

**RULES AND REGULATIONS
OF THE
CLASSIFIED SERVICE**



Personnel Commission

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CHAPTER 1

RULE MAKING AUTHORITY AND DEFINITIONS

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1.1 AUTHORITY AND APPLICATION OF RULES

1.1.1 PURPOSE:

The purpose of these Rules is to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness. These Rules shall provide for the procedures to be followed by the Board of Education as they pertain to the classified service.

1.1.1.1 The Rules shall provide for the procedures regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analysis and classifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary by the Commission to insure the efficiency of the classified service and the selection and retention of employees based on merit and fitness.

REFERENCE: Education Code 45260 and 45261

1.1.2 STATUTORY AUTHORITY FOR THESE RULES:

The Rules contained herein are established pursuant to the authority of the Personnel Commission under Article 6 (Merit System) of the Education Code; as well as other provisions of law that have been made applicable to classified school employees.

1.1.2.1 Since amendments to existing rules and regulations and the implementation of new rules and regulations can impact the Board of Education, Administration, and classified employees, the Commission will submit copies of all proposed rules, amendments to, or the deletion of existing rules and regulations to the Superintendent and the exclusive representative (CSEA) of the classified employees prior to adoption by the Personnel Commission.

REFERENCE: Education Code 45260 and 45261
Government Code 3543.2

1.1.3 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 However, specific applicable provisions of these Rules shall not be waived, ignored, or superseded unless because of the special circumstances of particular cases. In instances where two or more

rules appear to be in conflict, or when no rule provides a clear answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Personnel Commission. The Commission is open to responsible suggestions to amend the Rules with prospective application. When a conflict exists between the RUSD-CSEA Agreement and Merit Rules, the Agreement language prevails.

REFERENCE: Education Code 45260

1.1.4 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.

REFERENCE: Education Code 6 and 45260

1.1.5 APPLICATION OF THE RULES TO BARGAINING UNIT MEMBERS:

The subject matter of a rule may be within the scope of representation as defined by Government Code §3542.2. Where an agreement on the subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit (CSEA), the agreement shall supersede the provisions of the rule as they apply to that unit. Where no agreement exists between the District and exclusive representative then the subject of the rule shall apply to that unit.

1.2 DEFINITIONS:

ABANDONMENT OF POSITION An employee's failure to appear for duty for three (3) or more consecutive working days without permission or failure to return to work within three (3) working days from an authorized leave of absence and failure to specify to the District a valid or acceptable reason for absence. (Commission Rules)

ADMINISTRATIVE CLASS A class consisting of a position or positions which plan, control, supervise and review the work of employees and which perform general administrative duties such as budget preparation, project/program development/review, personnel staffing analysis, etc. Appointment to a class designated as "administrative" is subject to a one year probationary period. (Education Code 45301; Commission Rules)

ADVANCED SALARY STEP PLACEMENT An initial hiring rate at a step or more higher than the beginning step of the range for a class as requested by District management, authorized by the Personnel Director and ratified by the Personnel Commission. (Commission Rules)

ALLOCATION The official placement of a position in a class and the assignment of the class title to the position. (Also known as "classifying".) (Education Code 45256; Commission Rules)

ANNIVERSARY DATE The date upon which an employee is granted an earned salary increment. This is the first day of the month if the employee is employed from the 1st through the 15th of the month; it will be the first of the succeeding month if the employee is employed from the 16th to the end of the month. (Commission Rules)

APPLICANT A person who has filed an application to take a merit system examination. (Education Code 45272)

APPOINTING AUTHORITY OR POWER The Board of Education of the Rowland Unified School District. (Commission Rules)

APPRENTICE An employee assigned to an established apprenticeship position requiring on-the-job and classroom training in accordance with apprenticeship standards as established by the District and approved by the California Apprenticeship Council. (Education Code 45263)

ARMED FORCES United States Air Force, Army, Navy, Marine Corps, or Coast Guard.

AVAILABLE CANDIDATE A candidate who is ready and willing to accept a position and who is physically and mentally able to perform the required duties. (Education Code 45272)

BARGAINING UNIT MEMBERS Those employees of the Rowland Unified School District who have been identified in the negotiations process as being subject to the provisions of the Employee Agreement. (Government Code 3540.1; Commission Rules)

BEREAVEMENT LEAVE Paid leave of limited duration granted to an employee upon the death of a member of the immediate family as defined in the Employee Agreement. (Employee Agreement 8.2; Education Code 45194)

BOARD The Board of Education of the Rowland Unified School District. (Commission Rules)

BREAK IN SERVICE Severance of an individual's employment relationship with the District, and the subsequent reinstatement or reemployment.

BUMPING RIGHTS The right of an employee in a layoff situation to displace another employee who has less seniority in the same or a lower class in the same job family (provided he/she has held status in the lower class or meets the minimum qualifications)

of the class).
(Employee Agreement 10.12.6, 10.12.8; Commission Rules)

CALENDAR YEAR Begins January 1 and ends the following December 31.

CANDIDATE A person who has competed in one or more portions of a merit system examination. (Education Code 45272)

CAUSE Those specific activities, behaviors or events which are subject to disciplinary action. (Education Code 45302)

CERTIFICATED SERVICE All positions and employees required by law to possess credentials issued by the State Department of Education. (Education Code 44065)

CERTIFICATION The referral by the Commission of the names of eligibles from an appropriate eligibility list or from other sources of eligibility to the appointing authority. (Education Code 45272, 45277, 45278, 45282; Commission Rules)

CHILD REARING LEAVE An unpaid leave of absence for the purpose of attending to the needs of the newborn infant not to exceed one year from the date of birth of the infant.
(Employee Agreement 8.10)

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

CLASSIFIED SERVICE All positions and employees in the District's service to which Article VI (Merit System) of the Education Code applies and which are not exempted by the Code. (Education Code 45256; Commission Rules)

CLASS SPECIFICATION An official document describing the positions in a class containing the official class title; summary of duties; statement of distinguishing characteristics; typical duties to be performed; statement of required skills, knowledge, abilities and traits needed to perform the duties; minimum qualifications for service in a class stated in terms of education, experience, training and/or length of service; special licenses; bilingual and/or biliterate skills which may be required; an estimate of the general physical requirements; length of probationary period; any special designations; and, the date the class specification was adopted by the Commission. (Commission Rules)

CLASS TITLE A definitive, descriptive title applied to a class and to all positions of the class. To be taken with the meaning set forth in the description of the class as

embodied in the specification, and to be as descriptive as possible of the duties assigned to the class.

COMMISSION The three-member Personnel Commission established pursuant to the merit system provisions of the Education Code. (Education Code 45243)

CONCERTED LABOR ACTION Any strike, picketing, sickout, slow-down, stoppage, or other refusal by employees, individually or collectively, in connection with a labor dispute, to perform the services for which they are employed.

CONFIDENTIAL EMPLOYEE A District employee who, in the regular course of his/her duties, has access to, or possesses information relating to his/her employer's employer-employee relations. Such employees along with supervisory and management are listed in the exclusion portion of the employee agreement. (Government Code 3540.1c; Commission Rules)

CONTINUOUS EXAMINATION A method of recruiting applicants in which the last day for filing applications is not specified and examinations are conducted from time to time as the needs of the service require and when there are sufficient applications on file. (Commission Rules)

DAY One calendar day consisting of twenty-four (24) hours, as opposed to a "working day" which is any day during which the Central Administrative Office of the Rowland Unified School District is open for business. (Commission Rules)

DEMOTION A change of assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary range. (Education Code 45302; Commission Rules)

DISABLED VETERAN Any veteran who is currently declared by the United States Veterans Administration to be ten percent (10%) or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration. (Education Code 45295)

DISCHARGE OR DISMISSAL Separation from service for cause. (Education Code 45302 to 45305)

DISTRICT The Rowland Unified School District.

DUAL CERTIFICATION An eligibility list whereby open and promotional candidates are placed on one eligibility list in rank order of their scores after promotional credits have been granted to promotional candidates. Notice of dual certification must be announced on the recruitment bulletin. (Education Code 45284; Commission Rules)

ELIGIBILITY LIST A rank order list of the names of persons who have qualified in a merit system examination for appointment to position(s) in a specific class. In the event

of tie scores, more than one name may hold the same rank. (Education Code 45272; Commission Rules)

ELIGIBLE Adjective: Legally qualified to be appointed.
Noun: A person whose name appears on an eligibility list.
(Education Code 45272; Commission Rules)

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. (Education Code 45290)

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

EMPLOYEE AGREEMENT The written understanding between the Board of Education of the Rowland Unified School District and Chapter 133 of the California School Employees Association pertaining to those matters which are deemed negotiable. (Commission Rules)

EMPLOYMENT LIST A list of names from which certification may be made. Includes the list of persons who wish to transfer, return to regular status from limited status, be demoted, be reinstated after resignation, or be restored after voluntary demotion or reduction in hours. (Education Code 45291; Commission Rules)

EXAMINATION A test or combination of tests that relate to job performance and which determine the relative capacity of candidates to discharge the duties and responsibilities of the class in which they are seeking appointment. (Education Code 45273)

EXAMINATION ASSISTANT One who assists in the preparation of test material and proctors exams.

EXECUTIVE CLASS A class consisting of a position or positions which direct a major division and plan, organize, control, supervise and review the work of subordinate supervisory personnel. Appointment to a class designated as "executive" is subject to a one (1) year probationary period. (Education Code 45301; Commission Rules)

EXECUTIVE SECRETARIAL POSITION Those positions who serve as executive secretaries and who report directly to the Board members, superintendent and the assistant superintendents. Such positions may have certain testing and status provisions waived. (Education Code 45272b)

EXEMPT CLASS A class which is not subject to merit system rules and regulations as prescribed by the Education Code. (Education Code 45256)

EXHAUSTED ELIGIBILITY LIST An eligibility list which does not contain three (3) ranks of eligibles who are ready and willing to accept a position unless the appointing

authority is willing to appoint one of the remaining eligibles. A list may be considered exhausted for part-time positions yet remain in effect for the full-time positions and vice versa. (Education Code 45300)

FIELD OF COMPETITION Those categories of persons (either from within or outside the District) authorized by the Personnel Commission to participate in a merit system examination for a specific class.

FISCAL YEAR Begins July 1 and ends the following June 30.

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. (Education Code 45256)

GOVERNING BOARD The Board of Education of the Rowland Unified School District.

GRIEVANCE An allegation by a member or members of the Bargaining Unit that she/he/they has/have been adversely affected by a violation or misapplication of the specific provisions of the Employee Agreement. (Employee Agreement 14.2)

HEARING A formal presentation before a hearing officer or member(s) of the Personnel Commission pertaining to charges or violations of the Education Code or Commission rules during which time said parties may present evidence and examine witnesses. (Commission Rules)

HEARING OFFICER A qualified person employed by the Personnel Commission to hear and make recommendations on appeals from disciplinary action, or on matters which are under the Personnel Commission's responsibility. (Education Code 45312)

HOURLY PAY Compensation based on the number of hours worked per day. Hourly pay is computed on a factor of 173.33 hours per month. (Commission Rules)

IMMEDIATE FAMILY Members of the immediate family specifically husband, wife, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandmother, or grandchild of the employee or spouse, or any person who resides in the employee's immediate household (in granting a bereavement leave). (Education Code 45194; Employee Agreement 8.2)

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE A permanent employee's absence due to injury or illness which arose out of and in the course of employment with the District. (Education Code 45192; Employee Agreement 8.7)

JURY DUTY LEAVE A paid leave of absence while serving on jury duty. (Education Code 44037; Employee Agreement 8.3)

LAYOFF Separation from a permanent position, reduction in hours, or a voluntary demotion as a result of a lack of work or lack of funds. (Education Code 45114, 45192, 45195, 45308; Employee Agreement 10.9; Commission Rules)

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

LEGALLY EMPLOYED When as a result of a classification study two or more classes are merged, or one class is separated into two or more classes, the incumbent(s) in the position(s) are granted status in the new classification without further examination when the duties of the positions or time spent on such duties have not changed; the resulting classification action will not affect the duties of the position; it is found the incumbents have been tested; and that such classification action is merely a reflection of a change in classification judgment. (Commission Rules)

LIMITED TERM A term used in the Education Code to designate employment for periods not to exceed six months, or employment during the authorized absence of a permanent employee. (Education Code 45286; Commission Rules)

LIMITED-TERM EMPLOYEE An employee who is serving as a substitute for a regular employee, or in a position established for a limited period of six months or less. (Education Code 45286)

MATERNITY LEAVE An unpaid leave of absence prior to the birth of the baby and prior to the commencement of the pregnancy disability period. (Employee Agreement 8.9.1; Education Code 45193)

MAY A verb indicating that an action is permissive.

MERGING The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores of eligibles. Each individual eligibility list within a merged list expires one year or sooner if specified on the recruitment bulletin. (Education Code 45291)

MERIT SYSTEM A personnel system in which merit and fitness govern each individual's selection, progress, and retention in the service. (Commission Rules)

MILITARY LEAVE Authorized absence to engage in ordered military duty. (Chapter 43, United States Military Code; Employee Agreement 8.5)

MINIMUM QUALIFICATIONS Mandatory requirements which shall be stated in terms of education, training, skills, knowledge, abilities, traits, experience, and/or length of service as prescribed by the Personnel Commission for those who wish to compete in a merit system examination. (Education Code 45272)

MONTHLY PAY Compensation based on twenty-two (22) working days per month.

NON-CLASSIFIED SERVICE All positions which by law are not a part of the classified or certificated service. (Education Code 45256)

OPEN EXAMINATION An examination which may be taken by any qualified person. (Education Code 45284)

OVERTIME Authorized time worked by an employee in excess of eight (8)/ten (10) hours a day and/or forty (40) hours a week, or in excess of five (5) consecutive days in a workweek. (Employee Agreement 10.4, 10.4.2)

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. (Education Code 45256)

PERFORMANCE EVALUATION An evaluation of the work and conduct of an employee. Also refers to the form used for this purpose. (Commission Rules)

PERMANENT EMPLOYEE In reference to District employment status, an employee who has completed his/her initial probationary period in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class. (Education Code 45301; Commission Rules)

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

PERSONAL LEAVE An unpaid leave of absence granted by the site manager not to exceed six (6) months after all entitlement to sick leave, vacation, compensatory overtime or other available paid leave has been exhausted and who is absent because of non-industrial accident or illness. Such leave may be extended for two additional six (6) month periods or lesser periods but not to exceed a total of eighteen (18) months. (Education Code 45195; Employee Agreement 8.11)

PERSONAL NECESSITY LEAVE Leave which may be taken for reasons of personal necessity as specified in the Education Code and the Employee Agreement. Such leave is charged to the employee's illness leave and is limited to seven (7) days in a fiscal year. (Education Code 45207; Employee Agreement 8.8)

PERSONNEL COMMISSION Three members appointed in accordance with Education Code provisions and responsible for maintenance of the merit system for classified employees. (Education Code 45244; Commission Rules)

POLICE CLASS Any classification which meets the criteria of a "Peace Officer" as defined in the Penal Code. (Commission Rules)

POSITION A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person on a permanent or limited term basis. A position can only be established by action of the Board of Education or Personnel Commission (for Commission staff only). (Commission Rules)

POSITION DESCRIPTION A statement of the duties assigned to a position as prepared by an incumbent and reviewed by his/her supervisor. (Commission Rules)

PROBATIONARY PERIOD A trial period of 130 days of paid service or six months, whichever is longer, prior to appointment to a regular position in a class, except for classes designated by the Commission as executive, administrative, or police classes in which the probationary period is one year. (Note: Paid service shall mean days on the job.) (Education Code 45301; Commission Rules)

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. (Commission Rules)

PROMOTIONAL EXAMINATION An examination limited to qualified employees of the District who have attained permanency and who seek to move to a classification with a higher maximum salary rate. (Commission Rules)

PROTEST A candidate's claim that one or more of the rules/procedures/policies pertaining to the examination process have been violated. (Education Code 45274)

PROTEST PERIOD The period of time during which the candidates may review a test or their exam scores and submit a protest. (Education Code 45274)

PROVISIONAL APPOINTMENT (Full-Time) A temporary appointment to a full-time position not to exceed ninety (90) working days in the absence of an appropriate eligibility list. Under certain circumstances, such appointment may be extended for an additional 36 working days. If such circumstances are not in existence, subsequent provisional appointment of the same employee to a full-time position requires a ninety (90) calendar day lapse.

No person may be employed in a full-time position in a provisional capacity for more than one hundred twenty-six (126) working days in any one fiscal year. (Education Code 45287, 45289; Commission Rules)

PROVISIONAL APPOINTMENT (Part-Time) A temporary appointment to a part-time position not to exceed ninety (90) working days in the absence of an appropriate eligibility list. If no one is available on an appropriate eligibility list, an employee may receive successive provisional appointments of ninety (90) working days to a part-time position, and the length of appointment may exceed one hundred twenty-six (126) working days in any one fiscal year. (Education Code 45287)

REALLOCATION The removal of one or more position(s) from one class to another class on the basis that the duties have suddenly changed due to a reorganization or a sudden change in the assignment of duties. (Commission Rules)

RECLASSIFICATION The change of a position from one class to another class on the basis that a change in duties had gradually occurred. (Education Code 45101, 45285.1) (Commission Rules)

RECRUITMENT BULLETIN A job announcement which states that an examination is open for filing applications. The statement shall contain the class title, salary range of the class including salary differential, summary of the duties of the class, minimum qualifications, special requirements, examination content, weights of tests in determining the final score, competitive basis, the last date to file, etc. (Education Code 45277, 45278; Commission Rules)

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, or abolishment or reclassification of positions, exhaustion of illness or industrial accident leave privileges, or other reasons so specified, and who are eligible for reemployment without examination in their former class for a period of 39 months, arranged in order of their right to reemployment. In certain specific cases of reduction in class or reduction in time assignment in lieu of layoff, the period of reemployment is extended an additional 24 months.
(Education Code 45192, 45298; Employee Agreement 10.12.11; Commission Rules)

REGULAR EMPLOYEE An employee who has a probationary or permanent status.

REINSTATEMENT A reappointment (discretionary with the Board of Education) after resignation within 39 months after the last day of paid service, without examination, to a position in one of the employee's former classes or in a related lower class, with restoration of all rights, benefits and burdens of a permanent employee. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission. (Education Code 45309; Commission Rules)

RESIGNATION A voluntary statement, preferably in writing, from an employee to be terminated from one or all of his/her assignments. (Education Code 45309)

RESTRICTED POSITION Position whose incumbent must be from low-income groups or from designated geographical areas or who has a mental or physical handicap or meets other specified criteria and who is not entitled to employment permanency except under certain conditions. (Education Code 45105, 45259)

RETITLE A change of title of a classification having no affect upon salary or the duties of the positions in the class. (Commission Rules)

REVERSION The return to a former class in which the employee once held permanent status. Reversion may involve return to a class which may have a higher, same or a lower maximum salary rate than the employee's current class.

RULE OF THREE RANKS When a vacancy occurs in a class, only the top three (3) ranks of eligibles on an eligibility list who are ready and willing to accept a position can be submitted to the appointing authority for consideration when filling a position. (Education Code 45272; Commission Rules)

SALARY DIFFERENTIAL Salary allowance in addition to the basic rate based upon additional skills, responsibilities or pressure of work such as night shift, hazardous conditions, etc.

SALARY RANGE A series of consecutive salary steps that comprise the rates of pay for a classification.

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

SALARY SCHEDULE A list of ranges, steps and rates established for the classified service. (Education Code 45268)

SALARY STEP A specific rate in a salary range.

SALARY SURVEY The collection and report of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry and other public agencies. (Education Code 45268)

SCHOOL YEAR Same as fiscal year (July 1 to June 30)

SENIOR MANAGEMENT POSITION A management position designated by the Board of Education which is exempt from all merit system provisions relating to permanent status and which has a unique testing and certification process. (Education Code 45100.5, 45104.5, 45108.5, 45108.7, 45256.5; Commission Rules)

SENIORITY Length of service within a class based on date of hire in the class, plus all higher classes. Used for determining order of layoff and to calculate extra points for employees taking promotional examinations. (Education Code 45271, 45308; Employee Agreement 10.10; Commission Rules)

SEPARATION Leaving a position; includes resignation, dismissal, layoff, retirement, etc.

SHALL AND WILL These verbs indicate that the action is mandatory.

SICK LEAVE Paid leave of absence for personal injury or illness which requires proof of illness or injury after five (5) consecutive days. (Education Code 45191; Employee Agreement 8.6)

STATUS Permanency which is acquired in a classification by: transfer, demotion, or certification from an eligibility or employment list; appointment by the appointing power; and the successful completion of the probationary period. (Education Code 45309)

STEP ADVANCEMENT Movement to a higher step of the salary range or schedule for a class as a result of having served the required period of time and having received at least an overall satisfactory evaluation. (Commission Rules)

SUBSTITUTE EMPLOYEE An employee occupying a permanent position during the absence of the incumbent. (Education Code 45286)

SUPERVISORY CLASS A class containing a position or positions having the authority to exercise independent judgment or recommend action in the hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding or disciplining employees, as well as assigning and directing their work and adjusting grievances. A supervisory class is distinguished from an administrative class in that the latter is designated as management and typically has responsibility for budget development, planning, etc. (Education Code 45130; Commission Rules)

SUSPENSION Temporary removal of an employee from a position for cause, with or without pay, or indefinite removal preliminary to investigation of charges. (Education Code 45303, 45304)

TECHNICAL CLASS A class containing a position or positions which require extensive independent judgment in performing specialized scientific duties or operating highly complex and sensitive instruments. An appointment to a "technical" class is subject to a six (6) month probationary period. (Education Code 45301)

TEMPORARY Employment on a basis other than permanent or probationary; e.g. in limited term or provisional status.

TERMINATION Conclusion of employment with Rowland Unified School District as a result of resignation, dismissal, or end of assignment.

