shall refuse to represent the Commission in circumstances in which the counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Commission and the interests of the governing board or the school district.

If the legal counsel refuses to aid or represent the Commission in a legal matter, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the school district, whether or not the costs for such legal services appear in the Commission's budget.  
(EC 45313)

**SECTION 4220 PERSONNEL CLASSIFICATION PLAN**

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## SECTION 4220

### PERSONNEL CLASSIFICATION PLAN

#### **4220.1      The Classified Service**

- A. All positions established by the Board of Trustees which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services, and whose employment does not come within the scope of the exemptions established in the law, shall be employed outside the classified service.
- C. The personnel classification plan shall include the classes adopted by the Commission as described and defined in the class specifications and as interpreted in these rules, the allocation of positions to classes, and the provisions for administration as provided in these rules. (EC 45256)

#### **4220.2      Part-Time Defined**

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service. On a weekly basis, a part-time employee is any employee who works less than 35 hours. (EC 45256)

#### **4220.3      Exemption from the Classified Service**

- A. The following are exempt from the classified service:
  - 1. Positions that require certification qualifications.
  - 2. Full-time students employed part time.
  - 3. Part-time students employed part time in any work study program or work experience educational program conducted by a community college district that is financed by state or federal funds.
  - 4. Apprentice positions.
  - 5. Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the Commission when so designated by the Commission.
  - 6. Part-time playground positions where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part of the classified service when the employee in the



position also works in the same school district in a classified position.  
(EC 25254)

- B. Also exempt from the classified service shall be positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days or a total of 720 hours in a fiscal year provided that:
1. The authorized duties are not those normally assigned to a class of positions in the classified service.
  2. The authorized duties are approved by the Personnel Commission in advance of employment.
  3. A regular classified employee of the school district shall not receive a concurrent appointment to such a position. (EC 45258)

#### **4220.4 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 Trustees.

#### **4220.5 Professional Expert Assignments**

- A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
- B. When the person is known who is to be appointed a professional expert, his/her name and data relative to his/her qualifications shall be submitted to the Personnel Director. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Authorization for service as a professional expert shall not exceed six (6) months. Additional required service shall be submitted to the Commission for approval.
- C. In order to be exempt from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession, as evidenced by one of the following:
1. Recommendations from members of the individual's own profession.
  2. Certification or license to practice that profession by a government agency if such license is established.

3. Listing in such publications as the Biographical Directory of American Men of Science or Leaders in Education where individuals are chosen for listing by members of their own profession.
4. By membership in professional honor societies limited to that profession.
5. By advanced degrees from a recognized university or experience in that profession.

**4220.6 Restricted Positions and Employees**

- A. If positions properly a part of the classified service are specially funded and, as a result of the special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas, or other criteria which precludes employment through the normal competitive process, the positions shall, in addition to the assigned title, be designated as restricted.
- B. Persons employed in restricted positions shall be classified employees for all purposes except:
  1. They may not attain permanent status.
  2. They shall not be accorded seniority rights.
  3. They may not be given provisional appointments concurrent with status in a restricted position.
  4. They are not eligible to compete in promotional examinations in the regular classified service.
- C. Notwithstanding paragraph B above, employees serving in restricted positions shall, after completion of six (6) months of satisfactory service, take the next competitive examination that is given for the class in which they are serving.

If an employee successfully completes the examination and attains placement on the eligibility list as a result thereof, and regardless of his/her numerical standing on the eligibility list, that employee shall be considered a part of the regular classified service even though he/she may continue to serve in a restricted position, and be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted as of the date of the initial appointment to the restricted position. (EC 45105)

**4220.7 Assignment of Duties**

The Board of Trustees shall prescribe the duties and responsibilities of all positions in the classified service except those on the Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties

officially assigned to his/her position, the Personnel Director shall report the facts to the responsible administrator in order that appropriate action may be taken.

**4220.8 General Nature of the Classification Plan**

- A. The Commission shall classify all positions within the jurisdiction of the Board of Trustees or of the Commission, except those which are exempt from the classified service. "To classify" shall include but not be limited to allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships between classes within occupational hierarchies, and preparing written class specifications. EC 45256)
- B. The Commission shall adopt a position classification plan and may classify new positions and abolish, divide, or combine existing classes within the classification plan as the needs of the classified service require.

**4220.9 Class Specifications**

For each class established by the Commission, the Personnel Director shall cause to be maintained in the office of the Commission in suitable form official class specifications as approved by the Commission including:

- A. The official class title.
- B. A definition of the class indicating the duties, responsibilities, and distinguishing characteristics.
- C. A statement of examples of duties to be performed in positions allocated to the class.
- D. A statement of the desirable qualifications for determining the fitness of appointees to positions in each class which may include education, experience, knowledge, skills, licenses or certificates, and personal or physical traits or characteristics.

**4220.10 Interpretation of Class Specifications**

- A. Class specifications and their various parts are hereby declared to have the following force and effect:
  - 1. The class titles used in the classification plan are to be used as payroll titles and in connection with any personnel record or transaction.
  - 2. Class specifications are descriptive and explanatory only. They are not restrictive. They indicate the kinds of positions that are allocated to the respective classes but do not prescribe the duties and responsibilities for any position. The use of a particular expression or illustration in the examples of duties and responsibilities or other attributes typical or descriptive of the class does not exclude others not mentioned that are of a similar nature.

3. In determining the class to which any position shall be allocated, the specification for each class is considered in its entirety and in its relation to others in the classification plan. Consideration shall be given to both the general and specific duties, the responsibilities, and the qualifications required in relation to other classes.
4. Persons not meeting the education and minimum or promotional qualifications where indicated may not be considered further for employment in the class.
5. The following personal qualification requirements apply to all classes even though not necessarily specifically mentioned in the specification: honesty, dependability, good judgment, good moral character and reputation; willingness to assume the responsibilities and conform to the conditions of work characteristics of the particular position; and ability to perform the essential functions of the position with or without reasonable accommodation.

**4220.11**      **Allocation of Position to Class**

All positions substantially similar in duties performed, responsibilities exercised, and qualifications required, as shown in the class specification, shall be allocated to the same class.

**4220.12**      **Working Out of Classification**

- A. Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the Board of Trustees unless the duties are reasonably related to those fixed for the position by the Board.
- B. An employee may be required to perform duties inconsistent with those assigned to the position by the Board of Trustees provided that employee's salary is adjusted upward for the entire period of a day or more required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside the normal assigned duties.
- C. This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority. (EC 45110)
- D. Employees assigned to perform the duties of a lower classification during their normal work day shall be compensated at their regular rate of pay.
- E. Bargaining unit members should refer to collective bargaining agreement(s) for further provisions.

**4220.13**      **Review of Positions**

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification. If the Personnel Director finds that a position or positions should be reclassified, he/she shall advise the administration of the findings. If the administration verifies the duties of the position,

or if the duties are not revised to fit within the current classification, the Personnel Director shall report the findings and recommendations to the Commission.

**4220.14**      **Classification of New Positions**

Whenever a new position is created, the appointing power shall immediately report that fact in writing to the Personnel Director in the manner prescribed, stating the duties to be performed and the responsibilities to be assigned. The Personnel Director shall then make such investigations as necessary and proper and shall determine whether the position shall be allocated to an existing class or whether a new class should be created. If a new class is required, the Personnel Director shall submit to the Commission for approval his/her recommendations as to class specifications and the compensation appropriate for such class.

**4220.15**      **Changes in Duties of Positions**

Any major changes in duties of existing positions shall be promptly reported in writing by the appointing authority to the Personnel Director. A job review may result in the reallocation of the position to another classification, a revision to the current class specification, reclassification, the creation of a new classification, or a combination of these actions.

**4220.16**      **Reorganization**

Positions which are created or changed as a result of a sudden reorganization or assignment of duties and responsibilities shall be filled through the normal selection process as provided in these rules.

**4220.17**      **Reclassification**

- A. Request for a classification study of an existing position may be initiated by an employee, department head, supervisor, principal, or by the Superintendent. It must be submitted in writing to the Personnel Director together with a statement of the reasons for requesting such a study.
- B. The basis for reclassification of the position 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.
- C. Determinations of gradual accretion will be based on an analysis of data to be supplied by the department or school as well as the Commission staff, regarding the following guideline factors:
  - 1. The nature and scope of each identified change in duties and responsibilities.
  - 2. The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
  - 3. The conditions which led to the association of the added duties and responsibilities with the subject position(s).

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

D. Seniority Credit Upon Reclassification

Seniority credit shall be determined on a case-by-case basis by the Personnel Director. If, for example, a position was reclassified from a clerk typist to an intermediate clerk typist, seniority would start in the higher class on the effective date of the reclassification. If, in another example, all the positions of the class were reclassified to a higher level that had not existed before, seniority could be counted from the original date of hire in the lower class.

**4220.18 Effective Date of Reclassification**

- A. Notification of every proposal for classification or reclassification of a position shall be given to the exclusive bargaining representative and district administrator before adoption by the Commission. (EC 45285.5)
- B. Reclassification of a position shall become effective on the first day of the month following the day in which the action was taken and shall not be retroactive.
- C. An effective date shall be established for the qualifying examination to be completed for those incumbents who have not been in their positions more than two (2) years. The examination shall be held within three (3) months of the date of the Commission's action. Upon successful completion of a qualifying examination, they shall be reclassified on the first day of the following month.

**4220.19 Effects on Incumbents**

- A. An employee who has been reclassified with his/her position shall be ineligible for subsequent reclassification with that position for a period of at least two (2) years from the initial action.
- B. Reclassification Upward
  1. When all positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two (2) or more years shall be reclassified with their positions without examination.
  2. When one or more but not all positions of a class are reclassified to a higher class, an incumbent who has a continuous employment record of two (2) or more years in one (1) or more of the positions being reclassified shall be reclassified without examination.
  3. Any positions reclassified to a higher class in which incumbents do not meet the two-year eligibility requirement must take qualifying exams as ordered by the Commission. Incumbents who are unsuccessful in an

examination may be considered for transfer, demotion, or be laid off and exercise displacement rights as appropriate. (EC 45285)

C. Reclassification - Same Level

When all positions or a portion of the positions are reclassified at the same level, incumbents in positions reclassified to a class at the same salary level shall be granted status in the new class without further examination.

D. Reclassification Downward

1. When there is a vacant position in the higher class:

- a. If he/she so elects, the incumbent shall be transferred to such vacant position.
- b. If the incumbent does not elect to be transferred to another vacant position in the same class, he/she may retain the reclassified position in the lower class.

2. If there is no vacant position in his/her class, the incumbent may elect to retain the reclassified position in the lower class.

E. When all positions are reclassified to a lower salary range, the incumbents will have the following rights:

1. Bump the employee with the least seniority in a lower class in which he/she formerly served, provided that incumbent had greater seniority in that class.
2. Have their names placed on a reemployment list for the higher class or reinstatement to classes in which they attained permanency.

F. When a portion of positions is reclassified to a class with a lower salary range, the incumbents shall have the following rights:

1. The right to bump the employee in the reduced class with the lowest seniority in the class, provided the incumbent has greater seniority in the class.
2. The right to bump the employee with the least seniority in a lower class in which the incumbent formerly served, provided that he/she had greater seniority in that class.
3. The right to have his/her name placed on the reemployment list for the higher class or classes in which he/she attained permanency.

G. Skills Examination and License Upon Reclassification

If an incumbent is reclassified to a position that requires a higher skill level or a new license, he/she shall have six (6) months to obtain the necessary requirement.

**4220.20      Reemployment List for Displaced Incumbents and Exceptions**

- A. Any displacement of a regular employee resulting from a reclassification of a position 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. An exception may be made only during a comprehensive classification study. The Commission may waive portions of the rules if it is deemed to be in the best interest of the employees and the District.

**4220.21      Senior Management Exemptions**

- A. The Board of Trustees may adopt a resolution designating certain positions as senior management of the classified service. Notwithstanding the provisions of Chapter 10.7 of Division 4 of Title 1 of the Government Code (the Rodda Act), the decision of the Board shall not be deemed a matter subject to negotiation with any exclusive certified employee organization. The decision of the Board to make a position senior management shall be subject to review by the Public Employment Relations Board. (EC 45256.5)
- B. No position funded in whole or in part by the Commission shall be made a part of the senior management of the classified service by the Board without the concurrence of the Commission.
- C. Employees whose positions are designated as senior management of the classified service shall be a part of the classified service and shall be afforded all rights, benefits, and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status in a senior management position.
- D. Positions designated senior management must conform to either of the following two definitions in order to be declared senior management of the classified service:
  - 1. An employee in the highest position in a principal district program area, as determined by the Board, which does not require certification qualifications, and which has district-wide responsibility for formulating policies or administering the program area.
  - 2. An employee who acts as the fiscal advisor to the District Superintendent.
- E. Positions in the senior management of the classified service shall be filled from unranked lists of eligible persons who have demonstrated managerial ability and have been found qualified for the positions as specified by the District Superintendent and determined by the Commission.
- F. Any classified employee already serving in a position which is subsequently designated senior management of the classified service shall retain all rights,



burdens, and benefits of employment in the classified service, including the right to obtain or retain permanency and tenure. The incumbent's eventual successor in the position shall not be entitled to permanency rights in the senior management position.

- G. If the Board determines a senior management employee is not to be reelected upon the expiration of his/her term, the Board shall notify the employee in writing at least forty-five (45) days prior to the expiration of the term. If reelection or reemployment is not acted upon and the written notice above has not been given, he/she shall be deemed reelected for a term of the same length as the one completed and under the same terms. (EC 45256.5; 45108.5; 35031; and Board Policy 4300)

#### 4220.22

#### **Executive Secretary Exemptions**

- A. Upon the request of a majority of the members of the Board of Trustees, the Board may request the Commission to exempt one or more executive secretarial positions from specific provisions of the Education Code and the Personnel Commission Rules and Regulations. (EC 45272)
- B. Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular classified service of the District, except that the employee shall not attain permanent status in the executive secretarial position.
- C. Exemptions authorized under this rule shall be limited to executive secretarial positions reporting directly to members of the Board, the District Superintendent, or not more than four principal deputies of the District Superintendent, or all of these positions.
- D. Positions designated as exempt executive secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as specified by the District Superintendent and determined by the Commission.
- E. Any classified employee already serving in a position which is subsequently designated executive secretary by the Commission shall retain all rights, burdens, and benefits of employment in the classified service, including the right to obtain or retain permanency and tenure. The incumbent's eventual successor in the position shall not be entitled to permanency rights in the executive secretary position.
- F. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action shall have the right to return to a position in a classification he/she previously occupied, or if that classification no longer exists, in a similar classification, as determined by the Commission.