TEST A job related method used to evaluate the relative fitness of candidates, also known as examinations. (Education Code 45272)

TRAINING LEAVE A leave of absence not to exceed one (1) year for the purpose of permitting study by the employee for purposes of retraining to meet changing conditions within the District. (Education Code 45381)

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

same salary range. (Education Code 45272, 45278; Employee Agreement 9.2; Commission Rules)

VACATION LEAVE A paid leave of absence for the purpose of refreshing the employee. Vacation credits are earned as designated by Section 45197 of the Education Code, the Governing Board and, for represented employees, the Employee Agreement. (Employee Agreement 11.1; Education Code 45197)

VALIDATED TEST A test which is based on a content or criterion related study of the class for which the examination is being given.

VETERAN Any person who has served in the United States armed forces in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable. Proof shall be submitted at the time of filing an application. (Also, see Disabled Veteran) (Education Code 45296)

VETERAN'S CREDIT Five additional points added to a passing score in entrance examinations, for military or related service rendered during the time of war or national emergency. An additional five points is added for disabled veterans. (Education Code 45296)

WAIVER The voluntary relinquishment by an individual of any right to consideration for appointment from an eligibility list.

WITNESS LEAVE A paid leave of absence to appear in court as a witness other than as a litigant or to respond to a court order from another governmental jurisdiction for reasons not brought about through the misconduct of the employee, also known as "Judicial Leave". (Education Code 44036; Employee Agreement 8.4)

WORK YEAR The portion of the year for which work is authorized.

"Y" RATE A rate above the established rate or range of salary for a class. (Commission Rules)

CHAPTER 2

THE PERSONNEL COMMISSION

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2.1 ORGANIZATION OF THE PERSONNEL COMMISSION

2.1.1 TERMS OF OFFICE AND GENERAL SELECTION PROCEDURES:

The Personnel Commission is composed of three members who must be registered voters, reside in the Rowland Unified School District, and be known adherents to the principle of the merit system. One member of the Commission is appointed by the Board of Education, one member is appointed by the classified employee organization that represents the largest number of the District's classified employees, and the third member is appointed by the other two members of the Personnel Commission.

No member of the Rowland Unified School District Board of Education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During his/her term of office, a member of the Personnel Commission shall not be an employee of the Rowland Unified School District.

As used in this chapter, known adherent to the principle of the merit system, with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. Regarding a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he supports the merit system and its operation.

The term of office for each of the Commissioners is for a three (3) year period and expires at 12:00p.m. on December 1st of the third year. The term of one Commissioner expires each year.

REFERENCE: Education Code 45244, 45245, 45246 and 45247

2.1.2 APPOINTMENT PROCEDURES:

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

Appointment by the Board of Education: By September 30th, the Board shall publicly announce the name of the person it intends to appoint or reappoint. At a Board meeting to be held after thirty (30) days and within forty-five (45) days of the date the Board publicly announced its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person

recommended by the Board of Education for appointment. The Board at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

Appointment by the Classified Employees: The classified employees shall submit the name of their nominee to the Board of Education at least thirty (30) days prior to the date the vacancy will occur. The board shall appoint that nominee effective the date the vacancy occurs. Should the classified employees voluntarily withdraw the name of their nominee and submit the name of a new nominee, the Board shall appoint the new nominee. It is the responsibility of the classified employees to ensure that their nominee is a known adherent to the principle of the merit system. In the event that a vacancy is created on the Personnel Commission due to the classified employees' failure to agree upon a nominee, the Board of Education, upon the recommendation of the Personnel Director may make an emergency appointment until such time as a permanent appointment may be made, but not to exceed sixty (60) days.

Appointment by the Commissioners: By September 30th, the appointee of the Board of Education and appointee of the classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held after thirty (30) and within forty-five (45) days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Commission. The Commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing. Whenever a vacancy would otherwise exist on the Personnel Commission as of December 1st due to the failure of the Commission to take action on a new appointment, the Commissioners' prior appointee shall continue in office and function as a member of the Personnel Commission until action is taken to appoint a qualified successor and that person is able to assume the duties of the position. In the event that an appointment is not made due to the inability to agree on a joint appointee, then the Superintendent of Public Instruction shall make the appointment if no agreement is reached by November 1st.

A Commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed, but for no more than ninety (90) days.

REFERENCE: Education Code 45244, 45245, 45246 and 45247
Government Code 1302 and 1770

2.1.3 FILLING VACANCIES DURING THE TERM OF OFFICE:

The Personnel Director shall immediately notify the other Commissioners, the Board of Education, and the recognized classified employee organization of the name of the Commissioner, the effective date of the vacancy, the duration of the

unexpired term, the name of the appointing authority, and the procedures to be followed in filling the vacancy.

The Board of Education's Appointment: Within thirty (30) days of notification of the vacancy, the Board of Education shall publicly announce the name of the person it intends to nominate to fill the unexpired term. The appointment procedures contained in Rule 2.1.2 shall be followed.

The Classified Employees' Appointment: Within thirty (30) days of notification of the vacancy, the classified employees shall publicly announce the name of the person they intend to appoint to fill the unexpired term. The appointment procedures contained in Rule 2.1.2 shall be followed.

The Personnel Commission's Appointment: Within thirty (30) days of notification of the vacancy, the Personnel Commission shall publicly announce the name of the person it intends to appoint to fill the unexpired term. The appointment procedures contained in Rule 2.1.2 shall be followed.

Unfilled Vacancies: In the event that a vacancy goes unfilled due to the failure of the classified employees to agree upon a nominee, the Board of Education may make an emergency interim appointment until such time as a permanent appointment can be made, but not to exceed sixty (60) days.

REFERENCE: Education Code 45244, 45245, 45246, 45247, and 45260
Government Code 1302 and 1770

2.1.4 EMERGENCY APPOINTMENT OF COMMISSIONERS:

Whenever there are two vacancies on the Personnel Commission, the Board of Education, at the request of the Personnel Director, shall declare that an emergency exists and shall make one interim appointment to fill a vacancy. An interim appointment shall be valid for not more than sixty (60) days. The interim appointment shall terminate on the date when notification of a permanent appointment is received by the appointing authority. An interim appointee must meet the requirements of the Education Code and Rule 2.1.1.

REFERENCE: Education Code 45244, 45248, 45260, and 45261

2.1.5 OFFICERS OF THE COMMISSION:

At the first regularly scheduled meeting following December 1st of each year, the Commission shall elect one of its members as Chairman and another member as Vice-Chairman to serve one year terms. Elections may also be held if one of the officers resigns and his/her term of office has not yet expired to fill the remaining portion of the term of office.

REFERENCE: Education Code 45260 and 45261

2.1.6 QUORUM AND MAJORITY VOTE:

Two members shall constitute a quorum for any regular or special meeting of the Personnel Commission. The affirmative vote of two members is required to carry any motion or action of the Commission. A Commissioner shall abstain from the vote if s/he has, or may have, a personal pecuniary interest or gain. When voting on the disposition of disciplinary cases, a Commissioner shall abstain if s/he had his/her objectivity prejudiced prior to the case being heard.

REFERENCE: Education Code 45260 and 45261
Government Code 54952.6

2.1.7 COMPENSATION OF COMMISSION MEMBERS:

The members of the Personnel Commission shall receive compensation at the rate of fifty dollars (\$50) per meeting, not to exceed two hundred fifty dollars(\$250) per month.

REFERENCE: Education Code 45250 and 45260

2.2 MEETINGS

2.2.1 REGULAR MEETINGS:

Meetings shall normally be held on the first Tuesday of every month at 4:30 p.m. at the District Office. Whenever the regularly scheduled meeting date falls on a holiday, the Commission shall meet on the next succeeding business day unless the Commission, at a prior regular meeting, takes an action to schedule some other day for the meeting. In cases of emergency, the Commission may meet at some other time and/or place provided that written notice is provided at least forty-eight (48) hours in advance to representatives of the employee organization, employees, and the District administration. A copy of the written notice will be posted on the Commission's official bulletin board and District website. Special meetings may be held at any time as directed by the Chair of the Commission or by two members of the Commission.

REFERENCE: Education Code 45260
Government Code 54952, 54952.3, 54956.5

2.2.2 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 is to be held, it shall be held at the hour designated for regular Commission meetings.

REFERENCE: Education Code 45260
Government Code 54952, 54952.3, 54956.5

2.2.3 SPECIAL MEETINGS:

Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two Commission members. Written notice for a special meeting shall be delivered personally or by mail to each member of the Personnel Commission. A copy of the written notice must also be provided to the District administration, the classified employee organization, and to others that have filed written requests to be notified. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The meeting notice shall specify the time and place of the special meeting as well as the business to be transacted. No other business shall be considered at such meeting by the Commission. A copy of the notice will be posted on the Commission's official bulletin board and website.

REFERENCE: Education Code 45260
Government Code 54956

2.2.4 PUBLIC MEETINGS:

All official business of the Personnel Commission, except matters requiring discussion in closed session, shall be transacted at regular, adjourned (continued) or special meetings that shall be open and public. All persons shall be permitted to attend any Commission meeting except as provided in Rule 2.2.5. This rule shall not be construed as permitting employees to be absent from duty without their supervisor's approval to attend Commission meetings.

REFERENCE: Education Code 45260
Government Code 54952 and 54953

2.2.5 CLOSED SESSIONS:

The Commission may hold a closed session during regular or special Personnel Commission meetings that have been called with proper notice. Prior to holding a closed session, the Commission shall state the reasons for the closed session and cite the statutory or legal authority. Only those matters identified may be considered in closed session. The Commission may hold a closed session to:

- A. Consider the appointment, employment, evaluation, or dismissal of a classified employee.

- B. Hear complaints or charges brought against a classified employee unless such employee requests a public hearing.
- C. Consideration of legal matters which come within the purview of the attorney/client privilege.

When a matter is considered at a closed session which will require action by the Commission, the final action may be taken in a public or closed session. However, the result of such action if taken in closed session must be announced by the presiding officer. The result of such action shall be recorded in the minutes of the Commission. All matters discussed in closed session shall be kept confidential. A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor under the provisions of Government Code §1222.

REFERENCE: Government Code 1222, 54952, and 54953

2.2.6 PROHIBITION OF COMMISSIONERS GATHERING PRIVATELY TO CONDUCT COMMISSION BUSINESS:

Whenever official business is to be transacted, such decisions shall only be made in official Commission meetings. Commissioners cannot meet privately to conduct Commission business. The attendance of a majority of the Commission members at a conference or other gathering open to the public that involves a discussion of issues of general interest is permitted provided that a majority of members do not discuss among themselves business of a specific nature that is with the purview of the Commission.

REFERENCE: Government Code 54952.2

2.2.7 CITIZEN, EMPLOYEE AND DISTRICT INPUT ON MERIT SYSTEM SUBJECTS:

Any employee, Board member, CSEA representative or citizen is encouraged to submit any comments or statements on any matter within the Commission's jurisdiction through the Commission's office. If Commission staff cannot resolve the problem, the party may place his/her concern in writing for further consideration by the Commission which shall be placed on the next Commission agenda.

Staff shall prepare a report and said report shall be considered a public record and be made available to the party. However, any information which is considered confidential, e.g. examination records shall be omitted from the report and such information shall be transmitted separately to the Commission marked confidential. Each Commissioner shall consider all available data prior to reaching a decision.

2.2.8 AGENDA AND SUPPORTING DATA:

Insofar as possible, at least seventy-two (72) hours prior to every regular or special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing classified employees, the Commission members, and the Superintendent. The agenda will be posted on the Commission's official bulletin board and District website, and distributed to the news media having requested it.

- A. Individual employees, employee organizations, and other interested parties may submit their written views on any item on the agenda, except for those matters listed in Personnel Commission Rule 20.2.5 Closed Sessions, and/or given a reasonable opportunity to present their views orally during the Commission meeting. In reaching its decisions, the Commission has made it a policy to consider all comments and recommendations made to it in this manner.
- B. District employees, representatives of recognized employee organizations, the Board of Education, District administrators, or other interested parties may submit items to be placed on a Commission agenda by submitting the items to the Personnel Director not less than seven (7) business days prior to scheduled Commission meeting at which the item is to be considered.

REFERENCE: Education Code Section 45260
Government Code Section 54954.2

2.2.9 AMENDMENTS, DELETIONS, OR ADDITIONS TO THE RULES:

The Commission is open to responsible suggestions to amend, delete and add to rules. All proposals from any source to amend, delete or add to the rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless an emergency exists, be acted upon at that meeting.

Following the first reading, the Personnel Director shall refer the proposal to the Superintendent, the recognized classified employee organization, and other interested persons for comment. Written responses to the proposed change(s) will be presented to the Personnel Commission at the time of the second reading. Interested parties shall submit their written responses to the proposed rule changes according the timeline in Rule 2.2.8.

The Personnel Commission will consider approving the proposed rule amendment(s), deletion(s) or addition(s) at the next regular meeting. However, interested parties who want to comment on the proposed rule change(s) at the Personnel Commission meeting will be given that opportunity according to Rule 2.2.7. The amendment(s), deletion(s) or addition(s) approved by the Personnel Commission shall not have retroactive applicability.

REFERENCE: Education Code Section 45260

2.2.10 MINUTES:

The Personnel Director, in his/her capacity as Secretary to the Personnel Commission, shall record in the minutes the time and place of each Personnel Commission meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, the Personnel Director shall record that Commissioner's approval or dissent and any expressed reasons therefore.

The minutes of each meeting shall be reduced to written form and presented to the Commission for correction and/or approval at the next regularly scheduled meeting of the Commission. The minutes of each Commission meeting or a true copy thereof shall be open and available for public inspection. Copies of the Commission's Minutes shall be distributed to the designated representatives of all employee organizations representing the District's classified employees, the Commission members, the Board of Education, the Superintendent of Schools, and others who have indicated their interest in such matters.

REFERENCE: Education Code Section 45260

2.3 COMMISSION EMPLOYEES

2.3.1 STATUS OF COMMISSION EMPLOYEES:

The Personnel Director and other staff who are required to carry out the day-to-day responsibilities of the Personnel Commission shall be selected by the Commission, and shall be employees of the Personnel Commission. However, these staff so employed shall also be a part of the District's classified service and subject to all of the rules, procedures, benefits, and burdens pertinent to the classified service, except as the Commission may specifically direct.

REFERENCE: Education Code Sections 45260 and 45264

2.3.2 DUTIES OF THE PERSONNEL DIRECTOR:

The Personnel Director shall perform all of the functions imposed on him/her by law and the Personnel Commission Rules. The Director shall act as secretary to the Commission; issue and receive all notifications on its behalf. S/he shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Personnel Commission.

The Personnel Director shall conduct classification, salary and rules studies; approve subject to Commission ratification recruitment bulletins, allocation of positions, reclassifications, and conduct investigations of protests and other matters as directed by the Commission or as deemed necessary to fulfill the responsibilities of the position.

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

2.4 COMMUNICATIONS

Communications and requests shall, when practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action whenever it is appropriate to do so. Individuals or groups who wish to present proposals for action by the Personnel Commission shall present the request to the Personnel Director for placement on the Commission agenda in accordance with Rule 2.2.8.

REFERENCE: Education Code Section 45260
Government Code Sections 54952.2, 54954.2, and 54956

2.5 BUDGET

2.5.1 PROPOSED BUDGET:

The Personnel Director shall prepare and submit a proposed operating budget to the Commission for the next fiscal year. The budget shall be submitted not later than the last regular meeting in April.

2.5.2 PUBLIC HEARING:

Prior to the public hearing on its budget, the Personnel Commission shall forward a copy of its proposed budget to the Board of Education indicating the time, date, and place of the public hearing, and shall invite members of the Board and District Administration representatives to attend the meeting and to present their views regarding the proposed budget. The Commission shall fully consider the views and opinions expressed by the Board and Administration representatives, or other concerned persons or organizations in adopting its budget for the ensuing fiscal year.

2.5.3 BUDGET ADOPTION:

The Commission shall adopt the annual budget by May 30th and submit it to the Los Angeles County Office of Education for action.

REFERENCE: Education Code Sections 45253 and 45260

2.6 PERSONNEL COMMISSION ANNUAL REPORT

The Personnel Director shall prepare an annual report of the Commission's activities for the preceding fiscal year. When approved by the Commission, the annual report shall be submitted to the Board of Education for information. The report shall be prepared for Commission approval as soon as possible after the close of each fiscal year, but no later than the Commission's first regularly scheduled meeting in November.

REFERENCE: Education Code Section 45266

2.7 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

The legal counsel of the Board of Education shall aide and advise the Commission in all legal matters. Should legal not respond to a written request by the Commission for assistance within fifteen days, then 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 legal counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Personnel Commission and the Board of Education. The Commission may employ its own attorney whenever legal counsel refuses or is unable to provide aid or representation.

REFERENCE: Education Code Section 45313

CHAPTER 3

POSITION CLASSIFICATION PLAN

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3.1 THE CLASSIFIED SERVICE

3.1.1 POSITIONS INCLUDED:

All positions established by the Board or Commission 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. These employees and positions shall be known as the classified service. 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 by law shall be employed outside of the classified service.

REFERENCE: Education Code Sections 45104, 45105, 45106, 45108, 45256, 45256.5, 45258, and 45259

3.1.2 EXEMPTION FROM THE CLASSIFIED SERVICE:

Positions required by law to have certification qualifications, part-time playground positions, full-time day students employed part-time, part-time students employed part-time in any college work study program or in a work experience program conducted by a community college district, apprentices, community representatives (as provided by law), and professional experts employed on a temporary basis for a specific project by the Board of Education or by the Personnel Commission, when so designated by the Commission, shall be exempt from the classified service.

REFERENCE: Education Code Sections 45104, 45105, 45105.1, 45106, 45108, 45256, 45256.5, 45258, and 45259

3.1.3 PART-TIME DEFINED:

A part-time position, for the purpose of exemption, is one for which the assigned time, when computed on an hourly, 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.

REFERENCE: Education Code Sections 45256

3.1.4 EFFECTS 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 provided by law, the Board of Education, or these rules.

REFERENCE: Education Code Sections 45256, 45258, and 45260

3.1.5 PROFESSIONAL EXPERT ASSIGNMENTS:

Whenever the use of a professional expert assignment is being contemplated, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the employee so assigned, nor shall a limited-term position be filled by the assignment of a professional expert if the duties and responsibilities to be performed by the person fit an existing class.

When the person is known who is to be employed as a professional expert, his name as well as the data relative to his qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his own profession. Evidence of professional qualifications must be presented to the Personnel Commission at the time that the written request for such temporary appointment is made. The duration of the authorization for a person to serve as a professional expert shall be determined by the Commission, based upon the request of the Board of Education. However, authorization for service as a professional expert shall not exceed six (6) months. Under extraordinary circumstances, the Commission may approve an extension of the assignment, with the total period of the original assignment and extension not to exceed twelve (12) months.

REFERENCE: Education Code Sections 45256 and 45260

3.1.6 RESTRICTED POSITIONS:

Positions created which restrict employment to persons in low income groups, from impoverished areas, or such other criteria which limits the privilege of all citizens to compete for employment in such positions, those positions shall, in addition to the regular class title, be designated as restricted positions. Persons employed in restricted positions shall be considered classified employees for all purposes except: 1) they shall not attain permanent status, 2) they shall not be accorded seniority rights, 3) they shall not be given provisional appointments concurrent with status in a restricted position, and 4) they are not eligible to compete in promotional examinations in the regular classified service until they fulfill the provisions of Personnel Commission Rule 3.1.6.2.

3.1.6.1 Applicants must meet the qualifications of education and experience established for the classification.

3.1.6.2 After completion of six (6) months of satisfactory service in a restricted position, a person serving in a restricted position shall be given the opportunity to take such qualifying examination as required for all persons serving in regular positions in the class. If the restricted employee satisfactorily completes the examination and is placed on the eligibility list, regardless of score or standing on the list, the employee

shall be considered a part of the regular classified service, even when such employee continues to serve in a restricted position. Employees who have attained regular permanent status under the provisions of this rule shall be accorded all rights, benefits and burdens as a regular permanent classified employee, including seniority from the employee's initial date of employment in the restricted position.

3.1.6.3 The duties performed by probationary and regular employees who are being laid off shall not be performed by personnel employed in restricted positions.

REFERENCE: Education Code Sections 45105, 45108, 45259, 45260 and 45261

3.2 GENERAL CLASSIFICATION RULES

3.2.1 ASSIGNMENT OF DUTIES:

The Board of Education shall prescribe the duties and responsibilities for all positions in the classified service except those of the Personnel Commission staff. When the Personnel Director finds the duties being performed by an employee are inconsistent with the duties officially assigned to a position, he shall take appropriate actions(s) under these Rules. Appropriate action may include, but is not limited to, reporting the matter to District administration, processing a working-out-of-class claim or beginning a reclassification study.

REFERENCE: Education Code 45104, 45109, 45241, 45256, 45264, 45266

3.2.2 CLASSIFICATION PLAN:

The Personnel Commission shall classify all employees and positions within the jurisdiction of the Board of Education or the Personnel Commission, except positions which the Personnel Commission determines are exempt from the Classified Service pursuant to Rule 3.1.2. The Personnel Commission shall maintain a classification plan for all positions in the Classified Service, organized by class series and occupational hierarchy. Knowledge, skills and abilities from lesser classifications within job families may be inclusive within the knowledge, skills and abilities of higher classifications in the same job family. This principle is the underpinning that increased knowledge, skills and abilities allows for movement in the promotional direction.

The Personnel Commission may create new classes and abolish, divide, or combine existing classes within the classification plan as the needs of the classified service require as determined by the Personnel Commission. The list of classes shall contain designation of the salary rate or range applicable to each class. For purposes of this rule, classification shall include, but not be limited to:

3.2.2.1 Allocation of all positions to appropriate classes.

- 3.2.2.2 Arrangement of classes into occupational hierarchies or job families.
- 3.2.2.3 Determination of reasonable percentage (salary) relationships between classes within the occupational hierarchies.
- 3.2.2.4 Determination of reasonable percentage (salary) relationships between occupational hierarchies.
- 3.2.2.5 Preparing written class specifications.