- G. In the event the Board of Trustees determines that an employee serving in an exempt executive secretarial position is not to continue in that position (except for disciplinary causes as outlined in the Education Code or these rules and regulations), the impacted employee shall be given written notice thereof by the Board at least 45 calendar days in advance of the last day in paid status in the exempt position. Such notice must be served in writing, in person, or by certified mail.

**4220.23 Approved Exemptions**

The following classifications have been exempted under the provisions of senior management and executive secretary:

<u>Classification</u>	<u>Effective Date</u>
Assistant Superintendent, Business/Operations	2/21/84
Administrative Assistant to Superintendent	2/21/84
Business Management Intern	2/21/84
Executive Secretary (Superintendent's Office)	12/5/85
Senior Executive Secretary to the Board	12/5/85
Executive Assistant	5/1/89
Chief Business Official	8/26/08
Chief Facilities Official	8/26/08

**SECTION 4230      APPLICATIONS AND EXAMINATIONS**

- 4230.1                  Filing of Application**
- 4230.2                  General Qualifications of Applicants**
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- 4230.8                  Character of Examinations**
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- 4230.10                Open Examinations**
- 4230.11                Dual Certified or Merged Examinations**
- 4230.12                Continuous Examinations**
- 4230.13                Conduct of Examinations**
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- 4230.15                Notice of Results**
- 4230.16                Appeal of Examinations**
- 4230.17                Competitive Ratings**
- 4230.18                Seniority Credit**
- 4230.19                Medical or Physical Examination**
- 4230.20                Criminal Records Check**

## **SECTION 4230**

### **APPLICATIONS AND EXAMINATIONS**

#### **4230.1      Filing of Application**

- A. All applications must be made on official forms provided by Human Resources-Classified, filled out as directed and filed in the office of the Personnel Director in accordance with instructions contained in the examination announcement.
- B. Applicants taking more than one examination must file a separate and complete application for each examination.
- C. All applications and examination papers are confidential records of the Personnel Commission and will not be returned to the applicant.

#### **4230.2      General Qualifications of Applicants**

- A. Applicants must be able to prove their right to work in the United States and prove their identity in accordance with the requirements of federal law (Immigration and Control Act).
- B. Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. (EC 45293)
- C. Residency within the District shall not be a condition for filing applications or offering employment except in the case of restricted positions which require specific residency.
- D. No maximum age limit shall be set as a condition for initial or continued employment in the District.
- E. Applicants must meet all entrance requirements adopted by the Commission and set forth on the examination announcement.

#### **4230.3      Rejection of Applicants and Candidates**

The Personnel Director may refuse to examine an applicant, or after examination may withhold from certification on an eligibility list the name of an applicant for any of the following reasons:

- A. Intentionally making a false statement as to any material fact or practicing any deception or fraud in certification or appointment, or in securing eligibility to take the examination.

- B. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or serious crime or a record of one or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); age of the person at the time and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offenses; person's attitude; and the duties of the class.
- C. Evidence of the use of alcohol or controlled substance.
- D. Unsatisfactory health conditions or physical or mental disabilities which relate to the ability to perform the essential functions with or without reasonable accommodation.
- E. Dismissal for cause from previous employment.
- F. A record of unsatisfactory service as evidenced by a disciplinary action, unsatisfactory job performance notice, unsatisfactory references or a resignation in lieu of or release from probation or dismissal.
- G. Intimidating or harassing actions to any member of the Board of Trustees or the Personnel Commission with the intent to favorably influence the recruitment, examination, and/or selection process in any way.
- H. Other causes deemed sufficient by the Commission.

#### 4230.4

#### **Appeal from Rejection**

- A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in PC Rule 4230.3 shall be notified in writing by the Personnel Director. The notification shall state:
  1. The reason(s) for rejection.
  2. That, within seven (7) calendar days, the individual may appeal to the Personnel Director for administrative review.
  3. 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 given a written notice outlining the reason(s) for sustaining the rejection and informed of his/her right to make a written appeal of the rejection within seven (7) calendar days, to the Commission. The appeal may be based on any of the following reasons:
  1. Discrimination because of affiliations, political or religious acts or opinions, race, color, age, sex or marital status.

- 2. Abuse of discretion.
- 3. Inconsistency of the reasons given for the rejection with the facts.
- C. Upon receipt of an appeal, the Commission shall set a date for a hearing, hear all of the evidence and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.
- D. If a rejection is not sustained by the Personnel Director or the Commission, the Personnel Director shall institute immediate action to ensure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

**4230.5 Applicants' Names Not Made Public**

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

**4230.6 Veterans' Preference**

- A. Veterans' preference points shall be added to passing scores in entrance examinations in the amount of five (5) points or ten (10) points for disabled veterans. (EC 45296) At least 30 days of active service in the Army, Navy, Marine Corps, Air Force, or Merchant Marine, or as a nurse on active duty with the Red Cross, between the dates listed below, are required:
 

World War II	December 7, 1941 to December 31, 1946
Korea	June 27, 1950 to January 31, 1955
Vietnam Era	August 4, 1964 to May 7, 1975
Desert Storm	August 2, 1990 to January 2, 1992
Operation Iraqi Freedom	September 11, 2001 to TBD

Service in the Coast Guard between December 7, 1941 and January 1, 1946, is also credited.
- B. Veterans' preferential credits shall not be added to the score of any promotional or management candidate.
- C. To be entitled to veterans' preference, the applicant shall apply on the form provided and forward to the Personnel Director the original or certified copy of his/her discharge papers from military service.
- D. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service prior to establishment of the eligibility list, i.e., DD 214 or equivalent. No adjustment of rank on the list shall be made when such proof is presented thereafter.

**4230.7**

**Holding of Examinations**

- A. Whenever it is necessary to fill existing or anticipated vacancies in the classified service, or whenever an eligibility list in any class is about to be abolished in accordance with the provisions of law and these rules, the Commission may direct the holding of an examination to provide eligible candidates. For at least fifteen (15) working days, public notice of such examination shall be given. (EC 45278)
  - 1. Such notice shall be in the form of announcements distributed widely throughout the District and in other potential recruitment areas, by publication in daily newspapers in the area, or by electronic means.
  - 2. Notices of promotional examinations shall be widely distributed in all schools and other facilities of the District to ensure that eligible employees of the District will become aware of promotional opportunities.
  - 3. Such notice shall contain the following facts as fixed by the Personnel Director except where these rules may provide to the contrary:
    - a. The filing deadline for applications and/or the date and place of the examination.
    - b. The procedure for filing applications.
    - c. Access to the class specifications which describe the scope of duties, responsibilities, and desirable qualifications.
    - d. The salary or other compensation.
    - e. Such other information as will assist the public in understanding fully the nature of the employment and the procedure necessary to participate in the examination.

**4230.8**

**Character of Examinations**

- A. Examinations shall be administered objectively and shall consist of test parts that relate to job performance. (EC 45273)
- B. For classes of positions deemed by the Commission to require an oral examination, the oral examination board shall include at least two members.
- C. Where a structured objective examination is to be administered to the entire field of candidates, a single member oral examination board may be utilized. A structured objective examination means, for this purpose, an examination for which the examiner exercises no discretion in the selection of the questions or in the evaluation of the answer. (EC 45273)
- D. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination board shall confine itself to evaluating general fitness for employment in the class.

- E. When the oral examination board is directed to evaluate technical knowledge and skills, at least two members of the board shall be technically qualified in the specified occupational area.
- F. Examination records, including any recordings and the rating sheet of each member of the oral board for each candidate, shall be retained by the Commission for a period of not less than 90 days after promulgation of an eligibility list. Examination records shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, within reasonable time limits, be made available to a candidate or candidate's representative.
- G. These tests may be in the form of a practical, job-related demonstration of skill and ability or any combination, including an investigation of experience, character or identity. Any job-related tests of technical knowledge, manual skill, or physical and mental fitness may be employed. An examination may consist of but not be limited to any or all of the following: training and experience review, written test, performance test, assessment center, reference checks, oral interview, or other selection measurements.

**4230.9**

**Promotional Examinations**

- A. Promotional examinations shall be limited to employees with permanent status in the District.
- B. Employees of the District must have completed their initial probationary period on or before the application deadline (or extended deadline) date in order to compete as promotional applicants.
- C. Applicants for promotional examinations must meet the qualifications for the class.
- D. A permanent employee is eligible for further appointments while in a probationary status. A permanent employee in a probationary status may participate in any examination, and his/her name shall be placed on the appropriate promotional eligibility list.
- E. Classified employees who have completed an initial probationary period and who are laid off because of lack of work or lack of funds have the right to participate in promotional examinations within a school district during the 39-month period after layoff.
- F. Where an adequate field of competition exists within the District, the field of competition may be limited to promotional applicants.

**4230.10**

**Open Examinations**

- A. Open examinations shall be given to interested applicants who are not permanent employees of the District.
- B. Applicants for open examinations must meet the qualifications for the class.



**4230.11 Dual Certified or Merged Examinations**

- A. Dual examinations shall be given to open and promotional applicants. (EC 45284)

**4230.12 Continuous Examinations**

- A. Continuous examinations for both open and promotional applicants are given to fill vacancies in the service of any class and shall be given under similar conditions as previous examinations for the same class. The resulting eligibility list may be combined with previous lists in the relative order of merit of the eligibles. (EC 45292)
- B. Applications shall be accepted every day or until sufficient applications are received. Examinations shall be given as the need arises.

**4230.13 Conduct of Examinations**

- A. The following examination procedures shall be observed:
  - 1. The Personnel Director shall prepare or cause to be prepared the examinations. The assistance of any competent person or agency outside the District service may be secured. Examinations, whether prepared within the District or secured from outside sources shall, after their preparation, be classified as confidential.
  - 2. All competitors must take the examinations on the prescribed dates and under the same or similar conditions.
  - 3. Communication between the 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 in 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 debarment of the competitor from future examinations. Copies of questions in the examination shall not be made or taken from the examination room.
- B. An applicant who is unsuccessful in an examination normally may not retake the same examination for a period of 60 calendar days. This section does not apply to routine skill testing such as typing or keyboarding.

**4230.14 Rating of Examinations**

- A. All examination papers shall be marked and graded under the direction of the Personnel Director or the authorized person or agency outside the District employed for this purpose.

- B. Competitors may be required to attain a designated final rating in all parts of the examination in order to qualify or the lowest qualifying mark may be the final score of the lower candidates.
- C. The qualifying score on written examinations may be an actual score or an adjusted score based on the difficulty of the examination, the quality of the competitors, and the needs of the service. The determination of minimum qualifying scores on written examinations shall be made before any examination papers are identified.
- D. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position. (EC 45272)

**4230.15 Notice of Results**

As soon as the rating of an examination has been completed and the eligibility list has been certified, each competitor shall be notified of the result of his/her examination and a copy of the list shall be maintained in Human Resources-Classified.

**4230.16 Appeal of Examinations**

- A. Within the first seven (7) calendar days immediately following the notice of the examination results, a candidate may make an appeal in writing protesting the results of the examination to the Personnel Director on the basis of one or more of the following:
  - 1. Erroneous scoring of examinations.
  - 2. Unfair or improper conduct of an examination.
  - 3. Fraud, bias, or error in rating resulting from an oral, performance, or medical examination.
- B. Notwithstanding the provisions of paragraph A above, copies of test keys from form tests or repetitive tests shall not be made available for review by any candidate, nor will the individual ratings given candidates by members of a qualifications committee be made available to the candidate.
- C. Any appeal shall state in writing the specific nature of the protest, the item or incident to which it refers, and the reasons that the protester believes his/her ratings should be adjusted. Appeals on these bases will be accepted only if delivered to Human Resources-Classified during the first seven (7) calendar days following the notice to the candidate of final results. Official notice can be in written or electronic format.
- D. The Personnel Director shall immediately investigate any appeal received during the appeal period and may adjust the final ratings of the affected candidates accordingly. If the Personnel Director does not uphold the appeal,

he/she shall, at the request of the candidate, refer it to the Personnel Commission with his/her recommendations.

- E. Upon receipt of an appeal, the Commission shall set a date for a hearing, hear all the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.
- F. If the appeal is sustained by the Personnel Director or with the Commission, the Personnel Director shall initiate immediate action to ensure the rights of the applicant. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

**4230.17 Competitive Ratings**

- A. Ratings of education, experience, and personal qualifications shall be made on a competitive basis, and competitors shall be rated thereon in relation to qualifications for the class and in relation to the comparable qualifications of other competitors.
- B. When rating competitors' education and experience, the interviewers shall consider the quality, length, and pertinence of such education and experience and the degree to which the competitors' total education and work histories represent suitable preparation for the work of the class.

**4230.18 Seniority Credit**

Seniority credit will be allowed promotional applicants at the rate of one quarter of one point per year not to exceed five (5) points for dual lists. (EC 45282)

**4230.19 Medical or Physical Examination**

- A. TB Examinations
  - 1. A new employee shall present evidence from an appropriate medical professional that he/she has submitted to a tuberculosis risk assessment within the last sixty (60) days and, if needed, a subsequent tuberculosis examination. (EC 49406)
  - 2. Subsequent to employment, employees shall be required to undergo a tuberculosis risk assessment and, if needed, a subsequent tuberculosis examination, at least once every four (4) years or more often if directed by the Human Resources Department or an appropriate medical professional's recommendations.
- B. Medical Examination
  - 1. A medical examination may be required of new employees at the time of employment. Any competitors who fail to meet the established medical, psychological, or physical standard shall be disqualified and removed from appropriate eligibility lists. A medical examination may contain a drug and/or alcohol screening. (EC 45122)

2. An employee may be required to undergo a medical, psychological, or physical examination any time there is deemed to be reasonable cause by the District administration, subject to review by the Personnel Director.