REFERENCE: Education Code Sections 45100, 45104, 45105, 45109, 45241 and 45256

3.2.3 CLASS SPECIFICATIONS:

For each class, the Commission shall establish and maintain a class specification which may include:

- 3.2.3.1 The class title.
- 3.2.3.2 A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.
- 3.2.3.3 A statement of distinguishing characteristics which differentiates the class from other related or similar classes.
- 3.2.3.4 A statement of essential and other related duties to be performed by persons holding positions allocated to the class.
- 3.2.3.5 A statement of the minimum qualifications for service in the particular class. The minimum qualifications may include education, experience, knowledge, skills, abilities, personal and physical traits, competencies, and characteristics.
- 3.2.3.6 A statement about any license, certificates, or other special requirements for employment or service in the particular class.
- 3.2.3.7 Statements describing the physical requirements and work environment of the class.
- 3.2.3.8 A statement about any additional qualifications considered to be so desirable that any person applying for employment who possesses such qualifications may be given additional credit in the evaluation of his/her qualifications, even though such additional qualifications were not listed as a prerequisite.

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

3.2.3.10 The title of the class shall be used as the title of all positions in the class on payrolls submitted to the Commission for auditing and in the records and correspondence of the Commission and the Board of Education.

REFERENCE: Education Code Section 45256, 45260, 45273, 45276, 45277, 45285, and 45285.5

3.2.4 INTERPRETATION OF CLASS SPECIFICATIONS:

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

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

3.2.4.2 The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned which are of similar kind and/or quality as may be determined by the Personnel Commission. Each class specification shall contain a listing of those duties, which in the judgment of the Personnel Director, after consultation with District Administration, that are essential functions.

3.2.4.3 In determining the class to which a position shall be allocated, the specification for each class is considered as a whole. Consideration is not given to isolated clauses, phrases or words apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks and qualification requirements as affording clear distinctions of the positions that class includes.

3.2.4.4 Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes.

3.2.4.5 Qualifications required of all incumbents such as the ability to perform the essential duties of the position, honesty, sobriety, dependability,

good judgment and the ability to assume the responsibilities and conditions of the position, even though not specifically mentioned in the class specification are implied in the qualification requirements.

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

REFERENCE: Education Code Sections 45256, 45261, 45273, 45276, 45277, 45285 and 45285.5

3.2.5 CREATION OF NEW POSITIONS:

When the Board of Education creates a new position it shall submit the duties officially assigned to the position, in writing, to the Personnel Director. The proposed class specification and a salary recommendation shall be presented by the Personnel Director to the immediate supervisor, administrators within the chain of command, and Superintendent or designee for input. For all Bargaining Unit positions the proposed class specification and salary recommendation shall be presented to the CSEA Chapter President and representative(s) for input. The Personnel Director shall submit the proposed class specification and recommended salary allocation to the Personnel Commission.

No person shall be appointed to a position in the classified service until the classification of the position has been approved by the Personnel Commission. The Board of Education may recommend minimum educational and work experience requirements for new classes. The Personnel Director shall place the new position in an existing class or if a determination is made a new class is needed, the Personnel Director shall present recommendations to the Commission for action. The Personnel Commission shall:

- 3.2.5.1** Classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established.
- 3.2.5.2** Allocate the position for salary placement on the appropriate classified salary schedule. Designate the position as executive, administrative, supervisory, technical, or police.
- 3.2.5.3** Direct the Personnel Director to notify the Board of Education of the Personnel Commission's action.

REFERENCE: Education Code Sections 45104, 45105, 45109, 45130, 45241, 45256, 45276, and 45285

3.2.6 ALLOCATION OF POSITIONS TO EXISTING CLASSES:

Positions substantially similar in duties performed, responsibilities assigned, and qualification requirements, as shown in class specifications, shall be allocated to the same class.

REFERENCE: Education Code 45256, 45261, 45273, 45276, 45277, 45285, 45285.5

3.2.7 CHANGES IN DUTIES OF POSITIONS:

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

REFERENCE: Education Code Sections 45256, 45260, 45276, 45277, and 45285

3.2.8 WORKING OUT OF CLASSIFICATION:

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

3.2.8.1 An employee may be required to perform duties consistent with those assigned to a higher position by the Board of Education for a period of more than five (5) working days provided that his/her salary is adjusted upward for the entire period he/she is required to work out of classification.

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

3.2.8.3 Whenever an employee is required to perform the assigned duties of a higher classification, the salary shall be adjusted upward to the salary range of that classification, and then to the step of their range that will

provide the employee at least a 5% increase above the employee's regular salary for the duration of the assignment.

- 3.2.8.4** Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a different classification. No employee shall be assigned to work out of class for more than ninety (90) working days in one fiscal year or for more than one assignment without the approval of the Assistant Superintendent of Human Resources. An example of the kind of exemption allowed by the Commission would be the temporary replacement of an employee on a long-term illness leave where the employee is assigned to work out of class for the duration of the absent employee's leave.
- 3.2.8.5** Whenever an employee is required to perform duties which are not allocated to an existing class, the assignment shall be reported to the Personnel Director in writing so that a review may be conducted to determine the appropriate pay differential for the temporary assignment.
- 3.2.8.6** The Personnel Director shall review the assigned duties and shall determine if the duties are of a different classification. If the requirements of Section 3.2.8 are satisfied, the Personnel Director shall recommend approval to the Personnel Commission of an appropriate pay differential consistent with these rules.
- 3.2.8.7** Should the Personnel Director's review determines that the assigned duties are not of an equal or higher classification, the Personnel Director shall notify the employee, the appropriate supervisor and present the findings to the Personnel Commission at the next regular meeting.
- 3.2.8.8** These rules shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

REFERENCE: Education Code Sections 45110, 45256, 45260, and 45276
RUSD-CSEA Agreement, Article X, Section 10.16

3.2.9 REVIEW OF POSITIONS:

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed as needed. If the Personnel Director finds that a position or positions should be reclassified, the Administration shall be advised of the findings. Should the Administration verify the duties of the position(s) or if the duties are not revised to comply with the current class specification, the Personnel Director shall report his findings and recommendations to the

Personnel Commission for appropriate action. The Personnel Director shall also report his findings in cases where the review indicates that no change of classification is necessary.

REFERENCE: Education Code Sections 45256, 45260, 45268, 45285 and 45285.5

3.2.10 POSITIONS REQUIRING SPECIAL LANGUAGE OR SKILLS:

The Board of Education may, with the approval of the Personnel Commission, designate positions within a class which requires the incumbent of the position possess a special skill, license, or to speak, read and/or write a language in addition to English. The Board of Education must clearly set forth the reasons for requesting such special requirements and shall designate such requirement as a Bona Fide Occupational Qualification (BFOQ) as defined under Title VII of the Civil Rights Act of 1964. The duties of the position must be the same as those for all other positions within the classification, except for this special requirement.

3.2.10.1 A recruitment bulletin announcing the examination for a class with positions containing special requirements will indicate that successful candidates possessing the special skill will be given preference over other successful candidates.

3.2.10.2 When a vacancy occurs in a position which has approved special skill requirements, the position shall revert back to the standard requirements unless the Board of Education states that the position should still possess the special requirements and the Personnel Commission concurs.

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

REFERENCE: Education Code Sections 4526, 45261, 45276, and 45277

3.3 RECLASSIFICATION

3.3.1 RECLASSIFICATION OF POSITIONS:

The only basis of reclassification of a position shall be the gradual accretion or growth of duties, not a sudden change occasioned by reorganization or the assignment of completely new duties and responsibilities by administration. Recommendations as to gradual accretion will be made by the Personnel Director. The Personnel Commission shall be the final approving authority.

3.3.1.1 Requests for a reclassification study of a position may be initiated by an employee or the District Administration and submitted to the Personnel Director on a form prescribed by the Personnel Commission. Requests initiated by an employee shall include a listing of duties and a statement indicating the reasons the employee feels a reclassification is justified. Requests initiated by the District Administration shall include the above information as well as a statement by the employee's supervisor verifying the authorized duties of the position.

3.3.1.2 When the Personnel Director has completed a study, the findings shall be reported to the Personnel Commission for action, the administration, affected employees, and employee organization (if applicable). In the event that the administration or an affected employee does not agree with the findings and recommendations, additional information may be presented to the Personnel Commission. The Personnel Commission's decision shall be final and binding. The Personnel Commission's decision shall be reported to the Board of Education subsequent to the Commission's action concerning the reclassification.

3.3.1.3 At least two (2) years must elapse after the Personnel Commission's approval of a reclassification study before the affected employee(s) may submit another request for reclassification for the same position.

REFERENCE: Education Code Sections 45256, 45260, 45261, and 45285

3.3.2 EFFECTIVE DATE OF RECLASSIFICATION:

Reclassification of a position or positions shall become effective on the date prescribed by the Personnel Commission, but shall not have retroactive effect, unless specified otherwise by the Personnel Commission. Changes in classification and salary resulting from the permanent reclassification of a position(s) shall be effective no later than whichever of the following dates is applicable:

- 3.3.2.1 The first of the month following the Personnel Commission approval of the reclassification provided the employee is eligible to be reclassified with his position without examination as specified in these rules.
- 3.3.2.2 The first of the month following the date on which the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure.
- 3.3.2.3 On the date specified by the Commission.

REFERENCE: Education Code Sections 45256, 45260, 45268, 45285 and 45285.5

3.3.3 NOTIFICATION OF RECLASSIFICATION:

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

REFERENCE: Education Code Sections 45256, 45260, 45268, 45285 and 45285.5

3.3.4 EFFECTS OF UPWARD RECLASSIFICATION ON INCUMBENTS:

Whenever a position or entire class of positions are reclassified the rights of incumbents will be determined in accordance with these rules and regulations. When all of the positions in a class or one or more positions are reclassified to a higher class, the incumbents of the positions who have been in the class for two (2) or more years may be reclassified by the Commission with their positions.

3.3.4.1 When one or more positions within a class, are reclassified upward, the incumbent(s) in the position(s) who have a continuous employment record of two (2) or more years in the position being reclassified shall be reclassified by the Personnel Commission with their position. Incumbents whose last two annual performance reports reflect an overall rating of "meets expectations" will be granted status in the higher class. An incumbent with whose last annual performance report reflects and overall rating of "needs improvement" or "unsatisfactory" will not be granted status in the higher class.

3.3.4.2 In cases of upward reclassification where the incumbent has not been in the position for two (2) years, the incumbent shall be granted status in the higher class upon passing a qualifying examination for the higher class as determined by the Personnel Commission. A qualifying examination is defined as one in which only incumbents of reclassified positions may compete. The incumbent must meet the employment

standards for the position and achieve a passing score on the examination.

- 3.3.4.3** When an employee obtains status in the higher class upon passing a qualifying examination, the change of classification shall be treated as a promotion. The employee shall be required to serve a probationary period.
- 3.3.4.4** An employee who is within six (6) months of a step increase shall be credited with such increase when computing his/her base salary for the new class. An employee shall be assigned to the lowest step rate in the new class which provides an increase of at least five percent (5%) over the employee's base salary rate. If the salary range of the new class cannot provide the five percent (5%) minimum increase, the employee shall be assigned to the highest step rate in the salary range of the new class.

3.3.5 EFFECTS OF EQUAL OR LOWER RECLASSIFICATION ON INCUMBENTS:

When all of the positions in a class or group of positions are reclassified to another class, or one or more positions in a class are reclassified to a lower class in a lower salary range, shall have the following effects on incumbents:

- 3.3.5.1** The right to bump a less senior employee in the same class pursuant to bumping procedures outlined in the layoff provisions of these rules.
- 3.3.5.2** The right to bump a less senior employee in any equal class or in a lower salary range which the incumbent formerly served, pursuant to bumping procedures outlined in the layoff provisions of these rules.
- 3.3.5.3** The right to be demoted or to transfer, without examination to the class to which his position is reclassified.
- 3.3.5.4** The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choice shall not affect his rights under Personnel Commission Rule 3.3.8.
- 3.3.5.5** When an employee is demoted to a position at a lower salary range due to displacement, reclassification, or abolishment of his position, the employee's salary shall be Y-rated.
- 3.3.5.6** The Y-rate shall terminate on the effective date of an annual salary increase which results in the Y-rate falling within the salary range of a class in a lower salary range or the date a vacancy exists in the same class from which the employee was Y-rated if the employee fails to accept the vacancy to remain in the class with a lower salary range. The Y-rate terminates on the earlier of these dates.

REFERENCE: Education Code Sections 45256, 45260, 45268, 45285

3.3.6 DEFINITION OF GRADUAL ACCRETION:

For purposes of these rules, gradual accretion of the measurable addition of duties must occur over a period of two (2) or more years while the employee is assigned to the same position and classification. Determination as to gradual accretion will be based on an analysis of data to be supplied by the division or school, as well as the Personnel Commission staff, regarding the following factors:

- 3.3.6.1** The nature and scope of each identified change in duties and responsibilities.
- 3.3.6.2** The exact or approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
- 3.3.6.3** The conditions which led to the association of the added duties and responsibilities with the subject position.
- 3.3.6.4** Evidence of the employee's performance of the added duties and responsibilities.

REFERENCE: Education Code Sections 45256, 45260, 45268, 45285.

3.3.7 EFFECT ON RE-EMPLOYMENT AND ELIGIBILITY LISTS

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

REFERENCE: Education Code Sections 45256, 45260, 45268, 45285

3.3.8 REEMPLOYMENT LISTS FOR DISPLACED INCUMBENTS

Any displacement of a regular employee resulting from a reclassification of a position, or a class of positions, shall be considered a layoff for lack of work, and an appropriate re-employment list will be established in accordance with these rules.

- 3.3.8.1** Persons laid off because of a reclassification are eligible for reemployment for a period of thirty-nine (39) months, and shall be re-employed in preference to new applicants. In addition, such laid-off

persons have the right to participate in promotional examinations within the District during that thirty-nine (39) month period.

- 3.3.8.2** Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff due to a reclassification, or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for re-employment for an additional period of twenty-four (24) months, provided that the same tests of fitness still apply as determined by the Personnel Commission.

Reference: Education Code Sections 45260, 45285, 45298 and 45308

CHAPTER 4
APPLICATION FOR EMPLOYMENT

- 4.1 Goal of the Selection Process**
- 4.2 Filing of Applications**
- 4.3 General Qualifications of Applicants**
- 4.4 Disqualification of Applicants and Candidates**
- 4.5 Appeal From Disqualification**
- 4.6 Submitting Proof of Veteran's Credit**
- 4.7 Applicant's Names Not to be Made Public**

4.1 GOAL OF THE SELECTION PROCESS

The goal of the selection process shall be to determine the best qualified person(s) to be placed on an eligibility list on the basis of merit and fitness.

4.2 FILING OF APPLICATIONS

All applications for employment shall be made at the official Personnel Commission website, and received in the Personnel Commission Office prior to the closing of the filing period.

4.2.1 Applicants seeking employment in more than one classification must file a separate application for each. A candidate cannot compete in an examination within five core test(s).

4.2.2 For federal and state reporting purposes, questions regarding ethnicity, gender, age and disabling condition shall be placed on a separate form. Answers to such questions shall be voluntary and no other information shall be requested relative to race, religious creed, color, national origin, ancestry, disabilities or medical condition, marital status, gender, or age prior to employment.

4.2.3 Applications and examination papers are confidential and become the property of the Commission and shall not be returned to the applicant. The names of applicants or unsuccessful candidates in any examination shall not be made public.

REFERENCE: Education Code Sections 45260, 45272, 45274, and 45293

4.3 GENERAL QUALIFICATIONS OF APPLICANTS

Applicants must be permanent residents, or must otherwise prove their right to work in the United States and also meet all the minimum qualifications established for the class. All applicants must be of good moral character, and in all respects, mentally and physically competent to perform the duties of the position for which they are applying.

4.3.1 Qualified applicants shall have an opportunity to seek, obtain and hold District employment without discrimination because of race, religious creed, color, national origin, ancestry, medical condition, physical disability, mental disability, marital status, gender or age.

4.3.2 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.

4.3.3 No maximum age limit shall be set as a condition for initial or continued employment in the District.

4.3.4 Disabled persons shall be given equal employment opportunities and reasonable accommodation in testing and employment.

REFERENCE: Education Code Sections 45111, 45122, 45123, 45124, 45134, 45260, and 45272
Government Code Section 12921

4.4 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

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

4.4.1 Having participated in an examination for the classification within the last five (5) months.

4.4.2 Failure to meet the general qualifications of Rule 4.3.

4.4.3 Failure to execute the oath of allegiance required by the State of California.

4.4.4 Advocacy of overthrow of the Government of the United States, or the State of California, by force, violence, or other unlawful means.

4.4.5 Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or misdemeanor or a record of one (1) or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the following basis: the nature and seriousness of the offense(s), the age of the person at the time and recency of the offense(s); the number of convictions; the 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 the record offense(s); the person's attitude; and the duties of the class.

4.4.6 Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict to a charge of a narcotics or controlled substance offense as defined in Education Code Sections 44011, or a charge of moral turpitude, any sex offense as defined in section 44010, or mistreatment of children or a serious or violent felony as defined in Education Code Section 45122.1.

4.4.7 Conviction, either by a plea of guilty or nolo contendere, a court decision or jury verdict of a violent or serious felony as defined in subdivision (c) of Section 667.5 and subdivision (c) of Section 1192.7 of the Penal Code.

- 4.4.8 Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by this District under these Rules.
- 4.4.9 A health condition which clearly indicates that the applicant or candidate would be unable to perform the essential duties of the position, with or without reasonable accommodation, or would endanger the health and safety of others.
- 4.4.10 Discharge for other than honorable reasons from the Armed Forces of the United States, including the National Guard and reserve components thereof.
- 4.4.11 Making a false statement or intentionally omitting a statement of a material fact requested on the application form.
- 4.4.12 Practicing any deception, fraud, or inappropriate behavior in connection with an examination or to secure employment.
- 4.4.13 Failure, after due notice, to report promptly for review of any of the causes for disqualification as provided by this Rule within five (5) business days.
- 4.4.14 Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or Board of Education.
- 4.4.15 A record of unsatisfactory service with the Rowland Unified School District as evidenced by a disciplinary action, a performance improvement plan, unsatisfactory job performance notice or a resignation in lieu of dismissal.
- 4.4.16 Previous dismissal or release from employment with Rowland Unified School District.
- 4.4.17 Attempting to or making contact with any member of the Board of Education or the Personnel Commission with the intent of attempting to favorably influence the recruitment, examination, and/or selection process in any way.
- 4.4.18 A history of controlled substance abuse without acceptable evidence of rehabilitation.

REFERENCE: Section 3, Article 20 of the California Constitution Education Code Sections 44010, 44011, 45122, 45123, 45124, 45134, 45260, 45261, and 45303

4.5 APPEAL FROM DISQUALIFICATION

An applicant or candidate disqualified under Rule 4.5 shall be notified in writing, of the reason(s) for disqualification and advising the person that s/he has five (5) business days after being notified to appeal to the Personnel Director.

- 4.5.1** An applicant or candidate appealing disqualification shall conditionally be permitted to take the examination pending final decision.
- 4.5.2** Upon receipt of a written appeal, the Personnel Director shall conduct an investigation. If the decision rendered by the Personnel Director is in favor of the appellant, s/he shall be notified in writing and be given rights as though the disqualification had not occurred. If the decision is to uphold the disqualification, the appellant may appeal to the Personnel Commission within five (5) business days after being notified.
- 4.5.3** Upon receipt of a written appeal of the Personnel Director's decision, the Commission shall conduct a hearing where the Personnel Director shall submit a report of findings on the matter and the appellant shall submit his/her data. The Commission shall consider the submittals, hear any statements, and render a decision.
- 4.5.4** If the Personnel Commission's decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. The decision of the Personnel Commission is final.
- 4.5.5** Appointments may be made from available eligibles pending a final decision on the appeal where two or more vacancies in the class exist, unless ordered otherwise by the Personnel Commission, and shall not be changed even though the outcome is in the appellant's favor.

REFERENCE: Education Code Sections 45111, 45122, 45123, 45124, 45134, 45260, 45261, and 45303

4.6 SUBMITTING PROOF OF VETERAN'S CREDIT

Any applicant who claims veteran's preference must submit Form DD214 at the time the employment application is submitted. Failure to submit Form DD214 at the time of application shall result in no veteran's preference being considered or added to any passing score. Veteran's preference is applicable on entry level examinations only.

REFERENCE: Education Code Sections 45260, 45261, 45294, 45295, and 45296

4.7 APPLICANT'S NAMES NOT TO BE MADE PUBLIC

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

REFERENCE: Education Code Sections 45260 and 45261

CHAPTER 5
RECRUITMENT AND EXAMINATIONS

5.1 Recruitment

5.2 Examinations

- 5.2.1 Determination of Examinations
- 5.2.2 Promotional Examinations
- 5.2.3 Promotional and Open Competitive Examinations
- 5.2.4 Promotional and Open Competitive Examinations With Dual Certification
- 5.2.5 Continuous Examinations
- 5.2.6 Types of Examinations
- 5.2.7 Scoring and Weighting of Tests
- 5.2.8 Written Examination Materials
- 5.2.9 Interview Panel Examinations
- 5.2.10 Evaluation and Training of Experience
- 5.2.11 Admission to Examinations
- 5.2.12 Examination Procedures
- 5.2.13 Procedures for Raters
- 5.2.14 Rating Required
- 5.2.15 Service Credit
- 5.2.16 Veterans' Preference
- 5.2.17 Notice of Final Score
- 5.2.18 Transferring Written Scores

5.3 Examination Review and Protests

- 5.3.1 Protest of an Examination
- 5.3.2 Failure to File a Protest
- 5.3.3 Personnel Director Shall Review All Protests
- 5.3.4 Protest Review By the Personnel Commission
- 5.3.5 Disposition of Protests Prior to Appointment
- 5.3.6 Request For Review of Test

5.4 Retention of Examination Records

5.4.1 Retention of Examination Records

5.4.2 Examination Records Are to Be Confidential

5.4.3 Records Available for Review

5.1 RECRUITMENT - ANNOUNCEMENT OF EXAMINATIONS:

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

5.1.1 No examination announcement may be made and no part of any examination may be held for a new position until the Board has properly designated the position duties and the Commission has completed the position classification including the establishment of minimum qualifications.