**4230.20 Criminal Records Check**

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.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Information and/or the Federal Bureau of Investigation 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.
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 Director shall notify the employee or eligible of the action taken. The person will be provided with an opportunity to appeal the decision to the Personnel Commission in writing within seven (7) calendar days of postmarked mailing of notification. The decision of the Commission shall be final.
4. Subsequent notification of a criminal record shall be handled in accordance with disciplinary procedures of these rules.

**SECTION 4240      EMPLOYMENT**

- 4240.1              Eligibility Lists**
- 4240.2              Eligibility After Appointment**
- 4240.3              Reemployment Lists**
- 4240.4              Promotional Lists**
- 4240.5              Open Competitive Lists**
- 4240.6              Dual Certification/Merged Examinations**
- 4240.7              Order of Precedence**
- 4240.8              Limited-Term Lists**
- 4240.9              Procedure When Fewer Than Three Names Remain**
- 4240.10             Other Sources of Eligibility**
- 4240.11             Procedure for Certification and Appointment**
- 4240.12             Waiver of Certification**
- 4240.13             Inactive List**
- 4240.14             Withholding Names from Certification/  
Removal from Eligibility Lists**
- 4240.15             Restoration to Certification**
- 4240.16             Duties of Eligibles**

## **SECTION 4240**

### **EMPLOYMENT**

#### **4240.1      Eligibility Lists**

- A. After an examination, the names of successful candidates shall be arranged in the order of examination scores plus additional points when applicable. The completed list constitutes an eligibility list for that class.
- B. The eligibility list thus created shall become effective upon approval by the Commission. The Personnel Director may certify eligibility lists subject to ratification by the Personnel Commission.
- C. The length of time during which such lists shall remain in force shall be one year unless an extension of time not to exceed one year is authorized by the Commission. (EC 45300)
- D. An eligibility list may be created for a period of six (6) months when announced on the recruitment bulletin for the examination.
- E. Appointments shall be made from the first three (3) ranks on the eligibility list of candidates who are ready and willing to accept an appointment.
- F. When fewer than three (3) ranks of available eligibles remain on an eligibility list and the appointing authority has requested certification of additional eligibles, the list may be terminated by the Personnel Director.
- G. An eligibility list is automatically terminated one year from the date of its approval by the Commission.
- H. An eligibility list is automatically terminated when no eligibles remain on the list.

#### **4240.2      Eligibility After Appointment**

- A. When an eligible person is appointed to a part-time position, his/her name shall be continued on the eligibility list for certification to a full-time position in order of his/her eligibility notwithstanding the part-time employment unless the eligibility list was established for part-time and full-time employment. When a part-time employee is appointed to a regular full-time position, his/her name shall be removed from that list.
- B. When an eligible person is appointed to a limited-term position, his/her name shall remain on the eligibility list for certification to a regular appointment, notwithstanding the limited-term employment. When a limited-term employee is appointed to a regular position, his/her name shall be removed from that list.

**4240.3 Reemployment Lists**

For any class there may be established a reemployment list which shall take precedence over all other eligibility lists. Such list shall contain the names of all probationary or permanent employees who have been laid off or demoted from their positions in lieu of layoff because of lack of work or lack of funds. (EC 45298)

**4240.4 Promotional Lists**

- A. The names of competitors who are successful in promotional examinations as provided in these rules shall be placed on a promotional eligibility list for the class for which such examination is being held. This list shall take precedence over the open competitive list. (EC 45272)
- B. An employee who leaves District employment except for layoff shall be considered as having relinquished his/her right to promotion, and his/ her name shall be stricken from promotional eligibility lists.

**4240.5 Open Competitive Lists**

The names of competitors who are successful in open examinations shall be placed on an open eligibility list for the class for which such examination is being held.

**4240.6 Dual Certification/Merged Examinations**

- A. Upon the recommendation of the Personnel Director, the Commission may authorize the holding of an examination under merged promotional and open competitive procedures. The resulting eligibility list shall consist of promotional and open competitive eligibles on one merged list. Veterans' credits will not be allowed; however, seniority credit for promotional candidates will be allowed. (EC 45284)
- B. This type of examination shall be used to fill vacancies in classifications designated as management or confidential.
- C. This type of examination shall be used for classes which have fewer than three permanent positions.

**4240.7 Order of Precedence**

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

1. Reemployment List. (EC 45298 and 45308)
2. Promotional Eligibility List. (EC 45272)
3. Open Eligibility List.

4240.8

**Limited-Term Lists**

- A. Whenever necessary in any class, there may be established and maintained a list for limited-term assignments. Selection of candidates for such a list shall be made in the following order:
  - 1. From the reemployment list.
  - 2. From the promotional eligibility list.
  - 3. From the open competitive eligibility list for that class in the order or rank on such lists and the willingness of the candidate to accept such employment. (EC 45286)
- B. Acceptance or rejection of assignment to a limited-term list shall not affect the eligibility of any applicant for a regular appointment when the applicant's name is reached on the reemployment or eligibility list.
- C. All employees on such lists whose eligibility for regular employment expires shall retain their limited-term status provided they have maintained satisfactory service reports, but they must again qualify by competitive examination for a place on a subsequent eligibility list from which regular employees are appointed.
- D. In the event no person is available for limited-term employment from reemployment or other eligibility lists, an examination may be conducted for recruitment of persons for such employment only. The Commission at its discretion may designate simplified procedures in recruiting persons for such employment, but no person shall attain permanent status in the classified service as a result of appointment from an eligibility list created for limited-term employment only.
- E. Regular employees who are serving in a limited-term appointment while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.
- F. All other limited-term employees shall be granted only those benefits required by law. A limited-term employee shall qualify for holiday pay if an assignment is for more than 20 consecutive working days and the limited-term employee is in a paid status during any portion of the working day immediately preceding or succeeding the holidays. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited-term appointment except as provided under Paragraph E of this rule.
- G. Any limited-term employee may be dismissed from such a status for any reason and shall have no right of appeal from such action.
- H. No time served in a limited-term appointment may count toward acquiring permanent status in any position.



**4240.9**

**Procedure When Fewer Than Three Ranks Remain**

- A. When fewer than three ranks are available on the promotional list, sufficient ranks shall be certified from the open list, when available, to allow a choice among three (3) ranks.
- B. When at least three (3) ranks are available for certification from the promotional, open, or merged lists, the Personnel Director shall ascertain their availability for employment, if ready and willing to accept an assignment. The Personnel Director shall certify their names to the appointing authority.
- C. When fewer than three (3) ranks 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.

**4240.10**

**Other Sources of Eligibility**

- A. In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement (after resignation), or restoration to a former class after voluntary demotion. The preceding may be considered along with the three (3) top eligibles from the appropriate eligibility list. (EC 45272)
- B. When the ability to speak, read, and write a language in addition to English or a valid California driver's license is a requirement of a position to be filled as certified by the appointing authority to the Commission, the Personnel Department shall certify the three (3) eligibles with the highest standing on the eligibility list who possess such ability, who have passed the Personnel Department's proficiency test in the required language, and have been determined to be available. (EC 45277)
- C. If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or higher salary level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

**4240.11**

**Procedure for Certification and Appointment**

- A. When a position is to be filled, the appointing power shall notify the Personnel Director of that fact and 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 on the personnel requisition form.
- B. The administrator or designee may then request that the Personnel Director ascertain the availability of eligible persons and certify the top three (3) ranks to the appointing authority as well as eligibles from transfer, demotion, or reinstatement lists.

- C. The administrator or designee shall make a selection from the persons presented and shall notify the Personnel Director, who shall see that the necessary employment procedures are carried out.
- D. If a candidate who was declared eligible for an appointment to a position fails to keep an interview appointment or declines the appointment, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of additional eligibles.
- E. In the event that there is more than one authorized position in the class to be filled, the Personnel Director may certify additional ranks of eligibles in accordance with the number of vacancies to be filled.
- F. With the approval of the Personnel Director, an administrator or designee may waive the right to interview all candidates and select from the names certified as eligible as long as all names were given consideration.
- G. Should the appointing authority fail to make a selection from the top three (3) ranks of eligibles as certified by the Personnel Director, the position shall be vacated (if there is a temporary person assigned to fill the vacancy), and remain vacant until such time as the eligibility list for that class expires.
- H. Certification of eligibles and assignments of immediate family members shall be made so that no conflicts of interest may arise from the working relationship. No direct supervisory assignments shall be made between family members. (Board AR 4161.1)

**4240.12 Waiver of Certification**

An eligible may for reasons satisfactory to the Personnel Director waive an appointment after certification; but after three (3) such waivers, the eligible's name shall be removed from the employment list for that class, and he/she shall not be eligible for further certification from that list. In the extraordinary cases where waivers are caused by circumstances beyond the control of the eligible, the Personnel Director may restore the eligible to the list on satisfactory explanation of the reason for the waiver.

**4240.13 Inactive List**

An eligible may at any time have his/her name temporarily withdrawn from the eligibility list and placed upon the inactive list by giving satisfactory reasons in writing to the Personnel Director. His/her name may be restored to the list at the discretion of the Personnel Director, upon written application of the eligible during the period of eligibility.

**4240.14 Withholding Names from Certification/Removal from Eligibility Lists**

- A. The name of an eligible may be removed from an eligibility list or withheld from certification by the Personnel Director, subject to appeal to the Commission for restoration under Personnel Commission Rule 4230.4 for any of the following reasons:

1. A written request by the eligible for removal or withheld by request of eligible.
2. Failure to respond within five (5) calendar days following a written inquiry regarding availability for regular employment or request to appear for interview regarding such employment.
3. Termination of employment.
4. Failure to waive or appear for an interview after certification.
5. Three (3) waivers of certification during the life of the eligibility list, except for waivers relating to part-time positions. (Limited-term appointments shall not be counted for the purpose of this sub-rule.)
6. Refusing an employment offer after having been properly certified as eligible for appointment and interviewed by the appointing supervisor.
7. Unavailable for immediate temporary employment.
8. Failure to present the license, regulatory certificate or any other credential required.
9. Reference checks from previous supervisors or employers that substantiate less than satisfactory performance.
10. Any of the causes listed in Personnel Commission Rule 4230.3.

**4240.15**

**Restoration to Certification**

- A. 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 Commission under the following circumstances:
  1. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to the inquiry as to a person's availability to appear for an interview or to present one's self for duty, and the applicant presents a good and valid reason certifying to the Commission that he/she is now willing and able to accept an appointment.
  2. When the withholding or removal was for a reason stated in Personnel Commission Rule 4230.3 and such action was improper or the defect has since been corrected.
  3. Other circumstances deemed sufficient by the Commission.
- B. Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

**4240.16**

**Duties of Eligibles**

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification.
- B. In the event an eligible is given official notice of the certification, he/she shall present him/herself before the appointing power for interview or reach the appointing power with some form of communication within 48 hours after sending the notice.
- C. It shall be the duty of every eligible to inform Classified Personnel of any change in telephone, address or email.

**SECTION 4250      IN-SERVICE STATUS AND TRANSACTIONS**

- 4250.1              Probationary Period**
- 4250.2              Rights of Probationary Employees**
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- 4250.18             Classified Employees Week**

## SECTION 4250

### IN-SERVICE STATUS AND TRANSACTIONS

#### **4250.1 Probationary Period**

- A. A new employee appointed from an eligibility list shall serve a probationary period of six (6) months or 130 days of paid service in one class before attaining permanency in the classified service.

An employee who has been promoted shall serve a probationary period of six (6) months or 130 days of paid service 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 those classes designated by the Commission as administrative, the probationary period shall be one (1) year. Administrative classes are those listed on the Classified Management Salary Schedule (excluding confidential).
- C. The employee must serve the probationary period for the class in a paid status. Leaves of absence with or without pay of ten (10) days or more are excluded, and the probationary period may be extended as necessary before permanency in the class is granted. (EC 45301)

#### **4250.2 Rights of Probationary Employees**

- A. A new employee who is recommended for release during his/her initial probationary period shall be notified in writing of the recommended action. Probationary employees shall not have the right of appeal to the Commission.
- B. A permanent, probationary employee who has vacated a position to accept another position in a higher class and who requests for valid reason during the probationary period to be reinstated to the former classification shall be reinstated to a vacant position in the former class if such exists. If there is no such vacancy, the employee shall continue to serve in the position in the higher class and may be considered for vacancies in accordance with other provisions of these rules.
- C. A permanent, probationary employee who has vacated a position to accept another position in a higher class and who is recommended for release during probation may be returned to his or her previous class.
- D. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should the employee be displaced or laid off without fault or delinquency on his/her part before the probationary period is completed, the employee's name shall be

placed on the reemployment list in order of seniority in the class, and the time served shall be credited to his/her probationary period.

- E. Should a new employee resign before completion of the probationary period, no credit shall be given toward permanency in the class.

### 4250.3

#### **Transfer**

- A. For purposes of this rule, there are two different types of transfers impacting classified employees:
  - 1. A transfer in class is the reassignment of an employee without examination from one position to another position within the same classification.
  - 2. A transfer to a related class is the reassignment of an employee to another classification at the same salary range which is related to the current classification for which the incumbent meets the minimum qualifications. An example is an employee who has permanency as an instructional aide and transfers to the related class of instructional aide-special education.
- B. An employee who has attained permanence in his/her classification may request a transfer. The following criteria shall be used in consideration of an employee's request for transfer:
  - 1. The needs and efficient operation of the District.
  - 2. The contribution the staff member can make in the new position.
  - 3. The qualifications including the experience and recent training of the employee compared to those of other candidates, for both the position to be filled and the position to be vacated.
  - 4. The length and quality of the service rendered to the District.
  - 5. The recommendation of the immediate supervisor to whom the employee is currently responsible and the immediate supervisor where the vacancy exists.
  - 6. The preference of the employee.
- C. An employee must submit a request for transfer on the appropriate form. Transfer requests shall be submitted to the Personnel Director. Employees are encouraged to discuss and provide a copy of the transfer request to their supervisors. All requests shall automatically become null and void on July 1 of each year and shall be returned to the employee. Nothing in this rule shall be construed to prohibit an employee from submitting transfer requests at any time during the course of the year.

- D. The effective date of transfer shall be mutually determined by the releasing and receiving supervisors; however, if agreement cannot be reached, the Personnel Director shall set the effective date of transfer.
- E. The filing of a request for transfer is without prejudice to the employee and shall not jeopardize the present assignment. A request for transfer may be withdrawn by the employee in writing at any time prior to official notification of transfer approval.
- F. A transfer may be made by the District at any time for any of the following reasons:
  - 1. In order to balance the classified staff of the District by considering factors including but not limited to experience, race and ethnic background, sex, and age.
  - 2. A change of enrollment or work load necessitating transfer of an employee.
  - 3. Improved efficiency of the District.
  - 4. At the discretion of the department supervisors involved.
- G. The District shall not be arbitrary, capricious or discriminatory in the application of district-initiated transfers. An employee shall be given at least five (5) working days notice of a district-initiated transfer. An employee or the Personnel Director may request a conference to discuss the transfer.
- H. Transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, accumulated vacation credit, or in any other manner reflect adversely upon an employee's rights.
- I. A permanent employee who transfers to a related class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of six (6) months or one year as authorized by these rules. At any time during the probationary period, he/she may be returned to a vacancy in his/her former class without right of appeal unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have appeal rights to the Commission.
- J. Transfers shall have the following effects on seniority:
  - 1. Within the same class, none.
  - 2. To a related class not previously held, seniority is applicable only after completing the probationary period, otherwise it reverts to the last permanent classification.
  - 3. From one class to another, no seniority credit in the new class for service in other classes; however, credit as seniority in the classified service shall be retained.



- K. Transfers shall not be used as a device to alter the sequence of impending layoff, although employees whose positions are to be eliminated may transfer to other positions as this rule indicates.
- L. When a district-initiated transfer is ordered which results in an involuntary transfer of an employee within his/her classification from an assignment where the employee is receiving shift differential to an assignment without shift differential, then the employee shall receive a 30-day notice. If the employee is transferred to the new assignment prior to the 30th day, then he/she shall be entitled to the unused portion thereof.

**4250.4 Demotion**

- A. A permanent employee may request a 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 to which he/she is to be assigned.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when he/she would otherwise be laid off for lack of work or lack of funds. (Personnel Commission Rule 4250.11.H)
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures set forth in Personnel Commission Rule 4250.14.
- D. An employee shall serve a new probationary period if the voluntary demotion is in a class in which he/she has not attained permanency.

**4250.5 Reinstatement**

- A. A former permanent employee who resigned in good standing may be reinstated in a vacant position in his/her former class and status within 39 months of the last date of paid service. An employee may be reinstated in a vacant position 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. An employee who has taken a voluntary demotion may be restored to a vacant position in his/her former class or in a vacant position in a related lower class as determined by the Commission within 39 months.
- C. Reinstatement or reemployment of a former employee shall have the following effects:
  - 1. Restoration to the former step in the current salary range for the class; or if restored in a lower class, to the rate closest to but not greater than that of the step to which an employee would be assigned if he/she were restored in his/her former class.
  - 2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.

3. Restoration of former anniversary date but without step advancement credit for the off-duty period.
  4. Restoration to all rights, benefits, and burdens of a permanent employee in the class to which restored.
- D. Any former employee who refuses a bona fide offer of employment for a position equal in hours to the assignment he/she held when employed by the District shall forfeit the right to reinstatement.

**4250.6 Changes in Assigned Time for Part-Time Employees**

A. General Rule

1. A classified employee who works a minimum of 30 minutes per day in excess of his/her part-time assignment for a period of 20 consecutive working days or more shall have his/her basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis. (EC 45137)
2. If a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate at least equal to time and one-half, exceeds his/her average assigned time by 50 minutes or more per working day in any quarter, the hours paid per day for compensable leaves of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime. (EC 45137)
3. Part-time employees may be considered for full-time or other part-time vacancies as a transfer.
4. Part-time employees may work additional hours as a sub for an absent employee or in a temporary position as long as fringe benefits such as sick leave are acquired on a properly prorated basis.

B. Decreases in Assigned Time

1. When the regular hours of employment in a position or positions are to be reduced, the administration shall:
  - a. Determine the class(es) and location(s) affected by the reduction.
  - b. Notify the Personnel Director in advance of effective date of the reduction.
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 which is not greater in assigned time than his/her former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class,

provided that he/she has greater seniority. If no such option is available, he/she may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that he/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.

**4250.7 Assignment of Disabled Employees**

A. When a permanent employee becomes unable to perform the duties of his/her classification because of permanent illness or injury as determined by medical authority designated by the District, the District may place him/her in a position, the duties of which are within his/her capabilities. The District will consider reasonable accommodation for the essential functions of the position. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission in the cases noted below.

B. Reassignments

1. A disabled employee's duties in his/her regular position may be altered in accordance with his/her disability. Such changes in duties shall be informally reported to the Personnel Director, who shall determine whether the position requires a classification study.
2. A disabled employee may accept a demotion or transfer to a less demanding class.
3. A disabled employee may be assigned to a position in a higher class, but shall receive no salary benefit from such assignment until he/she can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

C. Effect of Refusal by Employee

A disabled employee may refuse assignments to other classes without effect on his/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 for reasonable accommodation.

**4250.8 Performance Evaluation**

- A. All regular classified employees shall be evaluated by their immediate supervisors 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 six-month probationary period, normally not later than the end of the second and fifth months of employment.
  2. Probationary administrative employees will be evaluated on an ongoing basis and formally in writing at least twice during the one-year probationary period, normally not later than the fourth and tenth months of service.
  3. Permanent employees will be evaluated at least once each year, normally during the last quarter of the fiscal year but prior to the end of the regular employment year.
  4. Limited-term employees who work 30 days or more may be rated on a form submitted by the supervisor.
- B. An employee or a supervisor may request an evaluation at any time but at not less than ten (10) working day intervals.
- C. Each employee is to be rated by his/her immediate supervisor who is defined as the person of higher classification who assigns, checks, and supervises more of the work of the employee than any other person in the section, crew, or office.
- D. The employee's supervisor may, with the approval and signature of the reviewer, issue a Notice of Outstanding Work Performance or Notice of Unsatisfactory Service. Such notices shall be made on prescribed forms and shall set reasons for recognition of outstanding or unsatisfactory performance by the employee.
- E. Evaluation Report Procedures
1. The supervisor, after consultation with the reviewer, will complete and sign written evaluations on each employee under his/her supervision and submit same to the reviewer for signature.
  2. The supervisor will then, using the completed, signed evaluation form, meet and discuss with each employee how well the job requirements are being met, areas requiring improvement, and procedures to accomplish this improvement. Employees will then sign the evaluation report.
  3. Copies of the evaluation forms are then routed as follows:
    - a. The employee receives one copy.
    - b. The supervisor receives one copy.
    - c. The reviewer receives one copy.

- d. The original is sent by the reviewer to the Personnel Department to be placed in the employee's personnel file. (The reviewer is the next higher level supervisor to the employee's immediate supervisor and must be an administrator. In some cases the immediate supervisor and reviewer are the same person.)

F. Revised or Final Evaluation

1. A revised evaluation may be submitted at any time during the year upon evidence of changed work habits or performance on the part of an employee.
2. When an employee terminates employment, his/her most recent evaluation report shall be the final evaluation. No additional evaluations need to be made unless the employee's performance has changed to unsatisfactory.
3. An employee may attach his/her written comments, if any, to the evaluation within ten (10) working days after the review. Such comments shall be attached to the evaluation in his/her personnel file.

G. Appeal of Evaluation Report

1. Any employee dissatisfied with his/her evaluation report may request a personal review of the report by the reviewer, the supervisor, and a representative if appropriate. This request must be made in writing to the reviewer no later than ten (10) working days after the evaluation report was received by the employee.
2. In instances of an unsatisfactory evaluation, an employee so evaluated may request that said evaluation be reviewed by the Superintendent or designee.
3. A confidential/management employee may, within 15 working days of receipt of his/her evaluation report, file with the Personnel Director an appeal to the Commission only on the grounds that the performance review and/or the evaluation procedures were not followed in the preparation of his/her evaluation report.

**4250.9**

**Personnel Files**

- A. Human Resources-Classified shall establish and maintain a file on each classified employee.
- B. The file shall be the official District repository for material in the following categories:
  1. Initial employment - materials associated with initial employment such as applications and recommendations.
  2. Continuing employment - materials necessary for and resulting from a person's employment in the District; such as assignments, promotions,

transfers, performance evaluations, commendations, and recommendations.

C. The District shall take such precautions as necessary to provide for the physical security of these records.

D. Availability of Personnel Records

1. Access to and use of the contents of personnel files shall be limited exclusively to those persons with a legitimate need for such data.
2. Materials in personnel files of employees which may serve as a basis for affecting the status of his/her employment are to be made available for the inspection of the person involved or employee's representative, when designated in writing.
3. Such material is not to include ratings, reports, or records which were obtained prior to the employment of the person involved, were prepared by identifiable examination committee members, or were obtained in connection with a promotional examination.
4. Every employee shall have the right to inspect such material upon request provided that the request is made at a time when such a person is not actually required to render service to the District.
5. Every employee or his/her representative designated in writing shall have the right to have copies of the contents made available to him/her at a reasonable fee, except those materials listed in paragraph D.3.
6. Information of a derogatory nature, except material mentioned in paragraph D.3, shall not be permanently filed until the unit member is given notice of such material and an opportunity to comment thereon. Ten (10) working days shall be deemed an opportunity in this instance during which time an employee shall have the right to enter and have attached to any such derogatory statement his/her own comments therein. The opportunity for review shall, at the request of the employee, take place during the employee's normal working hours without loss of compensation. (EC 44031)
7. Reasonable cost for copies shall mean ten cents (\$.10) per page for standard reproduction. [Evidence Code Section 1563(B)(1)]

**4250.10 Leaves of Absence**

A. Vacation Leave

1. Request for Vacation Leave

Request for vacation leave must be made on an approved form and submitted to the employee's supervisor.

2. Approval of Vacation Leave Request

The principal or District division head shall keep records and schedules of vacation leaves. Vacations will be taken at times that are consistent with the needs of the service and the work load of the department, and an effort shall be made to enable vacation to be taken at times convenient to the employees. Each vacation request must be approved by each level of supervision up to and through the principal or District division head.

3. Vacation Entitlement

a. Classified Administrative Positions

For classes designated as part of the classified management career series, vacation shall be earned at the rate of 26 days per year. Employees occupying positions in these classifications are exempt from overtime. Additional days may be granted by the Board. Vacation for assignments less than full time shall be prorated.

b. Classified Confidential Employees

For employees occupying positions designated as confidential, vacation shall be earned at a rate of fifteen (15) days per year in years one (1) through four (4), and shall, upon reaching the fifth year of service in the District, receive an additional 0.5 day per month of vacation. This addition, when added to earned vacation entitlement in years one (1) through four (4) shall be prorated not to exceed a total of 26 days per year. If the employee has sufficient previous service as a permanent classified employee in the District to accrue vacation days in excess of fifteen (15) days per year in accordance with Personnel Commission Rule 4250.10.A.3.c, he/she would retain the number of days accrued and shall receive an additional 0.5 day per month of vacation not to exceed a total of 26 days per year. Additional days may be granted by the Board.

c. Full-Time Monthly Employees (Bargaining Unit)

<u>Years of Service</u>	<u>Days of Vacation</u>		
	<u>10 mo.</u>	<u>11 mo</u>	<u>12 mo.</u>
1-5	10	11	12
6	11	12	13
7	12	13	14
8	13	14	15
9	14	15	16
10	15	16	17
11-15	16	17	18
16-20	17	18	19
Over 20	18	19	20

d. Part-Time Hourly Employees (Bargaining Unit)

Regular classified hourly employees who are assigned to work less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service shall accrue vacation entitlement as prescribed in EC 45197.

e. Maximum Entitlement

The unlimited accumulation of vacation effective April 1, 1983, for management and confidential employees was modified effective January 1, 1986, whereby vacation may accumulate to a total not exceeding 50 days. In the event of termination with the District or of reassignment to a position of lower salary, the employee involved shall be entitled to compensation for accumulated unused vacation time at the employee's rate of pay prior to such termination or reassignment.

f. Vacation Entitlement While on Illness or Bereavement Leave

Any classified employee who commences his/her prescribed vacation period and subsequently becomes ill or is bereaved before the vacation period has been completed shall be placed on sick or bereavement leave under the following conditions:

1. If the illness or bereavement is for three (3) consecutive days or more.
2. If the illness or bereavement is such that had the employee been working, he/she would have been absent on sick or bereavement leave. Winter, spring, and summer recess do not qualify for less than 12-month employees.
3. If the illness is verified by a physician's signed statement. (EC 45200)
4. If the employee normally is required to return to duty immediately following the vacation period.
5. If the request is filed with the Board within two (2) weeks of the illness or bereavement or within, at the latest, one week of the employee's return to duty unless extraordinary extenuating circumstances exist which prevent such filing.
6. If the filed request fully outlines the reasons for the request and is fully substantiated to include medical reports in the case of illness.
7. When all or part of an employee's vacation is to be converted to illness or bereavement leave, the appropriate vacation



credit shall be restored to the employee's earned vacation balance. If possible, the employee shall be granted the opportunity to consume his/her vacation credit in order not to exceed the limit on accrued vacation.

4. Compensation for Unused Vacation

a. Termination Compensation

Upon separation from the service, an employee shall be paid for accumulated vacation credit at the rate of pay applicable to his/her last regular assignment. Earned vacation shall not become a vested right until completion of the initial six (6) months of employment. (EC 45197)

b. Emergency Compensation

When an employee has accumulated the maximum allowable vacation credit and when a critical emergency prevents his/her being off duty, the nature and duration of the emergency shall be reported to the Superintendent or his/her designated representative who may authorize payment in lieu of vacation earned above the maximum or may permit the accumulation of excess vacation credit for the duration of the emergency.

c. Vacation Compensation Rate

The rate at which vacation is paid shall be the employee's current rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation credit by reason of subsequent changes in conditions of employment during that vacation.