5.1.2 Whenever it is necessary to fill existing or anticipated vacancies and an appropriate eligibility list does not exist, the Personnel Commission shall announce each examination on an Employment Opportunities Bulletin which shall be advertised to all employee work sites and community locations for at least fifteen (15) working days. The Personnel Director shall determine the appropriateness and may place advertisements in newspapers, trade and business journals or other media.

5.1.3 A Master Testing Calendar shall be distributed to all District work locations and posted on the Personnel Commission webpage on a monthly basis. As permitted by the Education Code §45278, when the Master Testing Calendar is used the Personnel Director may establish a posting period of less than fifteen (15) working days for the filing of applications for particular recruitments.

5.1.4 The employment opportunity bulletin shall contain the title of the class and may include the following:

1. The job title and a brief description of the position and duties with minimum qualifications required for the position.
2. The number of hours per day, work shift time if applicable, days per week, and number of work days assigned per year to the position.
3. The salary range and the deadline for filing an application with the Personnel Commission Office.
4. The general content of the examination and the types of tests to be given.
5. Such other information as will assist interested persons in fully understanding the nature of the employment and procedures necessary to participate in the examination.

REFERENCE: Education Code Sections 45109, 45260, 45261, 45272, and 45278

5.2 EXAMINATIONS

5.2.1 DETERMINATION OF EXAMINATIONS:

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

5.2.1.1 Promotional

5.2.1.2 Promotional and Open Competitive with the Promotional List Taking Precedence

5.2.1.3 Promotional and Open Competitive with Dual Certification

REFERENCE: Education Code Sections 45272 and 45284

5.2.2 PROMOTIONAL EXAMINATIONS:

Where an adequate field of competition exists within the District and examinations can reasonably be expected to result in three (3) qualified ranks of eligibles, the field of competition may be limited to promotional applicants.

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

5.2.2.2 Employee Performance Review reports and other documents prepared by the immediate supervisor and reviewed by the employee may be considered in evaluating an employee's general fitness for promotion.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45281

5.2.3 PROMOTIONAL AND OPEN COMPETITIVE EXAMINATIONS:

Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Personnel Director may advertise the examination among employees and the general public.

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

5.2.3.2 This examination procedure shall result in a promotional and open eligibility list. The promotional eligibility list shall take precedence when certifying eligibles. When the promotional eligibility list does not contain sufficient ranks of eligibles, then certification of additional ranks shall then be made from the open list.

5.2.3.3 Promotional candidates shall be granted credit in accordance with Rule 5.2.16.

5.2.3.4 Veterans' credit will be allowed on examinations for entry level positions.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45284

5.2.4 PROMOTIONAL AND OPEN COMPETITIVE EXAMINATIONS WITH DUAL CERTIFICATION:

The Personnel Director may advertise the holding of an examination under promotional and open competitive with dual certification procedures. Examinations for management positions shall be conducted under this procedure to establish eligibility lists.

5.2.4.1 The resulting eligibility list shall consist of promotional and open competitive eligibles in one (1) merged list after granting service credit and veterans' preference points.

5.2.4.2 Promotional candidates shall be granted credit in accordance with Rule 5.2.16.

5.2.4.3 Veterans' credit will be allowed on examinations for entry level positions only.

REFERENCE: Education Code Sections 45260, 45261, 45284 and 45291

5.2.5 CONTINUOUS EXAMINATIONS:

The Commission may designate examinations for specified classes as continuous examinations. Applications shall be accepted online every day and examinations shall be given as the need arises. A candidate who is unsuccessful in an examination may not retake the examination for the same classification for a period of five (5) calendar months.

REFERENCE: Education Code Sections 45260, 45261 and 45292

5.2.6 TYPES OF EXAMINATIONS:

Examinations shall be conducted by the Commission's staff and shall be administered objectively and shall consist of test parts that relate to job performance. The parts may be any of the following:

5.2.6.1 Written test.

5.2.6.2 Practical demonstration of skill.

5.2.6.3 Evaluation of training and experience.

5.2.6.4 Structured interview.

5.2.6.5 Other tests of fitness determined by the Personnel Commission.

REFERENCE: Education Code Sections 45260 and 45273

5.2.7 SCORING AND WEIGHTING OF TESTS:

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

REFERENCE: Education Code Sections 45260, 45261, and 45274

5.2.8 WRITTEN EXAMINATION MATERIALS:

A written test for a class may cover any subject matter related to the duties of the positions within the class. Written testing materials over one (1) year old shall be content validated or whenever the class specification has changed since the last test administration.

5.2.9 INTERVIEW PANEL EXAMINATIONS:

Whenever an examination requires the use of an interview panel, the Personnel Director shall assure that the following rules are followed:

5.2.9.1 The panel shall consist of at least two (2) raters (unless the interview is so structured that rater judgment is minimal) who are knowledgeable of the competencies being evaluated. Raters may serve on only one (1) test part.

5.2.9.2 An employee of the District or Commission may serve on an interview panel if not at the first or second level of supervision over the position in the class for which the examination is being held.

5.2.9.3 Unless specifically directed to evaluate candidates' technical knowledge and skills, the interview panel shall confine itself to evaluating general fitness for employment in the class.

5.2.9.4 When the interview panel is directed to evaluate technical knowledge and skills, at least two (2) members of the panel shall be technically qualified in the specified occupational areas being evaluated.

5.2.9.5 Members of the Board of Education or Personnel Commission shall not serve on an interview panel.

5.2.9.6 Interviews shall be electronically recorded and filed in the Commission office for not less than ninety (90) days after certification of an eligibility list.

5.2.9.7 Interview panel members shall not be provided with confidential references or performance evaluations of candidates.

REFERENCE: Education Code Sections 45260, 45261, 45273 and 45274

5.2.10 EVALUATION OF TRAINING AND EXPERIENCE:

If a part of the examination is an evaluation of the applicant's training and experience, the evaluation shall be conducted by the Personnel Director or individually and independently conducted by at least two (2) members of a committee other than the interview panel. The Personnel Director shall be responsible for determining which of these processes will be utilized when the need arises and shall determine and weight the passing scores of the training and experience evaluation.

REFERENCE: Education Code Section 45260

5.2.11 ADMISSION TO EXAMINATION:

Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the examination, and such notice shall be the applicant's authority to take the examination. No candidate may be admitted to any examination without this authorization or other satisfactory evidence of having filed an acceptable application. In addition, each candidate must provide proof of personal identification at time of examination admittance in order to take the test.

5.2.12 EXAMINATION PROCEDURES:

Candidates in any written test must take the test on the prescribed date unless otherwise approved by the Personnel Director. A candidate, for compelling or urgent reasons, who is unable to take the test at the time and place announced, must request as soon as s/he becomes aware of the need to take the test at a different date and time to the Personnel Director. In no event shall such special testing occur after a performance test or oral interview if any.

5.2.12.1 Copies of the questions in the examinations shall not be made by candidates or other unauthorized persons and shall not be taken from the examination room.

5.2.12.2 Promotional candidates that are unable to take a written test on the date and time announced, due only to a work related emergency verified with the employee's Supervisor, may take the test not later than two (2) work days after the original test date. The employee must call the Personnel Director prior to the scheduled time for the

test to provide notification of the work related emergency. A candidate's work load is not deemed an emergency,

REFERENCE: Education Code Sections 45260, 45261, and 45273

5.2.13 PROCEDURES FOR RATERS:

Personnel Commission staff shall provide instructions to examination panel Raters regarding interview procedures:

5.2.13.1 Interview Briefing Guide.

5.2.13.2 Interviewing techniques.

5.2.13.3 Use of the interview rating forms.

5.2.13.4 Rating tendencies to avoid.

5.2.13.5 No questions that are discriminatory or deemed inappropriate by State and Federal law shall be asked.

5.2.14 RATING REQUIRED:

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

REFERENCE: Education Code Sections 45260 and 45261

5.2.15 SERVICE CREDIT:

Service credit shall be added to the final composite score of promotional candidates who have permanency with the District.

5.2.15.1 Seniority credit shall be granted on the basis of one-half point for each year of regular service completed to a maximum of five (5) points. Credit shall be granted based on service from the anniversary date of employment in a regular classified position.

5.2.15.2 A professional growth and development incentive of one (1) point shall be added for attendance and participation in job-related conferences, seminars, training sessions and classes. This additional point will be based on the verifiable attendance within the two (2) years immediately preceding the date of application.

5.2.16 VETERANS' PREFERENCE:

A veteran, as defined in this rule, shall mean any person who has served at least one hundred eighty (180) days of active duty in the Army, Navy, Marine

Corps, Air Force, Coast Guard, Merchant Marine or as a nurse on active duty with the Red Cross in time of war, or national emergency declared by the President of the United States, and who has been discharged or released under conditions other than dishonorable. A veteran shall also be defined as any person currently serving in the Reserve branch of the above listed Armed Forces or who has been discharged or released under conditions other than dishonorable from a Reserve branch of the above listed Armed Forces whose service time included a time of war or national emergency as declared by the President of the United States.

5.2.16.1 Veterans, except disabled veterans, who achieve a passing score on an entry level examination shall have an additional five (5) points added to their composite score.

5.2.16.2 Disabled veterans who achieve a passing score on any entry level examination shall have an additional ten (10) points added to their composite score. A disabled veteran is an individual classified by the U.S. Veterans' Administration to be ten percent (10%) or more disabled as a result of service in the Armed Forces of the United States.

5.2.16.3 Entry-level positions are defined as all positions within the classified service when the eligible is first employed by the District, except for positions designated management or senior management.

5.2.16.4 In order to obtain credit, the applicant must furnish satisfactory proof of qualifying military service (DD214) at the time the employment application is submitted as provided in Rule 4.6. No adjustment of rank on the list shall be made when such proof is presented afterward.

REFERENCE: Education Code Sections 45260, 45261, 45294, 45295, and 45296

5.2.17 NOTICE OF FINAL SCORE:

Each candidate shall be notified within ten (10) working days after completion of the examination of their final score and rank on the appropriate eligibility list. Candidates who do not attain a passing score shall be notified within ten (10) working days after completion of the examination.

5.2.18 TRANSFERRING WRITTEN SCORES:

Although candidates may not retake the same core written test in a five (5) month period, their test scores are transferable to other examinations if the same core tests are administered within five (5) months of the examination date.

5.3 EXAMINATION REVIEW AND PROTESTS

5.3.1 PROTEST OF AN EXAMINATION:

A candidate may protest any test part within five (5) working days after completion of the portion of the examination on which the protest is based. All protests shall be made in writing to the Personnel Director. Each protest shall give specific facts and reasons to support the protest and shall include supporting documentation or references.

REFERENCE: Education Code Section 45274

5.3.2 FAILURE TO FILE A PROTEST:

Failure to file a protest in writing with the Personnel Director within the protest period shall constitute a waiver of the right to protest that part of the examination process.

REFERENCE: Education Code Section 45274

5.3.3 PERSONNEL DIRECTOR SHALL REVIEW ALL PROTESTS:

The Personnel Director shall review and act upon all protests within five (5) working days of receipt of a timely filed protest. The Personnel Director may allow more than one (1) answer to a question, disqualify a question, direct the examination be re-scored, or take any other appropriate action if the protest is valid. A protest resulting in any change will result in the test papers of all candidates or eligibles being reviewed and re-scored accordingly.

REFERENCE: Education Code Section 45274

5.3.4 PROTEST REVIEW BY THE PERSONNEL COMMISSION:

Should the Personnel Director rule against the protest, the Personnel Commission may review that decision. A candidate filing a request for review by the Personnel Commission shall not stop or otherwise delay the examination process unless so directed by the Commission.

5.3.4.1 Requests for review of a protest by the Personnel Commission shall be submitted in writing to the Personnel Commission Office within three (3) working days of receipt of the Personnel Director's decision.

5.3.4.2 The Personnel Commission shall review all written materials regarding the protest and may render a decision. Should the Commission require more information, they may review additional materials or hear oral information from the person protesting or other persons as determined by the Commission. The Commission shall render a decision in the matter as soon as practicable. The decision of the Commission is final.

REFERENCE: Education Code Section 45274

5.3.5 DISPOSITION OF PROTESTS PRIOR TO APPOINTMENT:

Appointments may be made from available eligibles pending a final decision on the appeal where two or more vacancies in the class exist, unless ordered otherwise by the Personnel Commission. The District shall be notified when a protest results in a delay of an appointment.

REFERENCE: Education Code Section 45274

5.3.6 REQUEST FOR REVIEW OF TEST:

Requests to review test segments shall be made within ten (10) working days of receipt of the examination results. The review of test segments shall be made within thirty (30) days of the request. No person shall remove or copy any information or test material from the examination.

REFERENCE: Education Code Section 45274

5.4 RETENTION OF EXAMINATION RECORDS

5.4.1 RETENTION OF EXAMINATION RECORDS:

Examination records, including but not limited to, test answer sheets, recordings of interviews, and rating sheets of each member of an oral interview panel shall be retained for three (3) years after promulgation of the eligibility list. However, the examination file shall be permanently retained.

REFERENCE: Education Code Section 45274

5.4.2 EXAMINATION RECORDS TO BE CONFIDENTIAL:

Examination records are confidential and shall not be made available to the public. Records, such as identifiable ratings of panel members and confidential references from previous employers shall not be available for review.

REFERENCE: Education Code Section 45274

5.4.3 RECORDS AVAILABLE FOR REVIEW:

Examination records, such as papers, recorded interviews and scores of the candidate or eligible shall be available for review only by the candidate or eligible or a designated representative. The candidate or eligible or designated representative shall not review the records of any other person.

REFERENCE: Education Code Section 45274

CHAPTER 6
ELIGIBILITY FOR EMPLOYMENT

6.1 Eligibility Lists

- 6.1.1 Establishment and Life of Eligibility Lists
- 6.1.2 Contents of Eligibility Lists
- 6.1.3 Certification of Eligibility Lists
- 6.1.4 Types of Eligibility
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6.1 ELIGIBILITY LISTS

6.1.1 ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS:

After an examination, the names of successful competitors shall be arranged on a list in the order of examination score plus additional points where applicable. The list shall be submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by the Commission. Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.

6.1.1.1 Unless specifically authorized in these Rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on an eligibility list. The Personnel Director shall be responsible for establishing lists as a result of examinations authorized by these Rules.

6.1.1.2 After an examination, the names of successful competitors for positions designated Senior Management shall be arranged in an unranked alphabetical list. The list shall be submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by the Commission. Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.

REFERENCE: Education Code Sections 45272 and 45300

6.1.2 CONTENTS OF ELIGIBILITY LISTS:

An eligibility list shall contain:

6.1.2.1 The type of eligibility list: promotional or merged promotional and open competitive.

6.1.2.2 The identification number of all eligibles in final rank order by examination score.

6.1.2.3 The adjusted scores of each part of the examination and the weighted total score.

6.1.2.4 The dates of each part of the examination and the weight assigned to the part.

6.1.2.5 The expiration date of each person's eligibility.

6.1.2.6 The signature of the Personnel Director attesting to the accuracy of the information on the eligibility list.

6.1.2.7 The date the list was approved by the Personnel Director.

REFERENCE: Education Code Section 45260 and 45261

6.1.3 CERTIFICATION OF ELGIBILITY LISTS:

All eligibility lists shall be certified by the Personnel Director and ratified by the Commission. The Personnel Director shall submit eligibility lists for ratification and approval by the Commission subsequent to the certification of eligibles from the list. Appointments may be made from available eligibles pending a final decision on the appeal where two or more vacancies in the class exist, unless ordered otherwise by the Personnel Commission, and shall not be changed even though the outcome is in the appellant's favor.

6.1.4 TYPES OF ELIGIBILITY:

Appointments to positions in the classified service shall be made from eligibility lists in the following order of preference:

6.1.4.1 Reemployment - A list of persons who have been laid off from permanent positions due to lack of work, lack of funds or exhaustion of benefits. These eligibles shall take precedence over all other persons eligible for appointment.

6.1.4.2 Promotional - A list of eligibles resulting from an examination limited to qualified permanent employees only.

6.1.4.3 Promotional and Open Competitive with the Promotional List Taking Precedence – Separate promotional and open competitive lists of eligibles resulting from a single examination process with the promotional list taking precedence.

6.1.4.4 Promotional and Open Competitive with Dual Certification – One list of eligibles from a single examination process.

6.1.5 DURATION OF ELIGIBILITY LISTS:

An eligibility list shall be in effect for a period of one (1) year, unless exhausted, and may be extended up to two (2) additional years by the Personnel Director with ratification by the Commission. Names of additional successful competitors may be added to eligibility lists by the Personnel Director.

6.1.5.1 The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment announcement for the examination.

6.1.5.2 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.

REFERENCE: Education Code Sections 45260, 45261 and 45300

6.1.6 MERGER OF ELIGIBILITY LISTS:

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

6.1.6.1 When lists are merged under this rule, the earlier list shall be terminated one year after its establishment and those eligibles shall be removed from the merged list, except when the earlier list is extended.

6.1.6.2 All eligibles on a terminated eligibility list shall be notified when a new examination is scheduled for the class. Candidates may retake the examination if five (5) months have elapsed since they last took the examination. Notification is not required when an eligibility list expires.

REFERENCE: Education Code Sections 45260, 45261 and 45291

6.1.7 TERMINATION OF ELIGIBILITY LISTS:

An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Personnel Director and ratified by the Commission. Eligibility lists established under Rule 6.1.5 shall terminate six (6) months from the date of approval.

6.1.7.1 An eligibility list is automatically terminated when no eligibles remain on the list.

6.1.7.2 An eligibility list may be terminated by the Personnel Director when no eligible is available for appointment to a specific regular position in a class or when there are fewer than three (3) ranks of eligibles remaining on the list. Eligibles on a list shall be notified when the list is terminated.

REFERENCE: Education Code Section 45300

6.1.8 ELIGIBILITY AFTER APPOINTMENT:

An eligibility list shall be used for full-time, part-time, regular, and limited-term assignments in the class. An eligible who accepts limited-term employment shall continue to be eligible for regular employment.

REFERENCE: Education Code Sections 45260, 45261, 45278, 45286 and 45300

6.1.9 WAIVERS OF CERTIFICATION:

An eligible may make himself unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a written notice with the Personnel Commission Office in advance of the certification of eligibles to the Appointing Authority.

6.1.9.1 Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability.

6.1.9.2 An available eligible may waive certification twice without penalty. At the time a third waiver is made by an eligible, he will be informed that, upon filing the third waiver, his name will be removed from the eligibility list, per Rule 6.1.10.

REFERENCE: Education Code Sections 45260, 45261 and 45300

6.1.10 REMOVAL OF NAMES FROM ELIGIBILITY LISTS:

The name of an eligible's name may be removed from an eligibility list by the Personnel Director, subject to ratification by the Personnel Commission, for any of the following reasons:

6.1.10.1 Failure to respond within five (5) working days following the date that a written notice regarding the eligible's availability for employment was sent.

6.1.10.2 Any of the causes listed in Rule 4.4.

6.1.10.3 Failure to report for a scheduled interview after certification.

6.1.10.4 A written request by the eligible for removal.

6.1.10.5 Termination of employment.

6.1.10.6 Refusing an employment offer after certification as an eligible and available for the appointment.

6.1.10.7 Three waivers of certification during the life of the eligibility list, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this Rule.

REFERENCE: Education Code Sections 45260, 45261 and 45300

6.1.11 NOTIFICATION TO ELIGIBLE OF REMOVAL FROM LIST:

The Personnel Director shall notify the eligible of the action and the reasons therefore and shall provide the person with the opportunity to appeal the decision within five (5) days of notification to the Personnel Commission. The decision of the Commission shall be final.

REFERENCE: Education Code Sections 45260 and 45261

6.1.12 RESTORATION OF NAMES FROM ELIGIBILITY LISTS:

An employee who resigns during the probationary period may be restored to an eligibility list subject to all of the following provisions:

- 6.1.12.1** The employee must have resigned while in good standing
- 6.1.12.2** Restoration is limited to the eligibility list for the classification held by the employee at the time of resignation
- 6.1.12.3** The employee's eligibility shall expire when the list becomes invalid.

6.2 CERTIFICATION FROM EMPLOYMENT LISTS

6.2.1 APPOINTING AUTHORITY:

The appointing authority shall be the Board of Education and its designated managers, except that the Personnel Commission shall be the appointing authority for its Director and employees of the Personnel Commission.

6.2.2 ORDER OF PREFERENCE IN FILLING VACANCIES:

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

- 6.2.2.1** REEMPLOYMENT LIST - Persons previously laid off because of lack of work, lack of funds or exhaustion of medical leaves or benefits shall be assigned to vacant positions in order of seniority.
- 6.2.2.2** REINSTATEMENT / LATERAL TRANSFER / VOLUNTARY DEMOTION - All qualified persons requesting increase or decrease in hours, voluntary demotions, transfer or reinstatement shall be certified, at the same time, in addition to eligibles from lists established by competitive examination.
- 6.2.2.3** PROMOTIONAL ELIGIBILITY LIST – A vacancy may be filled through the procedure listed above, the top three (3) ranks of available eligibles shall be certified.