5. Use of Vacation

Vacation entitlement may be used only after it is earned unless otherwise ordered and authorized by the Superintendent or his/her designated representative.

B. Sick Leave

1. Computing Sick Leave

- a. An employee who is employed for five (5) days per week and ten (10) or more months per year shall be entitled to 12 days per year of paid illness leave for illness, injury, or exposure to contagious disease.
- b. Those positions designated as Classified Management and Confidential shall earn 1.2 days sick leave per month of service from the date of hire in the position.
- c. For the purpose of computing sick leave entitlement service for over one-half a month, 11 working days will count as one month.

2. Sick Leave for Part-Time Employees

Part-time employees shall be entitled to sick leave prorated in proportion to the sick leave entitlement for full-time employment.

3. Probationary Sick Leave

Permanent employees may use their annual entitlement plus accumulated illness leave at any time subject to these rules. Probationary employees are limited to the number of days corresponding to the number of months worked in their probationary period plus accumulated days of illness leave transferred from a former district.

4. Accumulation

Earned unused paid illness leave days shall be accumulated from year to year without limit. (EC 45191)

5. Sick Leave Procedures

In order to receive compensation while absent on sick leave, the employee must notify his/her supervisor of his/her absence previous to or within the first working hour of the first day absent, unless conditions make this notification impossible. The burden of proof of impossible conditions shall be upon the employee. At least the day prior to return to work, the employee shall notify his/her supervisor in order that any substitute employee may be terminated. If the employee fails to notify his/her supervisor and both the employee and the substitute report, the substitute is entitled to the assignment and the employee shall not receive pay for the day.

6. Leave for Extended Illness and Injury

- a. An employee shall be entitled to extended illness or injury leave of 100 non-cumulative work days per fiscal year exclusive of accumulated illness or injury leave to which they are entitled.
- b. An employee on extended illness or injury leave shall receive compensation equal to 50 percent of the employee's regular salary.
- c. For any use of extended illness or injury leave, the District shall require verification from a licensed physician or recognized practitioner that the employee is physically unable to perform his/her customary duties. A medical clearance for return to work shall be required by the District.

7. Medical Release to Return to Work

- a. Proof of illness or injury and medical clearance for return to work may be required for each illness or injury beyond five (5) consecutive working days. Proof and clearance shall be in the form of a written statement from a licensed physician or recognized practitioner, listing dates of necessary absence from work and approving or recommending a return date.
- b. With prior written notification, the District may require such evidence as is appropriate to substantiate illness or injury leave utilization.

8. Medical Exam

The District shall have the right to request evidence from a licensed physician that an employee is able to perform the essential functions of his/her job with or without reasonable accommodation. The District shall have the right to have an employee examined by a licensed physician at District expense whenever there is a question as to the employee's physical, mental or emotional ability to perform the duties and/or responsibilities of his/her position.

9. Transfer of Sick Leave from Another District

Any employee employed by a school district or county superintendent of schools for a period of one calendar year or more who terminates employment with that district and within one calendar year accepts a classified position with this District may be credited with all unused paid illness leave earned in the former district. (EC 45202)

10. Sick Leave Credit at Retirement

A classified employee retiring from CalPERS may be able to use unused sick leave for years of service credit in accordance with CalPERS requirements.

C. Industrial Accident and Illness Leave (EC 45192)

1. An employee in the classified service who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workers' Compensation Insurance law, shall be granted paid industrial accident leave for such accident or illness while receiving temporary disability benefits from Workers' Compensation in accordance with EC 45192 provided that:
  - a. The employee has completed six (6) months of regular service.
  - b. In the opinion of the Superintendent or designee, the illness or injury constitutes an industrial accident or illness, or, if contested by the District, it is ultimately determined to be work-connected.

2. Allowable leave shall not be for less than 60 days in any one fiscal year for the same accident.
  3. Allowable leave shall not be accumulative from year to year.
  4. Leave commences on the first day of authorized absence.
  5. Leave includes time spent in a physician's or recognized practitioner's office for preliminary or subsequent examination.
  6. When an accident or illness overlaps into the next fiscal year, the employee shall be entitled to only that amount of the 60 days' allotment remaining at the end of the fiscal year in which the accident or illness occurred.
  7. Payment for wages lost on any day shall not, when added to an award granted the employee under the Workers' Compensation laws, exceed the normal wage for the day.
  8. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under Workers' Compensation.
  9. When the industrial accident or illness leave entitlement has been exhausted, earned regular sick leave shall then be used.
  10. When regular earned sick leave has been exhausted, the employee shall be entitled to earned vacation leave and to leave for extended illness or injury in the order of his/her preference.
  11. An employee receiving benefits under this rule shall during periods of injury or illness remain within the state of California unless the Board of Trustees authorizes travel outside the state.
- D. Exhaustion of Industrial or Non-Industrial Illness or Injury Leave
1. When all leaves of absence, paid or unpaid, have been exhausted due to an industrial or non-industrial accident or illness, and if the employee is not medically able to resume the duties of his/her position or if h/she does not accept another position in the District, his/her name shall be placed on the District's reemployment list for a period not to exceed 39 months.
  2. At any time during the 39 months, the employee shall be entitled to reemployment in his/her former class. Such entitlement shall prevail over all other available candidates except those listed on a reemployment list established as a result of layoff for lack of work or lack of funds.

3. If reemployed within the 39-month period, the employee's break in service shall be disregarded and he/she shall be restored in a permanent status without loss of seniority status.
4. A written authorization from a licensed physician or recognized practitioner is required prior to the employee's return to work.
5. An employee who has been authorized by a licensed physician or recognized practitioner to return to work and who fails to accept an appropriate assignment shall forfeit his/her reemployment rights.

E. Bereavement Leave (EC 45194)

1. A leave of absence with pay for up to three (3) working days, or five (5) networking days if one-way travel of more than 300 miles is involved, shall be granted to an employee whether probationary or permanent as a result of the death of a member of the employee's immediate family. Appropriate verification may be required.
2. Members of the immediate family are designated as mother, father, grandmother, grandfather, grandchild, spouse, son, daughter, brother, sister, or any of the in-law or step of the previous, or any relative or singular individual designated as significant other living in the immediate household, or any dependent for whom the employee is the court-appointed legal guardian.

F. Personal Necessity Leave (EC 45207)

Up to seven (7) days in any fiscal year may be used for reasons of personal necessity which require the attention of the employee during working hours. Such days shall be deducted from earned and/or accumulated illness leave. The following are included under this category:

1. Leave in addition to and contiguous with bereavement leave as a result of the death of a member of the employee's immediate family
2. Accident, involving the employee's person or property, or the person or property of a member of his/her immediate family, of such an emergency nature that the presence of the employee is required during his/her working day
3. Serious illness or surgery of a member of the employee's immediate family calling for services of a physician, or of such an emergency nature that the employee's presence is required during his/her working day
4. Such other reasons which may be prescribed by the District

G. Personal Business Leave

1. With prior approval of the building principal or District division head, a classified employee may be granted a maximum of five (5) days of personal leave during any fiscal year; said leave is to be charged against the employee's accumulated sick leave. The maximum number of classified employees to be granted a personal leave for any one day is not to exceed five (5) employees on any one campus or in any one department.
2. Personal business leave shall normally not be used contiguous with vacation days or holidays.
3. Personal business may be taken for religious observance.

H. Jury Duty, Witness Leave, Workers' Compensation, Involuntary Leave

1. Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, state or federal court. Leave shall be granted for the period of the jury service.

The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave shall be made by presenting the official court summons to jury service to the employee's supervisor who forwards it to the Personnel Director.

2. Leave of absence to serve as a witness in a court case shall be granted when an employee has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or another authorized officer of the court.

The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for leave of absence to serve as a witness shall be made by presenting the official court summons to the employee's supervisor who forwards it to the Personnel Director.

3. The jury service fee and witness fee referred to in 1 and 2, respectively, do not include reimbursement for transportation expenses.

4. Attendance at Workers' Compensation Hearings

When an injured employee of the District appeals the decision of the District in rejecting liability in his/her case, and when, in the interest of justice and of protecting all legal rights of the injured employee, it is necessary or desirable for other District employees to attend the hearing of the appeal, they may attend without loss of salary, provided that arrangements for their attendance shall be made by the person having charge of the District's insurance.

5. Involuntary Absence for Public Purpose

If absence is occasioned by an official order from another governmental jurisdiction, which has not been brought about through misconduct or connivance on the part of the employee, payment of salary shall be made for necessary absence of one day or less.

6. An employee who has received a leave of absence under this rule shall be available for work hours when his/her presence is not required in court.

I. Absence for Examination and Interview

An employee in the classified service of the District otherwise qualified shall be permitted to take any examination given by the District during working hours without deduction of pay or other penalty, upon giving two (2) days' notice to his/her immediate supervisor. This rule authorizes reasonable release time to take written exams, oral exams, and final selection interviews.

J. Military Leave

An employee shall be entitled to all the rights and privileges regarding military leaves of absence provided by state law, including Sections 389 and 395 of the Military and Veterans' Code. The term "military" as used in this rule is defined as including Army, Navy, Marines, Air Force, or other armed service of the United States or as may be otherwise defined by law.

K. Military Spouse/Registered Domestic Partner Leave

This rule is based on Military and Veterans Code section 395.10 and any other applicable provisions of federal law.

1. Definitions

For purposes of this rule, the following definitions shall apply:

- (a) "Qualified Employer" means any public or private employer who employs 25 or more employees.
- (b) "Qualified Employee" means a District employee who works an average of 20 or more hours per week.
- (c) "Qualified Member" means a member of the Armed Forces of the United States (i.e., Army, Navy, Air Force, Marines, Coast Guard) who has been deployed during a period of military conflict in an area designated as a combat theater or combat zone by the President of the United States; or a member of the Armed Forces Reserve Components or the National Guard who has been deployed during a period of military conflict, but not necessarily in a combat zone (i.e., called upon to backfill a position vacated by an active duty member of the military).

- (d) “Combat Zone” means an area so designated by the President of the United States by an Executive Order.
- (e) “Military Conflict” means a period of war declared by the United States Congress or a period of deployment for which a member of a reserve component is ordered to active duty either by the Governor or the President of the United States.
- (f) “Spouse” means an individual to whom one is legally married.
- (g) “Registered Domestic Partner(s)” are two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring and who have filed a Declaration of Domestic Partnership with the Secretary of the State.

2. An unpaid leave of absence of up to ten days shall be granted at the request of a qualified employee whose spouse/registered domestic partner is a qualified member of the Armed Forces on leave from deployment from a combat zone during a period of military conflict. The employee requesting the leave must:

- (a) Be the spouse/registered domestic partner of a qualified member of the armed forces of the United States, National Guard, or Reserves;
- (b) Work an average of 20 or more hours per week;
- (c) Provide notice to the supervisor of his or her intention to take the leave no later than two (2) business days after receiving official notice that the employee’s spouse/registered domestic partner will be on leave from deployment, and;
- (d) Provide written documentation (i.e., copy of official notice), which certifies that the spouse/registered domestic partner will be on leave from deployment during the period of the employee’s requested time off work.

3. Notification

The employee is to provide the supervisor notice of his or her intent to take the leave no later than two (2) business days after receiving official orders of his or her spouse/registered domestic partner’s leave from deployment.

The employee must submit: (a) a leave of absence request attaching a copy of the documentation (i.e., official orders) that certifies that the qualified spouse/registered domestic partner will be on leave from deployment during the time of the requested leave, and (b) written proof of marriage to/domestic partnership with the qualified spouse/registered domestic partner (i.e., marriage certificate or domestic partnership certificate).



4. Length of Leave

The leave shall not exceed a total of ten scheduled work days in a given year. The selected dates of leave shall be at the discretion of the employee.

Should the employee's spouse/registered domestic partner be granted leave from deployment more than once in a given year, the employee shall be entitled to ten days of leave on each occasion as long as official orders are provided.

5. Impact on Other Leaves

The leave provided for in this rule shall not affect or prevent the District from allowing a qualified employee to take a leave that he or she is otherwise entitled to take.

6. Benefits

This leave shall not affect a qualified employee's rights with respect to any other employee benefit provided for in other rules.

7. Compensation

Military Spouse Leave is unpaid; however, the employee may at his or her discretion choose to use available, accrued vacation during this leave. An employee who wishes to use available, accrued vacation shall attached a completed Request for Vacation and Personal Absence form.

L. Maternity or Adoption Leave (EC 45193)

An employee requesting and being granted a leave of absence without pay for reason of maternity or adoption shall be governed by the following regulations:

1. Application for Leave.

Requests for leave must be made on the approved form and must be filed with the Personnel Department along with a physician's statement certifying the pregnancy and indicating the anticipated date of delivery.

In the case of adoption, legal verification must be submitted. Application forms are available from the school principal's office or from the Personnel Department.

2. Approval of Leave Requests

The Personnel Department shall ensure that application requirements are met and shall prepare such requests for presentation to the Board of Trustees for action in accordance with direction given by the Superintendent.

3. Duration of Leave

Maternity or adoption leave may begin at any time prior to or following delivery or adoption and may be for any period not to exceed one full calendar year. Minimum leave will be in compliance with state and federal law including pregnancy disability leave and family leave.

4. Return to Service

- a. The District shall make provisions for the return of an employee at the conclusion of maternity or adoption leave to an assignment equivalent to the one held prior to the start of leave, unless the employee agrees to another assignment.
- b. An employee desiring to terminate leave prior to the approved date may be returned to service in an equivalent position to the one previously held, unless the employee agrees otherwise, at the earliest possible time that a suitable assignment becomes available.
- c. Salary placement of an employee returning to duty shall be as follows:
  - 1. Time spent on leave without pay shall not count as time worked for the purpose of salary placement.
  - 2. A person who returns to service within one calendar year from the first day of leave without pay shall return at the salary range held immediately prior to the commencement of the leave, and the anniversary date will be adjusted accordingly.

5. Types of Leave

a. Leave Without Pay

An employee may request a leave of absence without pay during pregnancy and recovery therefrom.

b. Leave With Pay

An employee may elect to utilize illness leave during that portion of such pregnancy and recovery therefrom when the employee is certified by a licensed physician or recognized practitioner as not being able to perform normal duties. This period of necessary confinement is usually a six- to nine-week period. Return from this leave requires a medical clearance.

M. Leave of Absence Without Pay (EC 45190)

- 1. A leave of absence without pay may be requested by an employee and may be approved by the District for a period not to exceed 12

months for reasons satisfactory to the District. Upon approval, the employee shall have the option to retain his/her benefits at his/her expense.

2. Request for leave without pay shall be submitted in writing through administrative channels and be in the possession of the Personnel Director at least ten (10) working days in advance of the beginning date of the leave or any Board of Trustees meeting at which the leave request will be considered, whichever is longer.
3. All leaves without pay shall be subject to the recommendation of the department or division head; however, the Superintendent reserves final authority for recommending or not recommending a leave to the Board, and for setting the starting and ending dates of a leave. Leaves of ten (10) days or less duration shall be approved or denied at the discretion of the Superintendent or designee and shall not require the Board of Trustees' consideration.
4. Examples for which leave without pay may be requested are child rearing, retraining study, and health.
5. The granting of a leave of absence without pay gives to the employee the right to return to his/her position or a position in the classification at the expiration of the leave of absence, provided that the employee is physically and legally capable of performing the duties.
6. If an employee cannot be placed in a vacant position in his/her class upon return from a leave of absence, he/she shall have bumping and reemployment rights, in accordance with seniority, in the same manner as if he/she had been laid off for lack of work or lack of funds on the date the leave expires.
7. The Board of Trustees may, for good cause, cancel any leave of absence by giving the absent employee due notification.
8. An employee may make a written request to the Board of Trustees to return to work prior to the expiration date of the leave. The Board may approve or reject the request.
9. Failure to report for duty within five (5) working days after a leave has been cancelled or expires without notifying the District shall be considered abandonment of the position, and the employee may be terminated by the Board of Trustees. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.
10. Time spent on a leave of absence without pay shall not count toward seniority or increment salary adjustment. Before an employee receives a salary adjustment, he/she must have the required service time.

N. Family Leave

1. Family and medical leave is an unpaid leave provided for employees in compliance with federal law and California Government Code Section 12945.2. Employees eligible for this leave may be entitled to paid health care coverage for up to 12 weeks.
2. Family and medical leave may be available to an employee for the following reasons:
  - a. Birth, adoption and foster care of a child.
  - b. Serious health condition of the employee's child, parent or spouse.
  - c. Serious health condition of employee.
3. A "serious health condition" is one that involves either inpatient care in a hospital, hospice or residential health care facility or as an outpatient requiring continuing treatment or continuing supervision of a health care provider.
4. An employee is eligible to use this unpaid leave for the reasons above if the employee (1) has worked for the District at least 1250 hours during the last 12 months; (2) works more than 24 regularly assigned hours per week; and (3) has at least 12 months of service with the District.
5. The unpaid leave may extend up to 12 weeks within the fiscal year beginning July 1 and ending June 30. The leave may be taken intermittently or on a reduced basis.
6. The employee may be required to provide a doctor's certification of the health condition of the employee's relative and a statement that the condition requires the employee to provide health care.
7. The employee who plans to take family leave must provide the District at least 30 days advance notice unless an emergency arises.
8. This leave shall run concurrently with all other leaves in this article with the exception of industrial accident and illness and pregnancy disability leaves. Employees on maternity leaves exceeding 12 weeks shall only receive paid health care for 12 weeks.

O. Service Member Family Leave and Contingency Operation Leave

1. Eligible employees may take as much as 26 workweeks of leave during a 12-month period to care for a family member who is an injured service member. In order to qualify, the injured family member must be undergoing medical treatment, recuperation, or therapy, be an outpatient of a military medical facility or military medical care unit.

2. Eligible employees may also qualify for other types of FMLA leave including Contingency Operation Leave in accordance with applicable requirements under the law.
3. An employee is eligible to use this unpaid leave if the employee 1) has worked for the District at least 1250 hours during the previous 12 months and 2) has at least 12 months of service with the District.

P. Study Leave

1. Every regular classified employee who has completed seven (7) consecutive years of service in regular status with the District shall be eligible to apply for a leave of absence for study purposes. The granting of such leave shall be entirely discretionary with the appointing authority. When a study leave has been authorized and taken, an additional seven (7) years of service after return to duty from the last leave must be completed before another study leave may be granted.
2. Study leave can be for any period of time not to exceed one year and may be taken in any time increments approved by the Board but must be completed within three (3) years after the initial part of the leave was commenced. If the leave is not continuous, the service performed between the leave intervals shall be credited toward future study leave eligibility.
3. Any leave granted and taken under this rule shall not constitute a break in service for any purpose, but the leave shall not count toward eligibility for a future study leave.
4. The employee must file an application with the Board for a leave of absence under this rule and must outline:
  - a. Employee's work history with the District (e.g., positions held and length of service in each).
  - b. Length of leave requested and time period in which leave will be completed, if granted.
  - c. The purpose for which the leave is requested. The application must include the complete course of study to be pursued, institution giving the course, costs involved, degree or credits to be granted, and other pertinent information.
  - d. Amount of compensation requested while on leave.
  - e. Service, if any, to be performed by the employee for the District during the leave.
  - f. The benefits to be derived by the District by the granting of leave.

- g. Willingness by the employee to provide a bond to the District as required by law.
  - h. Agreement by the employee that he/she will serve the District for at least two (2) years after termination of the leave.
  - i. Willingness to provide the District evidence of satisfactory study progress at agreed upon intervals during leave. Failure to provide such evidence or to make satisfactory progress may, at the option of the District, result in immediate cancellation of the leave.
  - j. Agreement by the employee that he/she will report any employment during the leave to the Personnel Director who shall determine whether conflict exists with the purpose of the leave.
5. Compensation shall be paid as follows:
- a. If the employee does not provide a bond as determined by the District or provide a written statement indicating that he/ she will serve at least two (2) years with the District upon return from leave, the agreed-to compensation shall be paid in two (2) equal installments during the first two (2) years of service to the District following return to duty after termination of the leave.
  - b. If the employee provides the required bond or submits a written document approved by the Board, the employee shall be paid the agreed upon compensation in the same manner as if he/she were in active service with the District. If the employee fails to complete two (2) years of service for the District following the return from leave, except as provided below, he/she may be required to refund to the District a pro rata portion of any compensation received while on leave.
  - c. If an employee has provided a bond or written agreement and fails to complete the required two (2) years of service because of his/her death or physical or mental disability, the bond or conditions of the agreement shall be exonerated in the same manner as if the required service had been performed.

Q. Leave of Absence for Retraining

In the event the Board of Trustees contemplates the abolition of positions in the classified service and the creation of new positions because of automation, technological improvement, or for any other reason, it may provide for retraining of displaced employees in accordance with this rule.

- 1. To be eligible for retraining leave, an employee must:
  - a. Have served at least three (3) years in the District.

- b. Be serving in a position which the District contemplates abolishing, or show that the retraining will clearly benefit the District.
  - c. Indicate a willingness to undergo the prescribed training program.
  - d. Indicate a willingness to serve the District for at least two (2) years after successful completion of the retraining program.
2. The Board shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.
  3. The employee shall be considered a permanent employee for all purposes during the period of the retraining program and shall receive his/her normal compensation and benefits. The Board may prescribe duties, if any, to be performed by the employee on behalf of the District during retraining leave.
  4. The Board shall provide for reasonable expenses necessary for the prescribed retraining but may recover costs from the employee if he/she fails to complete the prescribed retraining program.
  5. The Board may establish retraining programs for purposes other than outlined in this rule and grant leaves of absence for retraining in the same manner as for study leaves of absence, except that the three-year service requirement shall prevail. Such programs must be available to all qualified employees of the District, except that approval for such leave shall be discretionary with the Board.

**4250.11**     **Layoff** (EC 45117, 45298, 45308)

- A. Layoffs in the classified service for lack of work or lack of funds shall be effected in accordance with these rules. Normally, such layoffs will be effected at the end of the fiscal year. An employee subject to layoff shall be given at least 45 calendar days notice before the layoff becomes effective.
- B. Order of Layoff
  1. Length of service (seniority as prescribed herein) shall be the only criterion used to effect layoffs.
  2. Employees who have been employed for the shortest time in the class plus higher classes shall be laid off first.
- C. Rights of Employees Upon Layoffs
  1. A reemployment list for each class or classification subjected to layoffs will be established and maintained for at least 39 months or until exhausted, whichever is sooner.

2. The names of employees who are laid off will be placed on the reemployment list in accordance with length of service in the class, plus higher classes, and they shall be reemployed in accordance therewith as vacancies occur in the class for which the list has been established.
  3. Persons on layoff reemployment lists shall be reemployed over all other candidates for the position vacancy except for reemployment lists established in accordance with the provisions of medical layoff when those lists were established after the layoff was effected. (EC 45192, 45195)
  4. When reemployment lists are in effect in accordance with EC 45192 and 45195 and persons thereon have served in the class effecting layoffs, they will be placed on the layoff reemployment list according to seniority as if they had been in active service at the time the layoff was effected.
- D. When a vacancy occurs in a classification for which a layoff reemployment list has been established, the senior employee will be notified and given an opportunity to accept the vacancy. The laid-off employee may decline the offer of employment and retain his/her position on the list.
- E. A person reemployed from a layoff list shall be fully restored to his/her position with all rights to permanent or probationary status restored. No seniority shall be earned during periods of separation from the service.
- F. An employee who has been laid off for lack of work or lack of funds and who is on a layoff reemployment list may be employed as a substitute or limited-term employee in his/her original class or any other class for which qualified. Such employment shall in no manner jeopardize or otherwise affect the employee's status or eligibility for reemployment.
1. The District shall attempt to provide substitute or short-term employment to those on a reemployment list in accordance with their seniority.
- G. No permanent or probationary classified employee shall be laid off from any position while employees serving under emergency, provisional, limited-term, or substitute status are retained in positions of the class.
1. A limited-term or substitute employee may be separated at the completion of his/her assignment without regard to the procedures set forth in this section.
- H. In lieu of being laid off, an employee may elect transfer or demotion to any class with the same or lower salary status in which he/she had previously served under permanent or probationary status.
1. To be considered for transfer or demotion in lieu of layoff, an employee must notify the District in writing of such election not later than three (3) days after receiving written notice of layoff and rights to demotion.
  2. Any employee replaced by such transfer or demotion has the same options afforded by this rule as if his/her position had been abolished



or discontinued.

3. Any employee demoted pursuant to this rule shall receive the maximum of the salary range in the class to which he/she is demoted, provided that such salary is not greater than the salary received in the higher classification at the time of demotion.
4. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his/her position, has the right to be reemployed, in accordance with his/her seniority, in a vacant position in his/her former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right. If the employee has not been reemployed in his/her former class within 39 months, the employee shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months at the discretion of the appointing authority.
5. An employee accepting a demotion in lieu of layoff shall be allowed to bump the employee with the least seniority in the lower classification.
  - I. In lieu of being laid off, any employee may request a transfer to a related class or a demotion to a class in which he/she has not previously served. If an assignment is made to a related class or lower class, the employee shall serve the appropriate probationary period. Such appointment shall not abrogate the rights to reemployment in the class from which laid off. Rules relating to transfer to related classes and demotions shall be given liberal interpretation in order to lessen the effects of the layoff.
  - J. An employee subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the California Public Employee's Retirement System shall be placed on an appropriate reemployment list. (EC 45115)
  - K. Refusal of an offer of limited-term employment shall not affect the standing of any employee on a reemployment list.
  - L. Employees on layoff lists shall be eligible to compete in promotional examinations for which they can qualify.
  - M. Seniority or length of service, for layoff purposes, shall be calculated on the basis of hire date in classification effective July 1, 1999. Seniority for employees hired prior to July 15, 1999, will be frozen as of July 15, 1999, thereby protecting seniority order. Seniority lists will show a hire date of July 15, 1999, for employees hired prior to that date. Service prior to regular appointment, such as substitute, limited-term, provisional or emergency, shall not be computed for seniority credit.

4250.12

**Resignation**

A. Procedure

When an employee desires to resign his/her position, the resignation, preferably in writing, shall be presented to his/her supervisor and a copy of

such resignation shall immediately be filed by the supervisor 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 except that an employee who resigns shall have his/her name removed from promotional eligibility lists. The Superintendent or designee may accept a resignation on behalf of the Board of Trustees.

B. Classified employees are requested to provide the District with at least two (2) weeks' notice. Management and confidential employees are requested to provide at least four (4) weeks' notice to the District.

C. Resignation During Probationary Period

A person who resigns in good standing during the probationary term may be restored to the eligibility list at the discretion of the Personnel Director.

D. Appointment After Resignation

When a former employee who resigned while in good standing is appointed (within 39 months of the last day of paid employment) from a valid eligibility list, the appointment may be made as a limited-term or regular employee.

4250.13

**Employment of Retirees**

A. Retired persons may be employed in a regular position in the classified service only after being reinstated in the California Public Employees Retirement System.

B. It is permitted to employ a retired person up to 120 days or 960 hours in any fiscal year:

1. During an emergency to prevent the stoppage of public business.

2. Because the retired employee has skills needed in performing specialized work. (Government Code Section 21150 et seq)

C. Persons employed on a limited-term basis are responsible for monitoring days and hours worked.

D. If an employee was retired from the District and returns as a limited-term employee, he/she shall receive the same step in the range of the classification from which he/she retired (without longevity).

- E. Salary rate for employment in related and/or lower classes shall be treated as a transfer or voluntary demotion. Salary rate for employment in higher classes shall be treated as a promotion.