- 6.2.2.4** OPEN AND PROMOTIONAL LIST - When the vacancy cannot be filled from the promotional list referenced in rule 6.2.2.3, the top three (3) ranks of available eligibles on the promotional and open competitive list shall be certified.

REFERENCE: Education Code Sections 45272 and 45298

6.2.3 **RULE OF THREE RANKS:**

Eligibles shall be placed on eligibility lists in rank order according to their score in the examination process. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same score shall be placed in the same rank. Certification from the list shall be the first three (3) ranks of eligibles who are ready and willing to accept the positions to be filled.

- 6.2.3.1** For classes approved for continuous testing, certification shall be made from the list but a selection shall not be required until three (3) ranks of eligibles have been certified to the appointing authority.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45277

6.2.4 **CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS:**

When a vacant or new position is to be filled, the appointing authority shall notify the Personnel Director. For new positions the request must include the duties to be performed, hours, months, location and/or other pertinent information required to classify the position.

- 6.2.4.1** When a vacancy occurs in an established position, the appointing authority shall complete the Personnel Requisition form and submit it for approval by District administration.
- 6.2.4.2** Upon receipt of the requisition the Personnel Director shall determine the availability of eligibles and shall certify the names of eligibles. Certification of eligibles shall be in accordance with Rule 6.2.2 and 6.2.3.
- 6.2.4.3** The appointing authority conducting the interviews shall, within five (5) working days, schedule the final interviews from the eligibles presented on the referral form.
- 6.2.4.4** The appointing authority conducting the interviews shall, within three (3) working days of the final interview, make the selection(s) from the eligibles presented and shall notify the Personnel Commission office. The names of eligibles that failed to appear for their interview, who declined a conditional offer of employment, or were not selected.

6.2.4.5 If a candidate who was certified eligible for appointment to a position fails to keep an interview or declines appointment, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of additional eligibles in accordance with Rule 6.2.6.

6.2.4.6 In the event there is more than one (1) position in the class to be filled, the Personnel Director may certify additional ranks of eligibles to allow two (2) more ranks of eligibles than the number of vacancies to fill.

REFERENCE: Education Code 45260, 45261, 45272, 45277, and 45310

6.2.5 PROCEDURE WHEN FEWER THAN THREE RANKS REMAIN:

When fewer than three ranks of eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of the remaining eligibles and may request a new examination. When fewer than three eligibles are available for certification, the eligibility list may be terminated by the Commission in accordance with Rule 6.1.7. The remaining eligibles shall be notified in writing, prior to termination of the eligibility list, that they may or stand with their present score. After testing has concluded, the remaining eligibles shall be merged onto the new eligibility list.

REFERENCE: Education Code 45260, 45261 and 45272

6.2.6 CERTIFICATION OF ADDITIONAL ELIGIBLES:

Whenever an eligible who has been certified refuses appointment or fails to respond for an interview, the appointing authority shall notify the Personnel Director. When a request for additional eligibles is made, the Personnel Director shall:

6.2.6.1 Investigate removals at his discretion to determine if an appointment refusal is in fact voluntary.

6.2.6.2 Request authorization from the Commission to refuse additional certification, should the investigation determine that the refusal of appointment was in fact not voluntary.

6.2.6.3 Certify additional eligibles as provided by these Rules.

6.2.6.4 Remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list.

REFERENCE: Education Code Sections 45260, 45261 and 45272

6.2.7 WITHHOLDING NAMES FROM CERTIFICATION:

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

- 6.2.7.1** Expresses unwillingness or inability to accept appointment.
- 6.2.7.2** Fails to respond within five (5) working days following the mailing of a written inquiry regarding availability.
- 6.2.7.3** For any reason listed in Rule 4.4.
- 6.2.7.4** Fails to present the license, certification, or any other credential required.
- 6.2.7.5** Fails to report for duty at the designated time after accepting employment. Cannot be reached in time for a Limited Term appointment.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45277

6.2.8 FAILURE TO MAKE APPOINTMENT:

Should the appointing authority fail to make a selection from the top three (3) ranks or other eligibles as certified by the Personnel Director, the position shall be vacated. The position shall remain vacant until such time as a selection is made from the eligibles originally certified or until the eligibility list for the class expires. Vacant shall mean that no person in any employment status may fill that position.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45277

6.2.9 RESTORATION TO CERTIFICATION:

When the Personnel Director has withheld a candidate or eligible from placement on, certification from an eligibility list, the Director may subsequently approve placement on, or restoration to, the list subject to ratification by the Commission, under the following circumstances:

- 6.2.9.1** When the withholding or removal was due to a waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his/her availability to appear for interview, or to report for duty, and the person presents a good and valid reason, and certifies he/she is now willing and able to accept appointment.
- 6.2.9.2** Persons certifying that they have been unable to respond to a direct inquiry regarding availability shall provide evidence within ten (10) working days of their inability to respond at the time of their request for restoration to eligibility or certification.

6.2.9.3 When the withholding or removal was for a reason stated in Rule 4.4 and the defect or reason for ineligibility has since been corrected.

REFERENCE: Education Code Sections 45260, 45261 and 45272

6.2.10 CERTIFICATION FROM LIST FOR ANOTHER CLASS:

If there is no eligibility list for the class in which a vacancy occurs, certification may be made from a list for another related class at the same or higher salary. Certification may be made 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 Director finds, subject to approval by the Commission, that the use of the list is in the best interest of the District and that the necessary skills and knowledges were adequately tested in the examination.

REFERENCE: Education Code Sections 45260, 45261 and 45272

6.2.11 DUTIES OF ELIGIBLES:

Every eligible has a duty to respond promptly to Personnel Commission office after receiving notice of certification. An eligible is expected to respond within five (5) working days from the date notification is mailed. Failure to respond within the stated time may result in removal from the eligibility list.

6.2.11.1 Eligibles are required to keep the Personnel Commission office informed of their current home address and telephone numbers where they can be reached to schedule employment interviews. Failure to keep the Commission office informed may result in the eligible being bypassed on the eligibility list as unreachable.

6.2.11.2 An eligible who has been selected for a permanent position and is unable or unwilling to report by the end of two (2) full weeks, one (1) full month for management classes, may be considered to have refused appointment and the appointing authority may request certification of additional eligibles.

The date of offer of appointment shall be the date on which the eligible was notified by the Personnel Commission office of satisfactorily completing all pre-employment and background reviews. Notification may be made by telephone, electronic mail, or regular and certified mail.

6.2.11.3 When an appointment is to a Limited Term or substitute position the eligible must be available on the date specified by the appointing authority.

6.2.12 SELECTIVE CERTIFICATION:

If a position within a classification requires a special skill, license or language, the Personnel Director shall determine which eligibles possess the required skill, license or language and shall certify the names of the first three (3) ranks of eligibles who meet the special requirements. If there are insufficient eligibles who meet the special requirements and who are ready and willing to accept the position, a provisional appointment may be made, pending completion of an examination process to fill the position.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45277

6.2.13 CONFIDENTIALITY OF LISTS:

Eligibility lists and test scores shall be considered confidential information and release of this information shall be limited to:

- 6.2.13.1** Only information identifying the eligibles certified shall be released to the appointing authority.
- 6.2.13.2** Only information pertaining to an eligible's own scores and current rank on the list shall be released to the eligible or his representative.
- 6.2.13.3** To the extent authorized by law, such other persons as specifically ordered by the Commission.

REFERENCE: Education Code Sections 45260, 45261, 45272 and 45274
Government Code Section 1098

CHAPTER 7

APPOINTMENT TO CLASSIFIED POSITIONS

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7.1 PROCEDURES FOR APPOINTMENT

7.1.1 PROCEDURES FOR SELECTION:

The appointing authority shall interview all promotional eligibles certified from appropriate employment or eligibility lists. A selection shall be required when three (3) ranks of eligibles have been certified for a vacancy from an eligibility list.

REFERENCE: Education Code Sections 45260, 45261 and 45272

7.1.2 APPOINTMENT:

Upon selection, each person to be employed or promoted shall be given an offer of employment by Human Resources. The offer shall include the work location, time and date to report for duty and the salary at the time of hire.

7.1.2.1 Appointment to the position shall be subject to certification by the Personnel Director (approving that the employee was hired pursuant to the Education Code and Rules and Regulations) and the Board of Education (action to employ, except for Commission positions).

7.1.2.2 The prospective employee, upon pre-employment clearance, shall be allowed two (2) weeks to report for duty after an offer of employment to a regular position has been made or one (1) month in the case of management classes. Should the prospective employee be unable or unwilling to report for duty within the required period, the appointing authority may request additional ranks be certified.

REFERENCE: Education Code Sections 45260 and 45261

7.1.3 DISCRIMINATION PROHIBITED:

No applicant or eligible certified for appointment shall be discriminated against because of his/her age, medical condition, mental or physical disability, sex, sexual orientation, race, color, national origin or ancestry, marital status, gender identity, political or religious opinions or affiliation and legal activities thereto. No questions shall be asked relating to these matters during the selection and interview process.

REFERENCE: Education Code Section 45293
Government Code Sections 12940, 12941 and 12926

7.1.4 NEPOTISM:

No person shall be employed in any position which is directly supervised by a supervisor or administrator who is a member of that person's immediate family.

- 7.1.4.1** No person shall be employed in any position which is directly supervised by a supervisor or administrator who is a member of that person's immediate family.
- 7.1.4.2** District administrators, directors, supervisors, and other public officials should make every effort to prevent hiring situations which may be considered nepotism. This includes the advocacy of hiring or promoting a relative, whether or not that relative is, by definition, an immediate family member or whether or not that relative is in the direct line of supervision of the District official. Advocacy, for the purpose of this rule, shall mean using one's official capacity to exhort, encourage, recommend or demand the hiring of a relative.
- 7.1.4.3** No employee shall be transferred, assigned to or remain at a work location in any position which is directly supervised by an administrator or supervisor who is a member of the employee's immediate family.

REFERENCE: Education Code Sections 45260 and 45261
Government Code Section 1091.5

7.2 LIMITED TERM AND SUBSTITUTE APPOINTMENTS

7.2.1 POSITIONS DEFINED:

Positions established to perform duties which are not expected to exceed six (6) months or assignment in lieu of an absent employee (substitute positions) shall be designated limited term positions. Limited term and/or substitute assignments regardless of duration shall not result in appointment, tenure or permanence.

REFERENCE: Education Code Sections 45260, 45261 and 45286

7.2.2 PROCEDURE FOR ESTABLISHING A LIMITED TERM POSITION:

When a limited term position is established, the appointing authority shall notify the Personnel Commission office in writing of the hours, starting date and length of the assignment. Limited Term positions shall be classified by the Personnel Director. Establishment of limited term positions shall be subject to approval of the Personnel Director and ratified by the Personnel Commission and the Board of Trustees.

A limited term appointment may not exceed six (6) months. A substitute assignment may not exceed the duration of the absence of a regular employee. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class.

REFERENCE: Education Code Sections 45260, 45261 and 45286

7.2.3 ELIGIBILITY FOR APPOINTMENT:

Limited term and substitute appointments shall be made from eligibility lists and employment lists. Current full-time and part-time Bargaining Unit Members shall be considered for limited term appointments that are in addition to their regular assignment prior to former employees on the reemployment lists in accordance with the RUSD-CSEA Agreement.

7.2.3.1 If an eligible is appointed from an eligibility list to a substitute or limited term position, he/she shall continue to be eligible for substitute or limited term appointments in the same or a related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and has accepted a limited term appointment within thirty-nine (39) months after resignation.

7.2.3.2 When no eligible is available to accept a substitute or limited term position, the Personnel Director is authorized to certify applicants or candidates for appointment.

7.2.3.3 Time worked in a limited term or substitute status shall not be counted as credit toward permanency or completion of the probationary period for the class in which the limited term or substitute appointment is made.

REFERENCE: Education Code Sections 45260, 45261 and 45286
RUSD-CSEA Agreement, Article 10.4.3

7.2.4 TERMINATION OF LIMITED TERM APPOINTMENT

A limited term or substitute appointment may be terminated at any time at the discretion of the appointing authority. The appointing authority shall immediately notify the Personnel Commission office when a limited term assignment is being terminated.

REFERENCE: Education Code Sections 45260 and 45261

7.3 SPEICAL APPOINTMENTS:

7.3.1 PROCEDURE FOR EMERGENCY APPOINTMENT:

If it should become necessary in time of a declared emergency, as declared by the Board, to fill positions in the classified service to prevent the stoppage of public business, the Board of Education through its authorized management representatives may appoint persons to positions without reference to eligibility lists, for a period not to exceed fifteen (15) working days. When such emergency appointments are made, the Board of Education shall notify the Personnel Director

in writing of the date of appointment, nature of duties performed and the nature of the emergency requiring such appointments and any other information requested by the Personnel Director necessary to justify the emergency appointment.

REFERENCE: Education Code Sections 45260, 45261 and 45290

7.3.2 SUMMER AND OTHER RECESS PERIOD ASSIGNMENTS:

The Board may establish temporary positions during a recess period between the regular September to June school year, or during the recess periods during the school year. These positions shall be offered to regular employees of the District not regularly employed during the recess. Appointment to these positions shall be made first among employees who have requested recess period work and are working, or have worked, in the classification needed. Second, appointment shall be made among qualified employees working in other classifications, and finally among qualified persons not currently employed by the District.

The assignment of employees in the classifications of Career Vocational Assistant, Health Care Assistant, Instructional Assistant II and Personal Care Assistant to the Extended School Year (ESY) program for Special Education students shall be made in accordance with the RUSD-CSEA Agreement.

REFERENCE: Education Code Sections 45102, 45260 and 45261
RUSD-CSEA Agreement, Article 10.4.2.4

7.4 PROVISIONAL APPOINTMENT

7.4.1 REASONS FOR PROVISIONAL APPOINTMENT:

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

7.4.1.1 No eligibility lists exists for the class or;

7.4.1.2 An Eligibility List exists, but there is an insufficient number of available eligibles and the appointing authority requests three (3) ranks to interview.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

7.4.2 LENGTH OF PROVISIONAL APPOINTMENT:

A provisional appointment may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall elapse before an employee is again eligible to serve in any full-time provisional assignment. In no case may a person be

employed in any full-time provisional assignments for a total of more than one hundred twenty-six (126) working days in a fiscal year.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

7.4.3 EXTENSION OF PROVISIONAL APPOINTMENT:

The Commission may extend the ninety (90) working day provisional appointment for a period not to exceed thirty-six (36) additional working days provided:

7.4.3.1 An examination for the class was completed during the initial ninety (90) working days of the employee's provisional appointment. (Examination in this instance means administration of one of the test parts.)

7.4.3.2 Satisfactory evidence is presented indicating an adequate recruitment has been and is being made and extension of the provisional appointment is necessary to carry on vital functions of the District, and the position cannot be satisfactorily filled by use of other employment lists.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

7.4.4 SUCCESSIVE NINETY (90) DAY APPOINTMENTS:

In the absence of an appropriate eligibility list, successive appointments may be made to a position exceeding the 126 working day limitation when:

7.4.4.1 Continuous examination procedures have been authorized by the Commission or;

7.4.4.2 The position is less than twenty (20) hours per week.

7.4.4.3 Such appointment shall continue only until certification from an appropriate list can be made.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

7.4.5 QUALIFICATIONS OF PROVISIONAL APPOINTEES:

Provisional appointees must meet the qualifications for the classification stated in the class specification. The appropriateness of qualifications shall be made by the Personnel Director prior to appointment.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

7.4.6 STATUS OF PROVISIONAL EMPLOYEES:

To be eligible for appointment to a regular position, the provisional appointee must qualify by competitive examination and be selected from the eligibility list. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

7.4.7 TERMINATING A PROVISIONAL APPOINTMENT:

The services of a provisional appointee shall be terminated within twenty (20) working days after the date eligibles have been certified provided that this twenty (20) day period does not extend beyond the ninety (90) working day limitation. A provisional appointment may be terminated at any time at the discretion of the appointing authority.

REFERENCE: Education Code Sections 45260, 45261, 45287, 45288 and 45289

CHAPTER 8

EMPLOYMENT REQUIREMENTS

8.1 Physical Examinations

8.1.1 T.B. Examinations

8.1.2 Medical Examinations

8.1.3 Return to Work and Unscheduled Examinations

8.1.4 School Bus Driver Medical Examinations

8.2 Criminal Records

8.2.1 Fingerprinting

8.2.2 Review of Criminal Records

8.3 Other Employment Requirements

8.3.1 Income Tax Withholding Form

8.3.2 Retirement Application

8.3.3 Social Security Number

8.3.4 Oath of Allegiance

8.3.5 Verification of Right to Work Status

8.3.6 Requirement to Notify District of Any Status Change

8.3.7 Filing of Required Licenses or Certificates

8.1 PHYSICAL EXAMINATIONS

8.1.1 T.B. EXAMINATIONS:

All new employees shall present evidence of having submitted to an examination within the past sixty (60) days. A new employee is transferring his/her employment from another school or school district (including charter, private, or parochial schools) to Rowland Unified School District, shall be deemed to meet this requirement if that person can provide a certificate which shows he/she was examined within the past four (4) years and found to be free of communicable tuberculosis. This requirement can also be met if it is verified by the school or school district previously employing the new employee that it has such a certificate on file and a copy of the certificate is forwarded to this Personnel Commission. For new employees, evidence of compliance with the requirement of this section must be presented to the Personnel Commission prior to the first day of work.

8.1.1.1 Pre-employment tuberculin test costs are paid for by the new employee. The District shall provide for the exam for all continuing employees.

8.1.1.2 The District reserves the right to designate a particular clinic, hospital or site where the test will be administered.

REFERENCE: Education Code Sections 45122, 45260, 45261 and 49406
Administrative Code, Title 5 Section 5503

8.1.2 MEDICAL EXAMINATIONS

Every individual appointed to a position may be required to pass a job related physical examination prior to initial appointment. Promotional eligibles who have been offered employment in a classification possessing different physical requirements may also be required to undergo a physical examination as determined by the District. The examination will be administered after the conditional offer of employment but prior to actual appointment. The examination shall be administered by a physician chosen by the District. The determination of the kind and extent of the examination shall be determined by the District.

8.1.2.1 The District's physician shall provide the District a written statement of qualification or disqualification.

8.1.2.2 In the event of disqualification, the individual shall request in writing, for reasonable accommodation within five (5) working days. If a determination by the District is that reasonable accommodation can be made, the appointment shall be made. If the determination by the District is that reasonable accommodation is not possible, the individual will be so notified by the District.

8.1.2.3 Individuals who do not request reasonable accommodation or if a reasonable accommodation is not possible shall have the offer of employment rescinded.

REFERENCE: Education Code Sections 45122, 45260 and 45261

8.1.3 RETURN TO WORK AND UNSCHEDULED EXAMINATIONS:

An employee may be required to undergo a physical exam at any time the District deems there is reasonable cause. Employees returning from an injury or illness leave may be required to submit to a medical exam to verify sufficient recovery to return to duty.

REFERENCE: Education Code Sections 45122, 45260 and 45261

8.1.4 SCHOOL BUS DRIVER MEDICAL EXAMINATIONS:

In addition to any other examination that may be required by these rules and state and federal law, school bus drivers must have a valid medical card as required by state law. The District shall provide for and/or reimburse the costs of the school bus driver's examination for District employees.

REFERENCE: Education Code Sections 45122, 45260 and 45261
Labor Code Section 231

8.2 CRIMINAL RECORDS:

8.2.1 FINGERPRINTING:

Every new employee shall submit to a criminal records check of their fingerprints in accordance with prescribed procedures and be cleared by the State Department of Justice in accordance with Education Code section 45125 prior to commencing employment. Any failure by the new employee to comply with this requirement will result in the forfeiture of eligibility for employment. The costs of fingerprinting shall be borne by the employee.

REFERENCE: Education Code Sections 45125

8.2.2 REVIEW OF CRIMINAL RECORDS:

All criminal record reports received by Personnel Services are confidential. Any employee charged with receiving and/or reviewing criminal records and who divulges information to an unauthorized person is subject to disciplinary action.

8.2.2.1 The criminal records report from the California Bureau of Criminal Identification and/or the Federal Bureau of Investigation will be reviewed together with the application form prior to employment. If

there is a criminal record which was undisclosed and not reviewed prior to selection for employment, the Personnel Director may withdraw the conditional offer of employment and order the disqualification of the applicant.

8.2.2.2 If an applicant is to be disqualified because of information disclosed on the criminal records report, he shall be removed from all eligibility lists.

8.2.2.3 The Personnel Director shall notify the eligible of the action taken and the reasons therefore and shall provide the person with an opportunity to appeal the decision in writing according to the procedures in rules 4.4 and 4.5.

REFERENCE: Education Code Sections 45125, 45260, 45261 and 45311

8.3 OTHER EMPLOYMENT REQUIREMENTS

8.3.1 INCOME TAX WITHHOLDING FORM:

New employees shall submit the W-4 form for both State and Federal taxes to the Personnel Commission Office at the time of employment.

8.3.2 RETIREMENT APPLICATION:

New employees shall submit a completed retirement application form for the Public Employees Retirement System (PERS) at the time of employment or when they become eligible for membership. This Rule shall apply only to those employees eligible for PERS membership.

8.3.3 SOCIAL SECURITY NUMBER:

New employees shall present their Social Security card to the Personnel Commission Office at the time of employment.

8.3.4 OATH OF ALLEGIANCE:

All new employees must sign an oath of allegiance as required by Article XX, Section 3, of the California State Constitution and the Education Code. The oath shall be administered in the Personnel Commission Office at the time of initial employment. Refusal to sign the oath of allegiance shall cause the employment offer to be withdrawn.

8.3.5 VERIFICATION OF RIGHT TO WORK STATUS:

All persons employed are required to provide proof of their right to work in the United States and for Rowland Unified School District. An individual's right to

work is a minimum qualification for employment with the District. No person shall be placed in paid status without having on file with the District sufficient documentation as required by Federal law as to the person's right to work.

8.3.6 REQUIREMENT TO NOTIFY DISTRICT OF ANY STATUS CHANGE:

Employees shall notify Human Resources whenever their status changes, such as a new address, new telephone number, marital status for health benefits, increase or decrease in number of dependents, person to notify in case of emergency or other changes affecting the employee's status.

8.3.7 FILING OF REQUIRED LICENSES OR CERTIFICATES:

Some classifications require employees to possess licenses or certificates. All new employees must file a copy of any required license or certificate with the District as a condition of employment. As these licenses and certificates are renewed, copies must be filed with the District within ten (10) working days of receipt by the employee.

CHAPTER 9

EMPLOYMENT STATUS

9.1 Certification of Payrolls

9.1.1 Payroll Certification

9.1.2 Non-Compliance With Order of Personnel Director

9.2 Employee Assignment

9.2.1 Employee Assignment Data

9.2.2 Change In Working Hours

9.3 Probationary Status

9.3.1 Initial Probation Period

9.3.2 Completion of Initial Probation

9.3.3 Probation for Promotional Employees

9.4 Permanency

9.4.1 Permanent Status

9.4.2 Rights of Permanent Employee

9.1 CERTIFICATION OF PAYROLLS

9.1.1 PAYROLL CERTIFICATION:

No person shall be appointed to a position in the classified service unless the assignment order is certified by the Personnel Director. The Personnel Director shall certify that the assignment has been made in accordance with these Rules and Regulations as well as the Education Code. The Personnel Director shall audit all changes of status for classified employees.

All time sheets, payroll reports or other financial or employment documents shall be made available to the Personnel Director upon request. In the event that assignments are not in accord with the Rules and Regulations of the Commission, the Personnel Director shall immediately notify the District of any irregularities and attempt to resolve the problem.

9.1.2 NON-COMPLIANCE WITH ORDER OF THE PERSONNEL DIRECTOR:

If any irregularities are unresolved within a reasonable period of time, the Personnel Director shall report the violation of the Merit System Act or these Rules and Regulations to the District and the Commission. Whenever the Commission, after a public hearing, finds that any appointment has been made in violation of these Rules and Regulations as they apply to examination and appointment, the Commission may order that no salary warrant thereafter be drawn to the employee so appointed. Any violation of this article or the Rules and Regulations of the Commission as they apply to examination or appointment shall constitute grounds for dismissal of the employee or employees guilty of such violation.

REFERENCE: Education Code Sections 45169, 45260, 45261, 45272, 45310 and 45311

9.2 EMPLOYEE ASSIGNMENT

Upon initial employment and upon each change in classification thereafter, the classified employee shall sign an acknowledgement of the receipt of assignment information. The original assignment information shall be placed in the employee's personnel file.

9.2.1 EMPLOYEE ASSIGNMENT DATA:

The employee shall be provided two (2) copies of the class specification for their position; the notice of salary including hourly, daily, monthly, annual and overtime and differential rates of pay, whichever are applicable; prescribed duty hours, work week, work year and work location; and the terms and conditions of the probationary period, including performance evaluation procedures. The employee shall provide one signed and dated copy of the above information to his supervisor.

9.2.2 CHANGE IN WORKING HOURS:

Except in the case of employees covered by a bargaining unit agreement, the District shall have the right to assign and reassign daily hours of work and shifts of the employee, to meet the operational needs of the District. Matters of this nature involving employees covered by a bargaining unit agreement shall be handled in accordance with that agreement. Written notice of a change in working hours shall be provided to an employee five (5) work days prior to the effective date of the change.

9.2.3 ORIENTATION OF NEW EMPLOYEES:

Within five (5) working days of a new assignment, each employee shall be advised by his immediate supervisor of information relating to the employee's position, including but not limited to, specific duty hours, break times, lunch period, work rules, department regulations, procedure for reporting absences, payroll reporting and the terms, conditions and procedures for performance evaluation.

REFERENCE: Education Code Section 45169

9.3 PROBATIONARY STATUS

9.3.1 Each new regular employee appointed from an eligibility list shall serve an initial probationary period of six months or one hundred thirty (130) days of paid regular service, whichever is longer, in a classification before attaining permanent status in the classified service. Classes designated by the Commission as executive, administrative, or Campus Peace Officer shall serve a probationary period of one (1) year of paid regular service in a classification before attaining permanent status in the classified service.

9.3.1.1 Credit toward probation shall be granted only for service in a regular position in a class after appointment from an eligibility list.

9.3.1.2 Probationary credit shall not include time when an employee is absent from work for more than ten (10) consecutive workdays.

9.3.1.3 Probationary credit shall not include any time when an employee works in a Provisional, Limited Term or Substitute assignment.

REFERENCE: Education Code Section 45301

9.3.2 COMPLETION OF INITIAL PROBATION:

Each probationary employee shall be evaluated by the end of the second month, by the end of the fourth month, and by the end of the fifth month. In addition, employees with a one (1) year probation shall be evaluated by the end of the fourth month, by the end of the eighth month, and by the end of the eleventh month.

- 9.3.2.1** A probationary employee may be disqualified or released at any time.
- 9.3.2.2** A probationary employee is an “at-will” employee during the probationary period and as such shall not have the right to appeal disqualification or release while in a probationary status.
- 9.3.2.3** A probationary employee who resigns in good standing during the initial probationary period shall, upon request, be restored in proper rank to the eligibility list. Such action shall not extend the life of the list or the period of eligibility of the person.
- 9.3.2.4** When a probationary employee is to be disqualified or released, the immediate supervisor shall notify the probationary employee in writing and submit a copy of it to the Human Resources Division and Personnel Commission Office. The person’s name shall be removed from the eligibility list. (Such action shall not extend the life of the list or the period of eligibility of the person.)
- 9.3.2.5** Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should such person be laid off without fault or delinquency on his part before completion of the probationary period, the person's name shall be restored to the eligibility list.

REFERENCE: Education Code Sections 45260, 45261, 45269, 45270, 45301, 45302 and 45305

9.3.3 PROBATION FOR PROMOTIONAL EMPLOYEES:

A permanent classified employee who has been promoted shall serve a new probationary period not to exceed six months or one hundred thirty (130) days of paid regular service, whichever is longer, in that class before attaining permanency in the class.

- 9.3.3.1** A permanent classified employee who has been promoted may be involuntarily returned to his former class upon completion of a performance evaluation and recommendation to disqualify. The employee shall not have the right to appeal unless the disqualification results in separation from the classified service.

9.3.3.2 A permanent classified employee in a probationary status shall retain all rights to appeal a discipline for cause or a probationary disqualification that results in the termination of employment.

9.3.3.3 A permanent employee who resigns in good standing during the probationary period shall, upon request, be restored in proper rank to the eligibility list. Such action shall not extend the life of the list or the period of eligibility of the person.

REFERENCE: Education Code Sections 45260, 45261, 45269, 45270, 45301, 45302 and 45305

9.4 PERMANENCY

9.4.1 PERMANENT STATUS:

Upon successful completion of the prescribed initial probationary period, a classified employee shall be deemed to be a part of the permanent classified service.

9.4.2 RIGHTS OF PERMANENT EMPLOYEE:

Every permanent classified employee shall be entitled to all rights, benefits and burdens conferred by law, Personnel Commission Rules and Regulations or by action of the Board for classified employees including a vested right to his/her position. A permanent classified employee may only be removed for cause or due to lay off.

REFERENCE: Education Code Section 45301

CHAPTER 10

HOURS OF EMPLOYMENT AND OVERTIME

10.1 Work Schedules

- 10.1.1 Work Week
- 10.1.2 Alternative Work Schedule
- 10.1.3 Workday
- 10.1.4 Adjustment of Assigned Time
- 10.1.5 Decreases in Assigned Time
- 10.1.6 Benefits for Assignments of Less Than 8 hours / 12 months
- 10.1.7 Meal Periods
- 10.1.8 Rest Periods
- 10.1.9 Split Shift Assignments

10.2 Overtime and Related Matters

- 10.2.1 Overtime
- 10.2.2 Compensatory Time Off
- 10.2.3 Assignment of Overtime
- 10.2.4 Call Back Time
- 10.2.5 Call In Time
- 10.2.6 Exemption from Overtime

10.1 WORK SCHEDULES

10.1.1 WORK WEEK:

The regular workweek of a full-time classified employee shall be forty (40) hours and the regular work day shall be eight (8) hours, exclusive of lunch. This rule shall not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

10.1.1 The District may establish a work day of less than eight (8) hours per day and a work week of less than forty (40) hours for some or all of its classified positions.

10.1.2 When the District determines that a classified employee is to be assigned a work week which includes Saturday or Sunday, the District shall notify the employee in writing and secure the employee's consent. Classified employees shall not be required to work Saturday or Sunday, if they certify in writing that the assignment conflicts with religious beliefs or practices.

REFERENCE: Education Code Sections 45127 and 45132
RUSD-CSEA Agreement, Article 10.1

10.1.2 ALTERNATIVE WORK WEEKS:

10.1.2.1 **TEN (10) HOUR WORKDAY:** The District may establish a ten (10) hour-per-day, forty (40) hour, four (4) consecutive day work week for all, or certain classes of its employees, or for employees within a class when, by reason of the work location and duties actually performed by such employees, their services are not required for a work week of five (5) consecutive days. This provision may only be implemented if the establishment of such a work week has the concurrence of the concerned employee, class of employees, or classes of employees. Employees covered by the RUSD-CSEA Agreement have the right to have this matter handled in accordance with said agreement.

10.1.2.2 **NINE/EIGHTY (9/80) WORK WEEK:** The District may establish a workweek to include a nine (9) hour workday, eighty (80) hours per two (2) week schedule for all, or certain classes of its employees, or for employees within a class when, by reason of the work location and duties actually performed by such employees. This provision may only be implemented if the establishment of such a work week has the concurrence of the concerned employee, class of employees, or classes of employees. Employees covered by the RUSD-CSEA Agreement have the right to have this matter handled in accordance with said agreement.

REFERENCE: Education Code Sections 45132 and 45133
RUSD-CSEA Agreement, Article 10.1

10.1.3 WORKDAY:

The length of the workday shall be designated by the District for each classified assignment in accordance with the provisions set forth in these rules. Each classified employee shall be assigned a fixed, regular, and ascertainable minimum number of assigned hours per day (with fixed, regular starting and ending times), days per week, and months per year.

REFERENCE: Education Code Section 45169

10.1.4 ADJUSTMENT OF ASSIGNED TIME:

Any classified employee who with the permission or at the direction of his supervisor, works an average of thirty (30) minutes or more per day in excess of his regular part-time assignment for a period of twenty (20) or more consecutive work days shall have his regular assignment adjusted upward to reflect the longer hours, effective at the beginning of the next pay period.

10.1.4.1 If an employee's average paid time for a part-time assignment, excluding overtime, exceeds his minimum assigned time by fifty (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 paid per working day in the preceding quarter, excluding overtime.

REFERENCE: Education Code Sections 45137

10.1.5 DECREASES IN ASSIGNED TIME:

A District initiated decrease in the assigned hours per day, hours per week, days per year, or months per year of an existing regular position shall be considered a layoff for lack of work or lack of funds. All District initiated decreases in assigned time shall be performed in accordance with the layoff procedures in these Rules and, when appropriate, the RUSD-CSEA Agreement.

REFERENCE: Education Code Sections 45308

10.1.6 BENEFITS FOR ASSIGNMENTS LESS THAN 8 HOURS / 12 MONTHS:

All employees assigned less than eight (8) hours per day and/or less than twelve (12) months per year shall be entitled to sick leave and all other benefits conferred by law on classified employees. These employees shall also be entitled to all leaves and benefits granted by the Board to a majority of the regular full-time classified employees. These benefits shall be provided on at least a prorated basis. For members of the Bargaining Unit, eligibility for

health and welfare benefits will be in accordance with RUSD-CSEA Agreement.

REFERENCE: Education Code Sections 45136
RUSD-CSEA Article 12

10.1.7 MEAL PERIODS:

All unrepresented employees who are scheduled to work over six (6) consecutive hours per day shall be assigned an unpaid, uninterrupted meal period of at least thirty (30) minutes to a maximum of one (1) hour. The meal period shall be assigned at or about the midpoint of each work shift. This provision does not apply to employees working six hours or less, or assigned to a split shift. In accordance with the RUSD-CSEA Agreement, all Bargaining Unit members working more than five (5) consecutive hours per day shall have an unpaid, duty-free, uninterrupted lunch break.

REFERENCE: Education Code Sections 45180
RUSD-CSEA Article 10.2

10.1.8 REST PERIODS:

Each employee shall be allowed a fifteen (15) minute rest period during any four (4) hour working period, which is not interrupted by a meal period or similar break. Such rest period must be taken at the assigned work site, unless prior approval has been obtained from the immediate supervisor.

10.1.8.1 Employees shall be granted rest periods which, insofar as practicable, shall be in the middle of each work period, but scheduled no later than prior to the last hour of the employee's work day.

10.1.8.2 In accordance with the RUSD-CSEA Agreement, all Bargaining Unit members working four (4) consecutive hours per day shall be entitled to a paid, uninterrupted fifteen (15) minute rest period. Members working eight (8) hours shall be entitled to two (2) rest periods, one before and after lunch.

REFERENCE: RUSD-CSEA Article 10.3

10.1.9 SPLIT SHIFT ASSIGNMENTS:

The District shall have the right to assign classified employees to a split shift as part of a regular assignment. The period between the split shifts shall be unpaid as long as the period of unpaid time exceeds one (1) hour. If a shift is split by one (1) hour or less, the unassigned time between shifts shall be paid at the appropriate rate of pay. Bona fide scheduled meal periods of up to one (1) hour as required by these Rules shall not be considered a split shift and shall be considered unpaid time.

10.2 OVERTIME AND RELATED MATTERS

10.2.1 OVERTIME:

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

10.2.1.1 Employees having an average work day of four (4) or more hours shall receive overtime compensation for any authorized work performed on the sixth or seventh consecutive day of work.

10.2.1.2 Employees having an average work day of less than four (4) hours per day shall receive overtime compensation for any authorized work performed on the seventh consecutive day of work.

10.2.1.3 All hours worked by an employee on any holiday designated by these rules, the law, or the Board of Education shall be compensated at the overtime rate of pay in addition to regular pay received for the holiday.

10.2.1.4 When a nine (9) hour, eighty (80) hour per two (2) week schedule has been established by the District, the overtime rate shall be paid for all hours worked in excess of nine (9) hours per day or eighty (80) hours in the two-week period.

10.2.1.5 When a ten (10) hour per day, forty (40) hour per week schedule has been established by the District, the overtime rate shall be paid for all hours worked in excess of ten (10) hours per day or forty (40) hours per week.

10.2.1.6 For purposes of defining the regular rate of pay in order to determine the proper overtime rate, the District shall take the employee's hourly rate of pay, and add any differential rates, premium rates, or longevity increments received by the employee.

10.2.1.7 For purposes of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

10.2.1.8 Overtime shall be allowed only when approved by an employee's administrator or supervisor.

REFERENCE: Education Code Sections 45128, 45130, 45131, 45132, 45133, 45260, 45621 and 45203

10.2.2 COMPENSATORY TIME OFF:

At the District's discretion, compensatory time off may be authorized in lieu of cash compensation for overtime worked to an employee.

10.2.2.1 A record of compensatory time worked and taken shall be maintained in the department.

10.2.2.2 Compensatory time may be taken in lieu of any other authorized leave.

10.2.2.3 Compensatory leave shall be approved by the immediate supervisor before it is taken.

10.2.2.4 Compensatory time shall be taken at a time mutually acceptable to the employee and the District within twelve (12) months following the month when the overtime was worked. If accrued compensatory time is not used within the twelve (12) months when the overtime was worked, or an employee transfers to another sites or is separated from employment, then the accrued time will be paid to the employee.

10.2.2.5 Compensatory time is earned at the overtime rate as established in these Rules.

REFERENCE: Education Code Sections 45128 and 45129

10.2.3 ASSIGNMENT OF OVERTIME:

Overtime work shall be equitably assigned among all qualified classified employees who are in the same class, the same organizational unit and the same work location, and when applicable, according to provisions in the RUSD-CSEA Agreement. In assigning overtime, the immediate supervisor may consider:

10.2.3.1 Special skills and/or training required to perform the work.

10.2.3.2 The availability of regular part-time classified employees to perform the work.

10.2.4 CALL BACK TIME:

Whenever an employee is called back to duty or required to return to duty by his/her supervisor or designee after the conclusion of the normal work shift, and after the employee has left the work location, the employee shall receive a minimum of two (2) hours pay or pay for the hours worked at the appropriate salary rate, whichever is greater.

10.2.5 CALL IN TIME:

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

10.2.6 EXEMPTION FROM OVERTIME:

Positions or classes of positions designated supervisory, administrative or executive by the Commission may be exempted from the overtime provisions of these Rules. To be exempted from overtime, positions or classes of positions must clearly and reasonably be management positions. The duties, flexibility of hours, salary, benefit structure and authority of these classes are of such a nature that they should be set apart from positions subject to overtime and will not be unreasonably discriminated against as a result of this exemption. Notwithstanding this Rule, if an exempt employee is required to work, with prior approval of the Superintendent or Board on any District paid holiday, the employee shall be paid, in addition to the regular pay received for the holiday, the rate of one and one-half (1-1/2) times the employee's regular rate of pay for all hours worked on that day.

REFERENCE: Education Code Sections 45128 and 45203

CHAPTER 11

TRANSFER OF EMPLOYEES

11.1 Transfer

- 11.1.1 Definitions of Transfer
- 11.1.2 Position Transfer
- 11.1.3 Voluntary Transfer Requests
- 11.1.4 Lateral Transfer
- 11.1.5 No Adverse Effect from Transfers
- 11.1.6 Seniority Credit
- 11.1.7 Certification of Names to Interview
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- 11.1.9 Notification of Transfer Selection

11.2 Demotions

- 11.2.1 Voluntary Demotions
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11.3 Reinstatement and Restoration

- 11.3.1 Restoration of Current Employee to Former Class
- 11.3.2 Reinstatement of Former Employee
- 11.3.3 Effects of Reinstatement

11.1 TRANSFER

11.1.1 DEFINITIONS OF TRANSFER:

FOR EMPLOYEES COVERED BY THE RUSD-CSEA AGREEMENT, REFER TO ARTICLE IX – TRANSFERS FOR THE APPLICABLE PROCEDURES.

A position transfer means the relocation of an employee between job sites or between departments, within the same classification. A lateral transfer is the transfer of an employee to a position in a similar or related class with the same salary range. For purposes of this Rule, a vacancy shall occur when a new position is created or an existing position becomes vacant.

REFERENCE: Education Code Sections 45260 and 45261

11.1.2 POSITION TRANSFER:

A position transfer may be initiated by the District or at the request of the employee. An employee may request a position transfer if the employee has permanent status. District initiated position transfers may be made at any time for the good of the classified service with the approval of Human Resources. An employee whose last overall evaluation was unsatisfactory or needs improvement is ineligible for transfer, except with the approval of Human Resources. Transfers shall be governed by the following rules:

- 11.1.2.1** An employee who is to be involuntarily transferred shall be notified in writing by the District at least five (5) working days prior to the effective date of the transfer.
- 11.1.2.2** An employee may request a conference or written statement regarding the reason(s) for the involuntary transfer. Upon such request the District shall provide a written statement of the reasons for the transfer prior to the effective date of the transfer. The reasons for the transfer shall be clearly stated to the employee.
- 11.1.2.3** Employees shall not be involuntarily transferred for punitive or disciplinary reasons except as provided under the disciplinary provisions of these Rules.
- 11.1.2.4** An employee transferred to another position in his/her classification shall acquire permanent status upon completion of the balance of the probationary period.
- 11.1.2.5** Employees may appeal involuntary transfer through the procedures set forth in these rules.

11.1.3 VOLUNTARY TRANSFER REQUESTS:

A permanent employee may request a transfer to another position in the same classification by completing a Request to Transfer form online at the Personnel Commission webpage. Consideration shall be given to all requests for transfers that are properly submitted. Transfer requests will be held on file for the calendar year when filed and expire on December 31st. If an employee is interested in transferring to more than one classification, then he/she must file a separate request for each classification he/she is considering for transfer. As vacancies occur, the names of employees shall be referred to supervisors for interview in accordance with employees' designated sites and schedules in the transfer form.

11.1.4 LATERAL TRANSFER:

A permanent employee may request a transfer from his/her position in one class to a position in another related class. The Personnel Director shall make the determination of whether classes are sufficiently related to permit transfer between them and shall be based on the similarity of 1) duties; 2) minimum qualifications; and 3) examination content. The extent to which the two (2) classes must be comparable may depend on additional factors. The appointing authority shall interview the eligibles certified from appropriate employment or eligibility lists along with the lateral transfer candidate(s).

A permanent employee who transfers to a position in a class that the employee has not previously completed the prescribed probation period, shall be considered probationary in the new class. At any time during this probationary period the employee may be returned to a position in his/her former classification without the right of appeal as required in rule 9.3.

11.1.5 NO ADVERSE EFFECT FROM TRANSFER:

Transfer shall not change the employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation credit or otherwise adversely affect the employee's rights except as provided in these Rules.

11.1.6 SENIORITY CREDIT:

Transfers shall have no adverse impact upon an employee's seniority when both positions are in the same class. When the transfer is to a position in another class, seniority in the new class shall commence with the employee's first day of paid service in the new class. The employee shall retain seniority in the former class or classes as well as total seniority with the District.

11.1.7 CERTIFICATION OF NAMES TO INTERVIEW:

The Personnel Director shall maintain an employment list of transfer and reinstatement candidates. Whenever a vacancy occurs the Personnel Director shall first submit the appropriate employment list of transfer and reinstatement candidates, if any, to the appointing authority. The appointing authority may fill a vacant position by making a selection from this list or may request eligibles and make a selection.