**4250.14**

**Disciplinary Action and Appeal**

- A. In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this District, each of the following constitutes cause for personnel action against a permanent classified employee:
  - 1. Falsifying any information supplied to the District, including but not limited to information supplied on application forms, employment records, or any other District records.
  - 2. Incompetency.
  - 3. Inefficiency.
  - 4. Neglect of duty; unsafe work practices.
  - 5. Insubordination; failure to follow instructions.
  - 6. Dishonesty.
  - 7. Drinking alcoholic beverages or using controlled substances while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.
  - 8. Conviction of a felony, conviction or any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.
  - 9. Absence without leave (abandonment of position for five work days).
  - 10. Immoral conduct.
  - 11. Discourteous treatment of the public, students, or other employees.
  - 12. Political activity during working hours.
  - 13. Misuse of District property.
  - 14. Violation of District, Board or departmental rule, policy or procedure.
  - 15. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or

otherwise necessary for the employee to perform the duties of the position.

16. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a District employee.
17. Unlawful retaliation against any other District officer or employee 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 actual or suspected violation of any law of this state or the United States occurring on the job or directly related to employment.
18. Any other failure of good behavior which is of such nature that it causes discredit to the District or his/her employment.
19. Willful failure of good conduct tending to injure the public service.
20. Excessive absences, unexcused absence(s), or tardiness.
21. Illness leaves, when frequently taken for trivial indispositions, or patterns of illness use that indicate abuse.
22. Failure to report for review of criminal records or for health examination after due notice.
23. Three or more consecutive unsatisfactory evaluation reports.

B. Guidelines for Suspension, Demotion, or Dismissal Penalties

This list is not intended to cover every possible type of offense and is a guideline not a prescription for stated offenses. Penalties for offenses not specifically listed shall be consistent with the gravity of the offense. Where appropriate, consideration may be given to change to lower grade in lieu of removal. Suspensions on this schedule apply to working days.

<u>Nature of Offense</u>	<u>Range of Penalties for Stated Offenses</u> (Reprimands-Suspensions-Removals)			
		<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>3<sup>rd</sup></u>
Unexcused tardiness	Minimum: Maximum	Reprimand 1 day	1 day 5 days	5 days 15 days
Failure to report personal injury or accident within 24 hours	Minimum: Maximum	Reprimand 1 day	1 day 5 days	5 days 15 days
Leaving job to which assigned during working hours without proper permission	Minimum: Maximum	Reprimand 5 days	3 days 10 days	10 days Removal

Nature of Offense

Range of Penalties for Stated Offenses  
(Reprimands-Suspensions-Removals)

		<sup>1<sup>st</sup></sup>	<sup>2<sup>nd</sup></sup>	<sup>3<sup>rd</sup></sup>
Failure to observe precautions for personal safety, posted rules, signs, written oral safety instructions or to use protective clothing or equipment	Minimum: Maximum:	Reprimand 5 days	3 days 10 days	10 days Removal
Loafing, wasting time, sleeping on the job, or inattention to duty	Minimum: Maximum:	Reprimand 5 days	3 days 10 days	10 days Removal
Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature	Minimum: Maximum:	Reprimand 5 days	3 days 10 days	10 days Removal
Unexcused or unauthorized absence on one or more scheduled days of work	Minimum: Maximum:	Reprimand 5 days	3 days 10 days	10 days Removal
		The charge of excessive absence without leave with the penalty of removal may be used when the absence exceeds five work days or when it appears the employee has abandoned his/her position. Extenuating circumstances offered by the employee should be considered.		
Falsifying school district records	Minimum: Maximum:	Reprimand Removal	15 days Removal	Removal Removal
Failure in carrying out orders, work assignments, or instructions of superiors	Minimum: Maximum:	Reprimand 5 days	3 days 10 days	10 days Removal
Unauthorized possession of, loss of, or damage to District property or the property of others or endangering same through carelessness	Minimum Maximum:	Reprimand 5 days	3 days 10 days	10 days Removal
Gambling or unlawful betting on school district premises	Minimum: Maximum:	Reprimand 10 days	10 days Removal	15 days Removal
Covering up or attempting to conceal defective work, or removing or destroying same without permission	Minimum: Maximum:	Reprimand 10 days	10 days Removal	15 days Removal
Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another, engaging in dangerous horseplay, or resisting competent authority	Minimum: Maximum:	Reprimand Removal	10 days Removal	15 days Removal
Reporting for duty or being on duty under the influence of alcohol or controlled substances	Minimum: Maximum:	Reprimand Removal	10 days Removal	15 days Removal

Nature of Offense

Range of Penalties for Stated Offenses  
(Reprimands-Suspensions-Removals)

Endangering the safety of or causing injury to personnel through carelessness	Minimum:	<sup>1<sup>st</sup></sup> Reprimand	<sup>2<sup>nd</sup></sup> 10 days	<sup>3<sup>rd</sup></sup> Removal
	Maximum:	Removal	Removal	Removal
Malicious damage to school property or the property of others	Minimum:	Reprimand	15 days	Removal
	Maximum:	Removal	Removal	Removal
Discrimination against an employee or applicant because of race, color, religion, sex, or national origin, or any reprisal action against employee	Minimum:	Reprimand	15 days	Removal
	Maximum:	Removal	Removal	Removal

C. Procedure for Disciplinary Action

1. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her political or religious acts, opinions or affiliations, or race, color, sexual orientation, national origin, ancestry, or marital status, subject to the provisions of Personnel Commission Rule 4250.1 4.A.17.
2. When a permanent employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented for action by the Board of Trustees.
3. Prior to the presentation of a matter of action to the Board, the employee shall receive written notice of the proposed action; the date it will be effective; the charges on which the proposal is based; any relevant written materials, reports and documents; the date the action will be presented to the Board; and notification that the employee is entitled to respond to the charges as hereinafter provided. The employee shall have at least five (5) working days notification by registered mail prior to any action by the Board.
4. Prior to the charges and proposed action's being submitted to the Board for action thereon, the employee shall have the right to file a written response thereto and may further request the right to make an oral presentation to the Superintendent or designee (Skelly Hearing).
5. If after following the above procedure the decision is made to recommend discipline, a written notice shall be served upon the employee and modifications noted, if any.
6. When formal disciplinary action has been taken by the Board, the action and charges shall be reported to the Personnel Director who shall within ten (10) days of such action file the written charges with the Personnel Commission and the employee.
7. Failure to appeal, as provided below, shall make the action of the Board final and conclusive.

8. For purposes of all notices regarding disciplinary action and appeal to the Personnel Commission, the intent of these provisions shall be met if a certified letter has been mailed to the last known address of the employee. (EC 45304)

D. Suspensions

1. An employee may be immediately suspended without loss of compensation pending the initiation and completion of disciplinary action procedures to the Board of Trustees, if there is a clear and present danger to the health, safety, and well-being of the employee, students, fellow employees, or District property. The District may end the suspension without loss of compensation or take action to suspend without pay in accordance with these rules as warranted.
2. An employee may be suspended without pay for not more than 30 days.

E. Mandatory or Optional Leave of Absence (Sex Offense/Controlled Substance)

1. Whenever an employee is charged with a mandatory leave of absence offense as defined in EC 44940, the Board of Trustees shall immediately place the employee upon a compulsory leave of absence for a period of time extending for not more than ten (10) days after the date of entry of the judgment in the proceedings. Once the employee is placed on leave of absence, he/she is subject to the provisions of EC 44940.5.
2. Whenever an employee is charged with an optional leave of absence, the Board of Trustees may immediately place the employee on a compulsory leave of absence.
3. Despite the disposition of criminal charges, the Board of Trustees reserves the right to dismiss an employee for the facts upon which the criminal charges were based.

F. Appeal Procedure

1. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after the filing of charges by the Personnel Director by filing a written answer to such charges. An appeal can be made only on the following grounds (EC 45305):
  - a. The procedures set forth in these rules have not been followed.
  - b. The action was taken because of political or religious acts, opinions, affiliations, race, color, national origin or ancestry, sex, or marital status.
  - c. There has been abuse of discretion.
  - d. The action was not in accord with the facts.

- e. The penalty invoked is excessive.
2. Such an appeal is not available to an employee who is not in the permanent classified service. An employee in the permanent classified service who has not served the time designated by the Commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the Commission, except as otherwise provided by rules of the Commission, and provided that such demotion does not result in the separation of the employee from the permanent classified service.
3. Hearing Procedure
- a. The Personnel Commission may conduct hearings on appeals or may appoint a hearing officer to conduct the hearings and report findings and recommendations to the Commission. (EC 45306)
  - b. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
  - c. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
  - d. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.
  - e. Each side will be allowed to examine and cross-examine witnesses.
  - f. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representative.
  - g. The Commission may, and shall, if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
  - h. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
  - i. The employee may request a closed or public hearing.



- j. 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, and its representative shall be permitted to participate in the deliberations. If its counsel also served as counsel for the Board, he/she shall be barred from the Commission's final deliberations.
- k. The Commission shall render its decision 30 days after the matter of appeal was taken under submission by the Commission or 30 days after submission of the hearing officers' findings and recommendations. The decision shall set forth which charges, if any, are sustained and the reasons.
- l. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Board.
- m. If the Commission sustains the employee, it may order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal, and it shall order his/her reinstatement. Upon notification of the Commission's decision, the Board shall reinstate the employee and authorize such compensation as the Commission directs. (EC 45307)
- n. The Commission's order of judgment setting forth its findings and decision shall be filed with the employee and the District. If a disciplinary action is not sustained, the Commission shall set forth the effective date of any action it has ordered.

G. Effect of Action

Dismissal of an employee from the service shall, unless otherwise ordered by the Commission:

- 1. Constitute a dismissal as of the same date from any and all positions which the employee may hold in the classified service.
- 2. Result in the automatic removal of the employee's name from any and all employment lists on which it may appear.
- 3. Terminate the salary of the employee as of the date of his/her dismissal except that he/she shall be paid any unpaid salary and paid for any and all unused accumulated vacation and any and all overtime to his/her credit as of the date of the dismissal.

**4250.15**     **Classified Exempt**

Employees designated as exempt from the classified service are considered at-will employees. Each party has the right to terminate employment with or without cause. There is no agreement expressed or implied for continuing or long-term employment.

**4250.16**     **Complaint Procedure**

A.    Purpose and Scope

The Personnel Commission believes that effective channels of communication must exist within the District to deal effectively with employee complaints and concerns regarding policies and staff rules not covered by bargaining unit contracts.

B.    Exclusions

There are certain subjects and matters that are not covered by this complaint procedure:

1.    An alleged violation of any specific provision of a collective bargaining agreement shall be adjudicated using that agreement's grievance procedure.
2.    An alleged violation of the disciplinary action section of these rules and regulations, if formal disciplinary action has been initiated, shall be adjudicated through the disciplinary action appeal process.
3.    Complaints about the subject matter of a rule, regulation, policy, law, or administrative procedure shall not be subject to this procedure. Any employee with such a complaint should direct his/her suggestions for change through administrative channels to the responsible authority.
4.    An alleged violation of any selection process authorized by these rules should be adjudicated through the appeal process to the Personnel Commission.

C.    Regulations

1.    A "complaint" is an alleged misapplication of the District's policies and/or regulations, which are not subject to a "negotiated" grievance procedure.
2.    Employee complaints must be initiated by the employee within 20 days of the incident giving rise to the complaint, or within 20 days of when the employee could reasonably have knowledge of the incident.
3.    An employee complaint must be initiated with his/her immediate administrator. If an employee complaint is not resolved by his/her immediate administrator, the employee may pursue the matter with higher levels of management personnel.

4. If the employee complaint eventually reaches the Superintendent's level for review, the employee shall submit to the Superintendent or designee a brief written statement including a description of the problem, a summary of the steps taken for resolution and the information received at those steps, and the solution requested by the employee. The Superintendent or designee shall review the employee's statement, conduct such inquiries and conferences as he/she deems necessary, and shall submit a written response to the employee.
5. The decision of the Superintendent or designee shall be final.
6. Nothing in this section shall be construed to limit the right of an employee to be accompanied by a conferee of his/her choice in the conferences described herein. (Board Administrative Regulation 4144)

**4250.17 Recognizing Employees for Years of Service to the District (EC 44015)**

- A. A committee made up of representatives from each site and the District Office shall be established yearly during the month of January. This committee shall be chaired by the Personnel Director or designee.
- B. Criteria for recognizing employees is the number of years of service to be completed by the end of the fiscal year, June 30, verified by the appropriate data processing run and confirmed by the local site representatives.
  1. Employees are honored at the end of multiples of five years of service at an appropriate ceremony. Each employee will receive either a certificate or a pin as follows:
    - a. 5 years – certificate
    - b. 10 years - pin
    - c. 15 years - pin with ruby setting
    - d. 20 years - pin with emerald setting
    - e. 25 years - pin with diamond setting
    - f. 30 years - pin with ruby, emerald, and diamond setting
    - g. 35 or more years - to be determined by the committee
- C. The cost of the award, certificate or pin is not to exceed \$100.
- D. Nothing contained herein shall preclude other activities to recognize employees for service to the District.

**4250.18 Classified Employees Week**

The Personnel Commission recognizes the third full week in May as Classified Employees Week in accordance with Ed Code 45460.

**SECTION 4260      WAGE AND SALARY PROVISIONS**

- 4260.1              Factors in Salary Determination**
- 4260.2              Salary Studies**
- 4260.3              Salary Recommendations**
- 4260.4              Salary Placement**
- 4260.5              Special Compensation and Benefits**
- 4260.6              Certification of Payroll**

**SECTION 4260**

**WAGE AND SALARY PROVISIONS**

**4260.1 Factors in Salary Determination**

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

- A. Wages and salaries for similar work in established bench mark school districts.
- B. The principle of like pay for like work within the classified service.
- C. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.

Other factors may include:

- A. Wages and salaries paid for similar work in private industry in the recruitment area if available.
- B. Wages and salaries paid by other governmental agencies which may be in competition with the District in the labor market.
- C. The staff may consider any information provided by any of the employee organizations or the administration.
- D. Such other information as the Commission may require.

**4260.2 Salary Studies**

- A. A salary study shall be made:
  - 1. Whenever a new class is created.
  - 2. When directed by the Commission.
- B. Employee representatives or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.
- C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives and district administration, upon request.