REFERENCE: Education Code Section 45272

11.1.8 FACTORS CONSIDERED BY SUPERVISORS IN TRANSFERS:

The appointing authority making the selection to fill the vacancy shall consider transfer candidates based on the specific skills and qualifications needed for the position and the candidate's prior job performance as evidenced by the employee's most recent performance evaluation.

11.1.9 NOTIFICATION OF TRANSFER SELECTION:

The appointing authority shall notify the Personnel Director in writing of their decision within three working days after completion of the interviews. The selected transfer candidate shall be released by his/her other site or department within ten (10) working days of the date of notification to the Personnel Director, unless otherwise agreed to by all parties. The effective date of transfer shall be communicated in writing to all parties by the Personnel Director.

11.2 DEMOTIONS

11.2.1 VOLUNTARY DEMOTIONS:

An employee may request a voluntary demotion to a vacant position in a class with a lower salary rate, provided that the employee has previous permanent status in that class or the request for demotion is to a related class in the same occupational group. All demotion requests shall identify the classification(s) that the employee desires to demote to, and such requests require the approval of the Personnel Director. Demotion candidates shall be certified for a vacant position in addition to all voluntary transfer candidates for interview.

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

11.2.1.2 A voluntary demotion is available to a probationary employee, who does not hold permanent status in the District, only in lieu of layoff and according to this Rule.

11.2.1.3 An employee who demotes to a class where permanent status has not been held shall complete the appropriate probationary period in the new class.

11.2.1.4 Salary placement for employees who demote to a class with a lower maximum salary rate shall be in accord with these Rules.

REFERENCE: Education Code Section 45272

11.2.2 INVOLUNTARY DEMOTIONS:

Involuntary demotion is a disciplinary action for cause and is subject to the disciplinary procedure in these Rules. However, a permanent employee who has been promoted to a higher class or transferred to a new class may be involuntarily returned to the former class, during the probationary period without the right of appeal, pursuant to these Rules. Salary placement upon involuntary demotion shall be in accordance with these Rules.

REFERENCE: Education Code Section 45302

11.3 REINSTATEMENT AND RESTORATION

11.3.1 RESTORATION OF CURRENT EMPLOYEE TO FORMER CLASS:

An employee who has taken a voluntary demotion may be restored to a vacant position in his former class within thirty-nine (39) months after demotion. Except for a demotion taken in lieu of layoff, restoration is discretionary with the appointing authority.

11.3.2 REINSTATEMENT OF FORMER EMPLOYEE:

A former permanent employee who resigned in good standing may be reinstated to a vacant position in a former class and status within thirty-nine (39) months of the last date of paid service. In addition, the former employee may be reinstated to a vacant position in a lower related class, if qualified, or in a limited-term status in the same or lower class, if approved by the Personnel Director. Reinstatement actions are discretionary with the District.

11.3.3 EFFECTS OF REINSTATEMENT AND RESTORATION:

The restoration of a current employee or the reinstatement of a former employee shall have the following effects:

11.3.3.1 A former employee reinstated to a position in their former class shall be placed at the same salary step and performance increment that the person attained when he/she left the District. If reinstated in a lower related class, the employee is placed at the rate closest that of the step and performance increment to which he would be assigned if reinstated to his former class.

11.3.3.2 A current employee being restored to a former higher class would be placed on the salary range of the higher class and then to the step required in these Rules as if the employee was receiving a promotion.

11.3.3.3 A former employee who is reinstated receives restoration of accumulated sick leave and seniority as of the date of separation.

11.3.3.4 The former employee will receive restoration of his/her former anniversary date, deducting time away from the District and without step-advancement credit for the break in service.

11.3.3.5 A reinstated former employee receives restoration of any performance increments granted prior to resigning, without longevity or step advancement credit for the break in service.

REFERENCE: Education Code Section 45309

CHAPTER 12

EMPLOYEE PERSONNEL FILES

- 12.1 Maintenance of File
- 12.2 Inspection of Personnel File By Employee
- 12.3 Inspection of Personnel File By Others
- 12.4 Derogatory Information
- 12.5 Signature and Date Required
- 12.6 Appeal of Placement of Material In File
- 12.7 Appeal of Placement of Material In File

12.1 MAINTENANCE OF FILE

An official personnel file for each employee in the Classified service will be properly maintained in the Human Resources Office.

REFERENCE: Education Code Sections 45260 and 45261

12.2 INSPECTION OF PERSONNEL FILE BY EMPLOYEE

An employee shall have the right to inspect his personnel file upon request. Such inspection shall take place during normal business hours, by appointment only, and with the approval of the supervisor, the employee shall be released from duty for this purpose without salary reduction. An employee shall have access to all material in his personnel file, except that such materials subject to inspection shall not include confidential ratings, reports or records which were:

12.2.1 Obtained prior to the person's employment.

12.2.2 Prepared by identifiable examination committee members.

12.2.3 Obtained in connection with a promotional examination.

REFERENCE: Education Code Sections 44031, 45260 and 45261
Government Code 6254
Labor Code 1198.5

12.3 INSPECTION OF PERSONNEL FILE BY OTHERS

The employee personnel file shall be available for inspection by the Superintendent, the Assistant Superintendent of Human Resources and members of his staff, the Personnel Director and members of his staff, members of the Board of Trustees, members of the Personnel Commission, the immediate supervisor above the employee, and the employee and his official representative (with written approval from the employee). The inspection of the personnel file by an individual other than the employee (or his official representative) shall only be allowed when actually necessary in the proper administration of the District's affairs or the supervision of the employee.

REFERENCE: Education Code Sections 45260 and 45261

12.4 DEROGATORY INFORMATION

Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee. The affected employee shall be furnished with a copy of the proposed

material ten (10) working days prior to it being placed in the personnel file. An employee shall have the right to enter, and have attached to any derogatory material, his own statements.

REFERENCE: Education Code Sections 44031, 45260 and 45261

12.5 SIGNATURE AND DATE REQUIRED

Any person who places written material or drafts written material for placement in an employee's personnel file shall sign the material and signify the date on which such material was drafted. Any written materials placed in a personnel file shall indicate the date of such placement. Employees have the right to enter appropriate materials into their personnel files at any time with the consent of the Assistant Superintendent of Human Resources or Personnel Director provided that the material directly impacts the employee's employment. The filing of materials that would result in an unreasonable burden to store in a personnel file will not be accepted.

REFERENCE: Education Code Sections 45260 and 45261

12.6 APPEAL OF PLACEMENT OF MATERIAL PLACED IN FILE

An employee may appeal the placement of derogatory information in his personnel file through the Personnel Commission's complaint procedure. The time line for appealing shall coincide with the ten (10) working day inspection period outlined in Rule 12.5. The only cause for appeal shall be a claim that a law or rule of the Personnel Commission has been violated.

REFERENCE: Education Code Sections 45260 and 45261

12.7 REMOVAL OF DEROGATORY MATERIAL

If the Commission sustains a complaint, the derogatory material shall be removed from the employee's personnel file. In no other instance shall derogatory information be removed from the personnel file. At the point that any complaint is not sustained by the Commission or the time period for filing a classified association grievance related to derogatory information has passed without the filing of a complaint, the derogatory material shall be considered a Class 1 - Permanent Record, and shall not be removed.

REFERENCE: Education Code Sections 45260 and 45261

CHAPTER 13

PERFORMANCE EVALUATIONS

- 13.1 Policy Statement
- 13.2 Administration of Performance Evaluation System
- 13.3 When Evaluations are to be Made
- 13.4 Evaluation Rater
- 13.5 Evaluation Forms
- 13.6 Evaluation Meeting
- 13.7 Specific Recommendations for Improvement
- 13.8 Signing of Form
- 13.9 Distribution of Evaluation
- 13.10 Employee Attachments to the Evaluation
- 13.11 Effects of Below Overall Satisfactory Rating

13.1 POLICY STATEMENT

The employee performance evaluation report serves as an important tool for both management and employees to ensure quality and efficient work performance. The following rules provide the performance rating standards and procedures which shall be used in connection with the eligibility for advancement, promotion, demotion, and dismissal from the Classified service, as well as other decisions relative to members of the Classified service. Performance evaluations are designed and intended to provide an objective determination of employee skills, ability performance and work behavior. Immediate supervisors have the responsibility for evaluating each employee assigned to their department or school.

Procedures pertaining to the evaluation of employees contained in the RUSD-CSEA Agreement shall be applied for all Bargaining Unit Members.

REFERENCE: Education Code Sections 45260 and 45261
RUSD-CSEA Agreement, Article 5

13.2 ADMINISTRATION OF PERFORMANCE EVALUATION SYSTEM

The Assistant Superintendent of Human Resources is responsible for administering the performance evaluation system for all members of the Classified Service. He shall insure that all evaluations are properly completed, reviewed, and submitted for inclusion in employees' personnel files. The Personnel Director shall be responsible for monitoring the performance evaluation system.

REFERENCE: Education Code Sections 45260 and 45261

13.3 WHEN EVALUATIONS ARE TO BE MADE

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

13.3.1 Probationary Employees: Employees designated as confidential or supervisory shall be evaluated at the end of the second, fourth and fifth months of service. For persons employed in positions designated as administrative or executive by the Personnel Commission, performance evaluations shall take place at the end of the fourth, eighth and eleventh months of service. For persons employed in Bargaining Unit positions, performance evaluations shall take place at approximately the conclusion of the second, fourth and fifth months of service. In classes designated as Campus Peace Officer by the Personnel Commission, performance evaluations shall take place at approximately the end of the fourth, eighth and eleventh months of service.

13.3.2 Permanent Employees: Employees designated as permanent shall be evaluated at least once each fiscal year. For persons employed in Bargaining Unit positions, the annual performance evaluation may be waived by the

evaluator for up to three (3) years for employees who have served in the District two (2) years following the probationary period.

13.3.3 Special Evaluations: Employees may be given a special evaluation at any time during the year if deemed necessary by the immediate supervisor.

REFERENCE: Education Code Sections 45260 and 45261
RUSD-CSEA Agreement, Article 5

13.4 EVALUATION RATER

Each employee is to be evaluated by his 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 division, department or school, and is designated management or supervisory. The evaluation shall be made in a joint conference between the employee and supervisor. In cases where the employee is assigned to more than one (1) department, site, and/or classification, with different supervisors, then the employee shall receive a joint evaluation.

Teachers or bargaining unit personnel shall not act as the assigned rater for classified employees. Only designated supervisory or management employees may rate and sign the performance evaluation form. Immediate supervisors may receive input from employees having a lead function over the employee to be evaluated.

REFERENCE: Education Code Sections 45260 and 45261

13.5 EVALUATION FORMS

Performance evaluations shall be made on approved District forms. All evaluations indicating a need to improve or unsatisfactory comments about the employee's performance shall include substantiating comments and/or documentation.

REFERENCE: Education Code Sections 45260 and 45261

13.6 EVALUATION MEETING

In presenting the performance evaluation form, the immediate supervisor shall hold a meeting with the employee to present the evaluation form and discuss performance issues. Performance evaluation meetings shall be held during the employee's normal work time and without loss of pay. The meeting shall be scheduled by the supervisor to allow adequate time for a discussion with and by the employee.

REFERENCE: Education Code Sections 45260 and 45261

13.7 SPECIFIC RECOMMENDATIONS FOR IMPROVEMENT

Performance evaluations with an overall rating of needs improvement or unsatisfactory shall include specific recommendations and/or directives for improvement. Such evaluations shall include a written plan of assistance - performance improvement plan. The written plan shall include specific comments or documentation of the performance or behavior deemed to be need improvement or unsatisfactory. The plan shall provide written guidance and/or directives to assist the employee in correcting any deficiencies and improving their performance. The plan shall also include steps that the immediate supervisor will take to assist the employee with improving their performance. The supervisor shall assess the employee's performance within sixty (60) working days of the date of the performance evaluation and prepare a written report indicating whether the employee's performance has satisfactorily improved. Such reports shall be submitted to the Human Resources Division to be placed in the employee's personnel file.

REFERENCE: Education Code Sections 45260 and 45261

13.8 SIGNING OF FORM

The completed performance evaluation form shall be signed by the evaluator and the employee being evaluated. The employee's signature indicates that the evaluation has been reviewed and discussed with the employee, and a copy was provided to the employee. The employee's signature shall not be construed to mean that the employee necessarily agrees with the content of the evaluation, and if applicable the written plan of assistance - performance improvement plan. Whenever an employee refuses to sign the evaluation form, the supervisor shall note this on the form, and if applicable witnessed by the job site representative or employee designated by the employee being evaluated.

REFERENCE: Education Code Sections 45260 and 45261

13.9 DISTRIBUTION OF EVALUATION

The completed evaluation shall be distributed as follows:

- 13.9.1** The original shall be sent to Human Resources Division for inclusion in the employee personnel file.
- 13.9.2** The second copy shall be given to the employee being evaluated.
- 13.9.3** The third copy is retained by the evaluator.

REFERENCE: Education Code Sections 45260 and 45261

13.10 EMPLOYEE ATTACHMENTS TO THE EVALUATION

The employee may submit his/her written comments and/or documentary evidence to refute or rebut any derogatory rating or comments in the evaluation form. Any employee submissions shall be attached to the evaluation form. A copy of the employee's comments shall be forwarded to the evaluator.

REFERENCE: Education Code Sections 45260 and 45261

13.11 EFFECTS OF BELOW OVERALL SATISFACTORY RATING

An employee who does not receive an overall rating of satisfactory or above will be ineligible for a step increase or longevity increment for the following year, if the employee is notified by the immediate supervisor at the evaluation meeting referenced in Rule 13.6. The supervisor shall evaluate an employee that received an overall rating below satisfactory one (1) year later and if the supervisor's rating of the employee's overall performance is satisfactory, then the employee will receive the step increase or longevity increase which was previously denied, effective immediately.

REFERENCE: Education Code Sections 45260 and 45261

CHAPTER 14

VACATIONS

- 14.1 Ratio for Earning Vacation – Regular Employees
- 14.2 Ratio for Earning Vacation – Confidential/Supervisory Employees
- 14.3 Ratio for Earning Vacation – Management Employees
- 14.4 Vacation Rate of Pay
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- 14.12 Vacation Upon Termination of Employment
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- 14.15 Interruption of Vacation
- 14.16 Holidays and Vacation

14.1 RATIO FOR EARNING VACATION: REGULAR EMPLOYEES

Classified employees that are Bargaining Unit Members, permanent and probationary, or a regular employee temporarily assigned to a provisional or limited term assignment, shall earn vacation at the rate as set forth in the current RUSD-CSEA Agreement.

REFERENCE: Education Code Sections 45190 and 45197
RUSD-CSEA Agreement, Article 11.1

14.2 RATIO FOR EARNING VACATION: CONFIDENTIAL/SUPERVISORY EMPLOYEES

Classified Confidential and Supervisory employees shall earn vacation on a monthly basis at the following rates based on their years of regular employment:

One through Five Years	Twelve (12) days per year
Six through Ten Years	Seventeen (17) days per year
Eleventh through Fifteenth Years	Nineteen (19) days per year
Sixteen through Nineteenth Years	Twenty-one (21) days per year
Twentieth through Twenty-four Years	Twenty-four (24) days per year

Each increase in vacation allotment specified above starts in the month following the completion of the specified number of years.

14.3 RATIO FOR EARNING VACATION – MANAGEMENT EMPLOYEES

Regular classified employees designated as Management shall earn vacation at the rate of two (2) days per month. The amount of vacation earned is subject to amendment by the Board.

14.4 VACATION RATE OF PAY

Vacation shall be paid at the employee's current rate, including longevity, differential or stipend(s).

14.5 VACATION FOR PART-TIME EMPLOYEES

Regular employees working part-time or less than twelve (12) months per year shall earn vacation in direct proportion to full-time or twelve (12) month employees.

14.6 VACATION CREDIT FOR PARTIAL MONTH

A regular employee in paid status for one-half (1/2) or more of the working days in that month shall receive vacation credit for the month.

REFERENCE: Education Code Section 45197

14.7 VACATION EARNED DURING PAID STATUS

Vacation is earned at all times a regular employee is in paid status including paid holidays and all paid leaves of absence, but excluding overtime.

14.8 VACATION SCHEDULING FOR LESS THAN TWELVE MONTH EMPLOYEES

Regular employees who work less than twelve (12) months shall take their earned vacation during the Winter and/or Spring recesses or at other times approved by their supervisor. In the event an employee is entitled to more days of vacation than are available during the recesses, the amount not taken shall be taken as requested by the employee with their supervisor's approval during the employee's assigned work year or be paid to the employee at the option of the District. All vacations shall be scheduled between the start and end of the employee's assigned work year. Vacation may be advanced to employees requesting to use it during the Winter and Spring breaks, if applicable.

REFERENCE: Education Code Section 45197
RUSD-CSEA Agreement, Article 11.1

14.9 VACATION SCHEDULING FOR TWELVE MONTH EMPLOYEES

An employee assigned twelve (12) months per year shall take vacation at a time convenient to both the employee and their supervisor. In the event an employee is entitled to more days of vacation than are available during the recesses, the amount not taken shall be taken as requested by the employee with their supervisor's approval during the employee's assigned work year or be paid to the employee at the option of the District.

REFERENCE: Education Code Section 45197
RUSD-CSEA Agreement, Article 11.1

14.10 CREDITING OF VACATION TO EMPLOYEE'S ACCOUNT

At the beginning of each fiscal year employees may be granted, in advance, the number of vacation days expected to be earned that fiscal year as specified in rules 14.1, 14.2 and 14.3.

14.11 CREDITING OF VACATION TO PROBATIONARY EMPLOYEE'S ACCOUNT

Probationary employees shall not have a right to use earned vacation until the completion of six (6) months of employment. After that date earned vacation shall become a vested right. However, vacation will be advanced to probationary employees to cover periods when school is not in session within their assigned work year.

14.12 VACATION UPON TERMINATION OF EMPLOYMENT

When a regular employee terminates employment, the employee shall be entitled to lump sum compensation for all earned and unused vacation. Vacation taken which was not yet earned at the time of termination shall be deducted from the employee's final pay warrant. Employees who have not completed six (6) months of employment in regular status shall not be entitled to vacation pay and any days taken shall be deducted from the employee's final pay warrant.

14.13 MAXIMUM ACCRUAL OF VACATION

Classified employees covered by the RUSD-CSEA Agreement shall accrue vacation only in accordance with that agreement. Vacations are expected to be used during the year in which they are earned. Classified Management employees may place a maximum of eight days per year in a "bank." Such "bank" can eventually contain no more than 40 days.

14.14 VACATION POSTPONEMENT

Vacation may, with the approval of the District, be taken any time during the school year. If the employee is not permitted to take his annual vacation, the amount not taken shall accumulate for use in the next year unless the District chooses to pay the employee for any unused vacation.

14.15 INTERRUPTION OF VACATION

Permanent classified employees may interrupt or terminate vacation leave to begin another type of paid leave without a return to active service provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination.

14.16 HOLIDAYS AND VACATION

When a paid holiday falls within a scheduled vacation, the employee shall be paid for the holiday and shall not be charged vacation.

CHAPTER 15

LEAVES OF ABSENCE

15.1 General Provisions

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15.1 **GENERAL PROVISIONS**

Classified employees that are Bargaining Unit Members covered by the RUSD-CSEA Agreement must refer to those procedures in regards to leaves contained in Article 8. Where any conflict exists with these rules and regulations provisions contained in the Agreement prevail.

15.1.1 **DEFINITION OF LEAVE OF ABSENCE:**

A leave of absence is an authorization for a regular employee to be absent from duty, with or without pay, for a specific period of time for an approved purpose as approved by the District.

15.1.2 **RIGHT TO POSITION UPON RETURN:**

An employee granted a paid or unpaid leave of absence of six (6) months or less shall have the right to return to the position held at the time the leave was granted.

15.1.3 **RIGHTS TO POSITION FOR LEAVES OVER SIX MONTHS:**

An employee granted a paid or unpaid leave of absence of more than six (6) months shall have the right to return to a position of equal status in the same classification held at the time the leave was granted. However, the assignment may be in a different department and/or a different work location.

15.1.4 **AUTHORIZED LEAVE IS NOT A BREAK IN SERVICE:**

An authorized paid leave, unpaid illness leave, industrial leave, military leave or other leave as authorized by law does not constitute a break in service.

15.1.5 **CONTINUATION OF BENEFITS DURING PAID LEAVES:**

An employee on a paid leave of absence shall continue to accrue all benefits to which he is entitled as a regular employee.

15.1.6 **HEALTH COVERAGE MAY CONTINUE DURING ABSENCES:**

An employee, who is otherwise eligible for District-paid health insurance shall continue to receive such benefits during all periods of paid leaves, and in some instances, is covered by the Family Medical Leave Act for some positions of unpaid leaves as included in the Act. An employee who is absent result of a District-approved unpaid leave shall be allowed to maintain his health insurance benefits by remitting monies to the District to cover the necessary costs of such insurance.

15.1.7 CANCELLATION OF VOLUTNARY LEAVES:

The Board of Education may cancel any discretionary leave of absence for good cause by giving the absent employee due notice. Due notice shall allow sufficient time for the employee to return to work, but shall not be less than five (5) working days.

15.1.8 FALIURE TO REPORT FOR WORK AFTER A LEAVE IS CANCELLED:

Failure to report for duty within five (5) working days after a leave has been canceled pursuant to Rule 15.1.7 shall be considered abandonment of position and the employee may be terminated by the Board of Education. Termination for abandonment shall be deemed termination for cause and treated as a disciplinary action.

15.1.9 EMPLOYEE MUST MAINTAIN LICENSES AND CERTIFICATES:

Any required license or certificate(s) held by the employee at the time the leave was granted must be valid at the time the employee returns to work.