**4260.3 Salary Recommendations**

- A. After making its findings, the Commission may present salary recommendations to the Board of Trustees for approval. The Board may approve, amend, or reject the recommendation. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of like pay for like service.

No changes shall operate to disturb the relationship which compensation schedules bear to one another as the relationship has been established in the classification made by the Commission. (EC 45268)

- C. By adoption of this rule, the Board reserves the right to increase or decrease the salaries of classified employees at any time during the school year, in accordance with its approval of the recommendations of the Commission.
- D. An employee or employee's representative may appeal the recommendation of the Personnel Director in regard to the salary of his/her class. An employee shall have the opportunity to present his/her case in writing and orally at a regular meeting of the Commission. The administration shall have the same privilege.
- E. If the Board desires reconsideration of salary recommendations, it may return the recommendations to the Commission, which shall reconsider them at its next meeting. After reconsideration, the Commission shall advise the Board of its findings and the reasons therefor.

**4260.4 Salary Placement**

A. Initial Placement

- 1. All new employees shall be appointed at the hiring rate established for the class as approved by the Commission. The hiring rate shall be the first step of the schedule.
- 2. The Personnel Director, with approval of the Superintendent, may authorize advance placement with appropriate rationale.
- 3. If an accelerated hiring rate is approved, all current employees in the class shall be advanced to that rate.

B. Anniversary Increment

- 1. When the first day of service falls between the first and fifteenth day of the month, the anniversary date will be the first of the month. Appointments on the sixteenth or later will set the anniversary date at the beginning of the next month. Employees will receive an annual increment of one step each anniversary until the maximum salary in class is achieved.

2. Such increments shall be earned for each year of satisfactory service. A year of service shall commence with an employee's original date of hire into the regular classified service and such date for future anniversary increments shall not be modified as a result of any promotion and/or transfer.

C. Placement When Promoted

An employee who is promoted or whose position is reclassified to a class with a higher salary range shall be placed on that step in the new salary range which will give the employee a salary increase of 5 percent, except that the new salary shall not exceed the highest step on the new classification.

D. Placement After Leave of Absence Without Pay

Upon return from leave of absence without pay, an employee shall be placed on the same step of the salary range for the class just as though there had been no break in service. His/her anniversary date will be adjusted accordingly. Credit for step advancement shall accrue during any paid leave of absence and absence for military service.

E. Placement When Demoted

An employee who accepts a voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate earned in the higher class, provided that he/she shall not receive a salary increase thereby. An employee shall retain the anniversary date established in the higher class.

F. Placement When Transferred

An employee who is transferred in class or to a related class shall remain on the same step of the salary range.

G. Placement When Reclassified

An employee who is reclassified shall be placed in accordance with rules relating to promotion, demotion, or transfer. When all the positions in a class are merged or reclassified with a higher class, placement shall be a move through the schedule with no change in step.

H. Placement When Subbing in a Higher Class

An employee may be required to perform duties inconsistent with those assigned to his/her position provided that the salary is adjusted in such amounts as will reasonably reflect the duties required to be performed outside his/her normal assigned duties. Salary placement shall be in accordance with rules relating to promotion or may consist of a stipend.

I. Placement When Salary Range Reallocated

When a salary range change is made due to a prevailing rate study or other salary study, an employee shall be placed on the same step in the new range. If, however, the change is to a lower range, the employee's salary may be "Y" rated or frozen.

J. Placement When Promoted While on Layoff List

When an employee has accepted a lower position in lieu of layoff and is subsequently promoted to a higher class, the 5 percent salary increase for the promotion will be based on the last salary before the layoff occurred on the condition that he/she is still on the layoff list.

**4260.5 Special Compensation and Benefits**

A. Work Week and Overtime

1. Work Day and Work Week

The maximum number of hours of regular employment is eight (8) hours a day and 40 hours a week. However, the Board of Trustees may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight (8) hours in one day or 40 hours in one week.

2. Four-Day Work Week; 9/80 Work Week

- a. The Board may establish a ten-hour day, forty-hour, four-consecutive-day work week for employees. (EC 45132)
- b. The Board may establish a nine-hour per day, 80-hour-per-two-week work schedule for employees. (EC 45133)

3. Overtime Defined

- a. Overtime is ordered and authorized working time in excess of eight (8) hours in one day or 40 hours in one week. No one shall order or authorize overtime unless it is compensable as provided below.
- b. In determining the eligibility of an employee to receive the prescribed overtime rate, the number of hours worked by an employee shall include, in addition to actual hours worked, time during which the employee is excused for (and is paid for) holidays, sick leave, vacation, compensatory time off, or any other paid leave of absence.
- c. Approved overtime worked will be compensated for at one and one-half (1-1/2) times the regular hourly rate of pay.
- d. Compensation for approved overtime worked may be in the form of compensatory time off upon prior agreement of the employee and supervisor subject to the following:



- (1) The employee and supervisor agree to this form of compensation prior to the working of overload.
  - (2) Compensatory time will equal one and one-half (1-1/2) hours for each approved overtime hour worked.
  - (3) Compensatory time off shall be taken at a mutually acceptable time.
  - (4) Compensatory time not utilized within a 90-day period shall be reported to the Payroll Department through standard District channels and will be compensated for as regular overtime worked.
- e. An employee having an average work day of four (4) hours or more during the work week shall be compensated at the overtime rate of time and one-half of the regular rate of pay for any work required to be performed on the sixth and seventh day following commencement of the work week.
  - f. An employee having an average work day of less than four (4) hours during a work week shall, for any work required to be performed on the seventh day following the commencement of work week, be compensated at a rate equal to time and one-half of the regular rate of pay.

#### 4. Classifications Exempt From Overtime

Positions listed on the classified salary schedule in the classified management series are exempt from overtime provisions but receive an administrative vacation entitlement in accordance with Personnel Commission Rule 4250.10.A.3.a. (EC 45130)

#### 5. Rest and Lunch Period

- a. Employees who work four (4) consecutive hours or more per day shall normally receive a scheduled fifteen (15) minute rest period for each four (4) consecutive hour period of service. Rest periods not taken shall not be cumulative and may not be scheduled contiguous with the beginning or end of the employees' work day.
- b. A non-compensated lunch period of not less than 30 minutes shall be provided employees who render service of at least five (5) consecutive hours in a work day. Such lunch period shall be assigned by the immediate supervisor and effort will be made to schedule such lunch period near the middle of the employees' work day.

#### B. Holiday Pay (EC 45203)

1. Eligibility - All regular employees who are a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day

immediately preceding or succeeding the holiday:

Independence Day	Day after Christmas
Labor Day	New Year's Eve
Veteran's Day	New Year's Day
Thanksgiving Day	Martin Luther King, Jr., Day
Friday following Thanksgiving Day	Lincoln's Birthday
Christmas Eve	Washington's Birthday
Christmas Day	Spring Recess Day
	Memorial Day

2. In addition, classified employees shall receive every day appointed by the President or the Governor of California for a public fast, Thanksgiving or holiday, or any day declared a holiday for classified or certificated employees.
3. When a scheduled holiday falls on a Saturday, the preceding work day not a holiday shall be deemed to be that holiday. When a scheduled holiday falls on a Sunday, the following work day not a holiday shall be deemed to be that holiday.
4. Regular employees not normally assigned to duty during the school holidays of Winter Recess shall be paid for the holidays designated by the Board of Trustees provided they are in paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.
5. Any classified employee required to work a work week other than Monday through Friday and therefore loses a holiday shall be provided a substitute holiday or compensation in the amount he/she would have received had the holiday fallen within his/her normal work schedule. (EC 45206)
6. An employee assigned and directed to provide service on a holiday shall be compensated at the rate of time and one-half of the regular rate of pay for each assigned hour worked on said holiday. Such compensation for assigned work on a holiday shall be in addition to the normal day's pay.

C. Differentials

1. Shift Differential

All positions, the regularly assigned time of which require the incumbents to work one-half time or more between the hours of 5 p.m. and 7 a.m., shall receive a night differential of one step higher (approximately 5 percent). Such shift differential compensation shall be paid to an employee who is on any paid leave.

2. Shorthand Differential

Employees hired prior to June 30, 1996, in classes which required shorthand and who remain in classes in the secretarial job family shall receive a differential of five (5) percent. If an employee leaves the secretarial job family, the stipend shall cease.

D. Call In/Call Back

If a unit member is called for an unscheduled return to work after his/her normal assigned time, he/she shall be compensated at the appropriate rate for minimum of two (2) hours.

E. Work Cancellation Compensation

An employee reporting for work and sent home due to unusual circumstances shall be compensated for a regular working day. A part-time hourly employee with fluctuating hours shall receive compensation which is calculated on the same basis as vacation and sick leave entitlement.

F. Benefits for Part-Time Employees

1. Benefits for an employee of less than full time are to be provided as authorized in EC 45136 and 45137.
2. Sick leave and all other benefits accorded members of the classified service are to be pro rated on the basis of assigned hours worked per day as it bears to eight (8) hours, 40 hours per week, weeks per month, or months to a calendar year.
3. Health benefits are provided for part-time employees regularly assigned 30 or more hours a week. Sporadic increases in assigned time shall not qualify a part-time employee under this rule.

G. Uniform Allowance (EC 45138)

1. The cost of the purchase, lease or rental of distinctive uniforms required to be worn by classified employees shall be borne by the District.

2. Employees employed as public safety officers shall be provided at District expense with all District-required safety equipment necessary to perform their required duties. Specific items which are required are identified in the collective bargaining agreement.

H. Mileage and Meals

1. Employees who are required to use their own automobiles in the performance of their duties shall receive reimbursement for business miles at the rate specified by the Board of Trustees.
2. The Board may determine fixed mileage reimbursement for certain administrative personnel.
3. Classified employees may be reimbursed for business meals and expenses as determined by administrative regulations.

I. Health Insurance

Classified employees covered by a bargaining unit shall receive health benefits in accordance with negotiated agreements.

Classified confidential and administrative employees shall receive health benefits in accordance with Board policy.

J. Health Insurance Upon Resignation

1. Under federal law, the District is required to offer employees and their dependents the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the health plan would otherwise end. These requirements fall under COBRA (Consolidated Omnibus Budget Reconciliation Act, Federal Public Law 99-272, Title C).
2. Qualifying events which would make this option available include but are not limited to:
  - a. An employee's resignation from employment.
  - b. A reduction in hours of employment.
  - c. The death of an employee.
  - d. A divorce or legal separation from the employee who is covered.
  - e. A dependent child ceases to be a "dependent child."

K. Longevity Compensation

1. Compensation as otherwise determined for unit positions shall be increased by the following percentage of base salary:

2.5% per month at the beginning of the 11<sup>th</sup> yr of service  
5.0% per month at the beginning of the 16<sup>th</sup> yr of service  
7.5% per month at the beginning of the 21<sup>st</sup> yr of service  
12.5% per month at the beginning of the 26<sup>th</sup> yr of service

OR

For employees with a minimum of ten (10) years of service with the district, compensation as otherwise determined shall be increased by an amount of \$62.50 per month for full-time employees and \$0.36 per hour for hourly employees for service between the first day of the first calendar month after the 62<sup>nd</sup> birthday until they retire from the District service.

2. Effective July 1, 2006, longevity increments for classified management and confidential were adjusted from a fixed dollar amount to a percentage base: 2.5 percent at 21 years, 7.5 percent at 26 years.

L. Retirement

1. A combination of Social Security and California Public Employees Retirement System was optional to all regular employees employed prior to November 1, 1959, and compulsory for all new employees after January 1, 1960. Under this plan the employee and the District share costs of Social Security and state retirement coverage. Employees make monthly contributions to CalPERS by payroll deduction as a percent of total salary exclusive of overtime.
2. Classified employees are eligible to retire from CalPERS in a normal service retirement after five (5) years of credited service upon reaching age 50. The District abides by CalPERS retirement rules and regulations.
3. A refund of contributions to CalPERS made by the employee may be obtained only upon termination. The employer's contribution cannot be withdrawn. There is no refund on Social Security deductions.
4. There will be no minimum or maximum age limit for employment or continuance of employment except as required by law.

M. Voluntary Retirement - Classified Management/Confidential

Classified management and confidential employees are covered by retirement options in accordance with Board Policy 4317.1.

N. Unemployment

Classified employees of school districts are covered by unemployment insurance.

**4260.6 Certification of Payroll**

A. 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 provisions of the Merit System.

B. Payroll Audit

The Personnel Director shall audit all initial assignments and changes of assignment for classified personnel. If found to be in accordance with existing law and rules, the Personnel Director shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll following the initial assignment and certification by the Personnel Director shall bear the certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification. (EC 45310)

C. Irregularities

If the Personnel Director determines that assignments have not been made in accordance with these rules or existing law, he/she shall attempt to resolve the problems. If unsuccessful, the Personnel Director may submit a notice of withdrawal of certification for pay purposes to the county and District.

**SECTION 4270      ADDITIONAL PROVISIONS**

**4270.1              Political Activity**

**4270.2              Violations**

**SECTION 4270**

**ADDITIONAL PROVISIONS**

**4270.1 Political Activity**

A. Political Activity Freedom

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

B. Cause for Disciplinary Action

Any employee may be disciplined for improper political activity, which includes:

1. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized by law for such purposes and the employee has obtained prior required approval.
2. 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.
3. Engaging in active campaigning in behalf of any candidate, including an employee, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during the employee's assigned hours of employment.
4. Attempting to gain any advancement or privilege under the provisions of these rules through political activity.

C. 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 PC Rule 4270.1.B.

D. Political Leave of Absence

1. 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.
2. Such leave is required if the employee is a candidate for election to the Board of Trustees.



E. 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. The employee will be placed on appropriate list(s) and notified that he/she may be offered limited-term employment.

F. Intent

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

**4270.2 Violations (EC 45317)**

Any person who willfully or through culpable negligence, violates any of the provisions of these rules is guilty of a misdemeanor. It is also unlawful for any person to:

- A. Willfully, alone or in cooperation with another person, defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under the Personnel Commission Rules.
- B. Willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the Personnel Commission Rules, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Willfully 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 the Personnel Commission Rules.