15.1.10 ABSENT EMPLOYEE MAY NOT ACCEPT GAINFUL EMPLOYMENT:

An employee, while on leave other than vacation, may not accept other gainful employment, except ordered military service, without express prior approval of the Board of Education.

15.1.11 HOLIDAYS DURING PAID LEAVES:

Authorized paid holidays which occur during a period in which an employee is on paid leave of absence shall be paid as holiday pay, and except for extended sick leave, shall not be deducted from any paid leave days being used or eligible to be used by the employee.

15.1.12 ORDER OF AVAILABLE LEAVES FOR INDUSTRIAL ILLNESS–INJURY:

An employee who is absent related to illness or injury shall utilize available leaves in the following order:

15.1.12.1 Industrial Accident and Illness Leave (if applicable).

15.1.12.2 Accrued or advanced sick leave.

15.1.12.3 Compensatory Time.

15.1.12.4 Accrued vacation days.

15.1.12.5 Floating holiday(s).

15.1.12.6 Extended illness leave

15.1.13 **LEAVES NOT GRANTED AS A MATTER OF RIGHT:**

Upon request for a leave of absence signed by the employee and stating the reason for the leave, the supervisor may recommend either to approve or disapprove the request. The request shall be submitted to Human Resources Division for approval based upon its compliance with applicable law and these rules and regulations.

REFERENCE: Education Code Sections 45190, 45260, 45261, 45203

15.2 **SICK LEAVE**

15.2.1 **DEFINITION OF SICK LEAVE:**

Sick leave is the authorized absence of a regular employee when the absence is due to physical or mental inability to perform the usual and customary duties of the position due to illness, injury, or for legally established quarantine. Time off to visit a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation, or therapy for the employee or their immediate family is covered by Personal Necessity Leave.

15.2.2 **NUMBER OF SICK LEAVE DAYS PER YEAR:**

Every regular classified employee shall earn one (1) day of sick leave per full month of paid status to a maximum of 12 days per year. To qualify for a full month allocation of sick leave, the employee must be in paid status for at least 50% or more of the work days in the month. Employees assigned to a work year of less than twelve (12) months or less than forty (40) hours per week shall receive sick leave credit pro-rated in the same proportion as the number of months relative to twelve (12) and the number of hours worked per week bear to forty (40).

15.2.3 **PAY RATE FOR SICK LEAVE:**

Employees shall earn sick leave on the basis of accrual by hours. Pay for accrued sick leave shall be the same pay the employee would have received had he worked that day.

15.2.4 **CARRY-OVER OF SICK LEAVE:**

Sick leave accrued, but not used, shall carry over from one (1) fiscal year to another without limit on accumulation.

15.2.5 PROBATIONARY EMPLOYEES' USE OF SICK LEAVE:

New probationary employees may not use more than six (6) days of paid sick leave during their initial probationary period. This rule shall not apply to those regular classified employees who have previously completed a probationary period.

15.2.6 SICK LEAVE GIVEN IN ADVANCE:

At the beginning of each fiscal year, the sick leave account of each employee shall be increased by the number of days of paid sick leave which would normally be earned in the ensuing fiscal year. An employee's sick leave advance allotment shall be adjusted should a change in the employee's assignment alter the amount of sick leave which the employee can earn.

15.2.7 NOTIFICATION OF ABSENCE:

In order to receive compensation for sick leave, the employee shall notify the District in accordance with procedures established by the employee's supervisor or the District. Such notification shall include the expected duration of absence from work. If no procedure is otherwise established, the employee shall notify his immediate supervisor prior to the start of his work day if possible, but not later than the first working hour of absence. If such notification is impossible, the burden of proof of impossible conditions shall be upon the employee.

15.2.8 NOTIFICATION OF RETURN TO WORK:

An employee shall notify his immediate supervisor of his impending return to work as soon as possible, but not later than 3:00 p.m. of the work day preceding the day on which the employee is to return to work. If an employee fails to notify his supervisor, and a substitute has been assigned to work for the day when the employee returns to work, the employee may be sent home without pay.

15.2.9 DOCTOR'S STATEMENT MAY BE REQUIRED:

An employee who is absent due to surgery, serious illness or injury, or for more than five (5) consecutive working days shall, prior to the employee's return, present the District with statement from a state licensed doctor, or other source acceptable to the District, indicating the date on which the employee can be expected to return to work, and shall certify whether the employee is able to work with or without restriction or limitation. The District may send an employee to a District appointed physician for examination at the District's expense.

15.2.9.1 An employee required to wear a cast or other orthopedic device while at work shall be required to provide medical verification of his fitness to perform all the duties of his assigned position without restriction or limitation.

15.2.9.2 Employees who have been released by their doctor to return to work with limitations or restrictions may be eligible to participate in the District Return to Work Program and are encouraged to inquire about their eligibility.

15.2.10 SUBMISSION OF DOCTOR'S STATEMENT:

Doctor's statements to return to work shall be submitted to the immediate supervisor who shall forward them to the Human Resources office. Upon immediately returning to work, an employee shall complete the District's absence form and submit it to their immediate supervisor.

15.2.11 DISTRICT'S GENERAL RIGHT TO REQUIRE MEDICAL EXAM:

The District shall have the right to have an employee examined by a state-licensed physician, at District expense, as a condition of employment or continued employment; or whenever there is a question as to the employee's ability to perform the duties of their position, regardless of whether or not the employee has claimed or received paid benefits under the provisions of these rules and regulations.

15.2.12 SICK LEAVE ON HOLIDAYS:

When paid sick leave is used on the working day immediately before or after a paid holiday, the holiday shall not be charged against sick leave.

15.2.13 NO SICK LEAVE PAYOFF WHEN EMPLOYEE LEAVES:

When an employee leaves the employment of the District, accumulated unused sick leave will not be credited to the employee's final payment.

REFERENCE: Education Code Sections 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45200, 45203, 45260 and 45261

15.3 EXTENDED SICK LEAVE

15.3.1 EXTENDED SICK LEAVE:

All regular classified employees who have exhausted all accrued and advanced sick leave are eligible for extended sick leave benefits subject to the following conditions:

- 15.3.1.1** Extended sick leave shall be limited to five (5) months per fiscal year beginning with the first day of illness.
- 15.3.1.2** When a regular classified employee has exhausted all accumulated sick leave and continues to be unable to resume the regular duties of his position due to illness or injury, the employee will be placed on extended sick leave.
- 15.3.1.3** Extended sick leave pay shall be the employee's regular rate of pay less the amount actually paid a substitute employee. If no substitute is hired, the employee shall receive full pay.
- 15.3.1.4** Accrued and advanced sick leave, compensatory time, and vacation, when used for illness, shall be included concurrently in the five (5) month period.
- 15.3.1.5** In order to be eligible for extended sick leave, the employee shall use all available leave in the following order:
- A. All industrial accident or illness leaves, when applicable.
 - B. All accrued and advanced sick leave.
 - C. All accumulated compensatory time.
 - D. All earned vacation.
 - E. All floating holidays.

15.3.2 **USE EXTENDS INTO NEXT FISCAL YEAR:**

When the entitlement to extended sick leave is not exhausted at the end of a fiscal year, and the employee continues to be sick or disabled, the employee shall be entitled to receive the regular and extended sick leave benefits available for the new fiscal year. Extended sick leave shall not accumulate from year to year.

15.3.3 **VERIFICATION OF ILLNESS:**

All rules governing verification of illness and medical examination in these rules shall also apply to absences taken under this Rule.

REFERENCE: Education Code Sections 45190, 45191, 45193, 45195, 45196, 45260 and 45261

15.4 INDUSTRIAL ACCIDENT / ILLNESS LEAVE

15.4.1 SEVENTY-FIVE WORKING DAYS OF FULL PAID LEAVE:

All regular classified employees shall be entitled to this leave. A classified employee who is absent from duty for causes which are District related industrial accident, injury or illness shall be entitled to not more than seventy-five (75) working days for each industrial injury, accident or illness. If the full seventy-five (75) working days overlap into the ensuing fiscal year, the employee shall be entitled only to the remainder of the seventy-five (75) working days not used. This leave is non-cumulative and may be taken only during those periods when the employee would normally have been in paid status. Bargaining Unit Members shall have attained permanent status in the District prior to any industrial injury or illness to be eligible for this leave.

REFERENCE: RUSD Administrative Regulation 4361.11
RUSD-CSEA Agreement, Article 8.7.2

15.4.2 REPORTING OF INJURY:

In the case of an industrial accident or injury, the employee shall report the incident to his supervisor within twenty-four (24) hours of the occurrence. Injuries or illnesses not reported within this time constraint shall require justification for the delay. When an employee is absent from his duties due to an industrial accident or illness, he shall notify his supervisor or principal, on the first day of absence that the injury is industrial and submit an absence notification form signed by the employee and accompanied by a statement from a licensed physician.

15.4.3 LEAVE COMMENCES ON FIRST DAY:

An industrial accident or illness leave shall commence on the first day of absence and shall be reduced by one day for each day of authorized absence.

15.4.4 SICK LEAVE USE AFTER EXHAUSTION OF SEVENTY-FIVE (75) DAYS:

Upon exhaustion of the industrial accident or illness leave, the employee shall be entitled to use sick leave provided in Rule 15.2. This leave shall commence on the date of termination of the industrial leave of absence. Provided the employee continues to receive temporary disability indemnity, he/she may elect to take as much of accumulated sick leave which, when added to his temporary disability indemnity, will result in a payment to him/her of not more than his full salary.

15.4.5 USE OF OTHER LEAVES AFTER EXHAUSTION OF SICK LEAVE:

After all accumulated sick leave has been exhausted an employee will be paid from any compensatory time off the employee may have accumulated. If no compensatory time off is accumulated or has been exhausted, the employee will then use accrued vacation credit. If no vacation credit is available or has been exhausted, the employee will then begin to use the extended illness leave provided in Rule 15.3. The use of leaves outlined in this section shall be governed by the coordinated use of temporary disability benefits outlined in Rule 15.4.5.

15.4.6 EMPLOYEE MUST REMAIN IN THE STATE OF CALIFORNIA:

An employee receiving benefits under the provisions of this Rule shall, during the period of the leave, remain within the State of California unless out-of-state travel is authorized by the Board of Education.

15.4.7 PLACEMENT ON REEMPLOYMENT LIST ON EXHAUSTION OF LEAVES:

When all available paid or unpaid leaves of absence have been exhausted, and if the employee is still not medically able to assume the duties of his position, he shall be placed on a re-employment list for a period of thirty-nine (39) months. When the employee is medically able to return to work during this thirty-nine (39) month period, he shall be employed in a vacant position in the class of his previous assignment over all other candidates, except for a re-employment list established because of a layoff for lack of work or lack of funds, in which case he shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a re-employment list, as provided herein, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be removed from the re-employment list. An appropriate assignment for purposes of this rule shall be defined as a position in the previous class having the same or greater number of assigned hours per day, days per week, and months per year, and on the same approximate shift.

15.4.8 ABOLISHMENT OF PREVIOUS CLASSIFICATION:

If the employee's class has been abolished during his absence and the employee has been released to return to work, the employee shall be placed in a vacant position in a comparable class for which the employee is qualified as determined by the Personnel Director and approved by the Commission.

15.4.9 WORKERS' COMPENSATION CHECK ENDORSED TO DISTRICT:

During a leave taken under Rule 15.4, the employee shall endorse to the District any temporary disability indemnity checks received on account of his industrial accident or illness. The District, in turn, shall issue the employee appropriate salary warrants for payment of the employee's full salary and shall deduct normal retirement and other authorized contributions.

15.4.10 RETURN TO SERVICE AFTER INDUSTRIAL LEAVE:

An employee shall be permitted to return to service after an industrial accident or illness leave only upon presentation of a release from the District appointed physician. The medical release shall certify that the employee is able to return to his/her position with or without restrictions or medical limitations. If the medical release limits the work activities of the employee or specifies medical limitations, then the District shall determine if a reasonable accommodation can be made. An employee who is medically released to return to work and who fails to accept an appropriate assignment shall be dismissed.

15.4.11 ABSENCES NOT CONSIDERED A BREAK IN SERVICE:

Any leave under this Rule, either paid or unpaid, shall not be considered a break in service and the employee, while on such leaves, shall continue to accrue seniority credit.

REFERENCE: Education Code Sections 45190, 45192, 45260 and 45261

15.5 TRANSFER OF SICK LEAVE FROM ANOTHER DISTRICT

Any classified employee of another school district, county superintendent's office, community college, or other public school agency deemed a school district by California law, who has been employed for one (1) calendar year or more who was not terminated for cause, who accepts employment with the District within one (1) calendar year from the date of employment with the other district shall be allowed to transfer his accumulated sick leave to this District. The newly hired employee shall request Human Resources to secure the sick leave information from the former district and submit it to payroll for inclusion in the employee's sick leave account.

REFERENCE: Education Code Sections 45202, 45260, and 45261

15.6 UNPAID ILLNESS LEAVE

15.6.1 SIX MONTH UNPAID LEAVE:

A permanent classified employee, who has exhausted all paid leaves and who continues to be absent due to non-industrial illness or injury may be granted an additional six (6) month unpaid leave of absence upon recommendation of the Superintendent, and approval of the Board of Education. This leave may be extended for two additional six (6) month periods.

15.6.2 FACTORS THAT MUST BE CONSIDERED FOR GRANTING LEAVE:

Prior to granting or not granting this leave the following factors shall be considered:

- 15.6.2.1** The likelihood that the employee will be able to return to regular duties at the conclusion of the leave.
- 15.6.2.2** The length of service and work record of the employee.
- 15.6.2.3** The employee's previous leave history and attendance record.
- 15.6.2.4** The number of positions in the employee's class.
- 15.6.2.5** The uniqueness of the duties performed, and the availability of a substitute.
- 15.6.2.6** Other reasons as may be deemed appropriate by the Board.

15.6.3 RIGHT TO RETURN TO CLASS

The granting of an unpaid leave of absence under this Rule shall guarantee the employee the right to return to his/her former classification, and to a position with the same basic assigned number of hours and months of employment, with the same approximate assigned shift.

REFERENCE: Education Code Sections 45195, 45260, and 45261

15.7 BEREAVEMENT LEAVE

15.7.1 DAYS OF PAID LEAVE:

In the event of the death of a member of the immediate family, an employee shall be granted necessary leave of absence, not to exceed three (3) days, or five (5) days if out-of-state travel is required. Additional days of absence

beyond those described herein may be provided under the terms of Personal Necessity Leave in these Rules. Employees granted bereavement leave under this Rule shall suffer no deduction from their salary, nor shall such leave be deducted from leave granted by other sections of these Rules or the Education Code.

15.7.2 DEFINITION OF IMMEDIATE FAMILY

Members of the immediate family are defined as the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, or sister-in-law of the employee or any other person relative who has been living in the immediate household of the employee.

REFERENCE: Education Code Sections 45194, 45260, and 45261

15.8 PERSONAL NECESSITY LEAVE

15.8.1 USE UP TO SEVEN DAYS:

An employee may use, upon District approval, not more than seven (7) days accumulated sick leave in a fiscal year, in the following cases of personal necessity:

- 15.8.1.1** Death of a member of the immediate family when additional time is needed beyond the bereavement leave outlined in Rule 15.7.
- 15.8.1.2** Accident involving the employee's person or property, or that of a member of his immediate family that is of such a nature that the immediate presence of the employee is required during his work hours.
- 15.8.1.3** An illness involving a member of the employee's immediate family as defined in Rule 15.7.2 that requires the presence of the employee during their work day.
- 15.8.1.4** Appearance in court or before any administrative tribunal as a litigant or party.
- 15.8.1.5** Adoption of a child or to appear for adoption procedures during the normal working day, or care for a newly adopted child.
- 15.8.1.6** Two (2) days of personal necessity leave may be used by employees to attend to matters which must be taken care of during assigned hours of service provided the employee

requests absence from his/her supervisor in advance of the leave. The permissive sections of this leave may not be granted for the first or last day of the school year, nor on the first working day preceding or following a vacation or holiday period including weekend holidays.

15.8.2 NOTIFICATION OF LEAVE USAGE:

An employee should request Personal Necessity Leave in advance from their immediate supervisor. Exceptions are permitted if there is a death, accident or serious/critical injury/illness to the employee or a member of his family.

15.8.3 PERSONAL NECESSITY LEAVE IS NOT CUMULATIVE:

Personal necessity leave is non-cumulative and shall not exceed seven (7) days in a fiscal year. Personal necessity leave is deducted from an employee's accrued sick leave.

REFERENCE: Education Code Sections 45207, 45260, and 45261

15.9 PREGANANCY DISABILITY LEAVE

15.9.1 ENTITLEMENT TO ALL SICK LEAVE BENEFITS:

Regular female classified employees who must be absent from duty because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled. Absence due to maternity that is not medically required may be granted pursuant to Rule 15.10.

15.9.2 SICK LEAVE DURING MEDICALLY QUALIFIED ABSENCE:

Paid leave, including regular and extended sick leave, may be used for the period of absence medically certified by the employee's attending physician and approved by the Human Resources office.

15.9.3 CERTIFICATION OF LAST DAY THE EMPLOYEE IS ABLE TO WORK:

An employee may continue in active employment as late in her pregnancy as she desires and is approved by her physician. Physician evaluations may be required at District expense as directed by the Human Resources office if the employee is not physically able to perform regularly assigned duties.

15.9.4 RELEASE TO RETURN TO WORK:

Prior to returning to work, the employee must present to the Human Resources Office, a release to return to work without limitations, from the treating physician. In addition, the Assistant Superintendent of Human Resources may require that the employee be examined by a District appointed physician to confirm the employee's ability to return to work.

REFERENCE: Education Code Sections 45193, 45260, and 45261

15.10 UNPAID CHILD REARING LEAVE

15.10.1 ELIGIBILITY AND TIMELINES FOR LEAVE:

A regular classified employee who is the natural or adoptive parent of a child may be granted an unpaid child rearing leave, when medical disability is not a factor. The leave shall be limited to one (1) year from the time the employee is medically released to return to work or the completion of the adoption procedures.

15.10.2 ESTABLISHING BEGINNING AND END DATES

The employee shall establish a beginning and ending date for the child care leave as far possible in advance of the start of the leave and must submit their request on the appropriate District form at least two (2) weeks before the first day of the leave to their immediate supervisor. The supervisor shall forward the employee's written request to the Human Resources office for consideration of approval.

15.10.3 EMPLOYEE MAY RETURN EARLIER

An employee who has been granted an unpaid child rearing leave may return early from that leave with at least a ten (10) working days notice to the Human Resources office.

REFERENCE: Education Code Sections 45260 and 45261

15.11 JURY DUTY LEAVE

15.11.1 LEAVE FOR JURY DUTY:

Regular classified employees who are called to serve on a jury shall be entitled to be absent from duty without loss of pay for the period of the jury service. Employees are not required to return to work during any day in which jury duty services extend beyond 12:00 p.m.

15.11.2 NOTIFICATION OF JURY DUTY:

Any request for jury duty leave shall be made by employees to their immediate supervisor upon receipt of the official court summons to jury service.

15.11.3 RETURN FROM JURY DUTY:

At no time shall an employee be expected to put in more time, when combining jury duty hours and regular work hours than the employee's regular assignment or eight (8) hours. Upon completion of jury duty, the employee shall file the District absence form with their immediate supervisor, who may require written verification.

REFERENCE: Education Code Sections 44037, 45260, and 45261
Civil Code of Procedure 215

15.12 WITNESS LEAVE

15.12.1 WITNESS LEAVE OF ABSENCE:

A paid leave of absence not exceed three (3) days to serve as a witness in a court case, administrative hearing or tribunal other than a litigant, or to respond to an official order from another governmental jurisdiction for reasons not brought about by the connivance or misconduct of the employee, shall be granted to all regular classified employees without loss of pay. Any witness fees shall be remitted to the District.

15.12.2 NOTIFICATION OF WITNESS LEAVE:

Any request for witness leave shall be made by employees to their immediate supervisor upon receipt of the official court summons as a witness.

15.12.3 RETURN FROM WITNESS LEAVE:

An employee shall return to work from witness leave if he can complete at least one-half (1/2) of his regular assignment. At no time shall an employee be expected to put in more time, when combining witness hours and regular work hours, than the employee's regular assignment or eight (8) hours.

REFERENCE: Education Code Sections 44036, 45260, and 45261

15.13 RELEASE TIME FOR PERSONNEL ACTIVITIES

15.13.1 ABSENCE FOR EXAMINATION:

Any classified employee shall be permitted to take any examination given by the Commission during his regular working hours without loss of pay or other penalty. The employee shall provide at least two (2) working days' notice to his immediate supervisor.

15.13.2 ABSENCE FOR INTERVIEW:

Any classified employee shall be permitted release time to attend an interview for promotion or transfer in the District during regular working hours without deduction of pay or other penalty. The employee shall provide at least two (2) working days notice to his immediate supervisor.

15.13.3 ATTENDANCE AT PERSONNEL COMMISSION MEETING:

Any classified employee shall be permitted release time to attend a Commission meeting at which a recommendation affecting the employee's classification, position, salary or status is being presented. Release time shall be without deduction of pay or other penalty provided the employee has given his immediate supervisor at least twenty-four (24) hours notice and returns to work after the meeting.

REFERENCE: Education Code Sections 45260, 45261 and 45272

15.14 MILITARY LEAVE

15.14.1 GRANTING OF MILITARY LEAVE:

Regular classified employees under official orders, who are called to active duty in the Armed Services of the United States of America, including the Coast Guard, shall be granted military leave of absence for the period of service.

15.14.2 RESERVE SERVICE:

Regular classified employees under official orders, who are called to active duty in the Armed Services of the United States of America, including the Coast Guard, shall be granted military leave of absence for the period of service.

15.14.3 THIRTY DAYS LEAVE WITH PAY:

Regular classified employees shall be granted full pay for the first thirty (30) calendar days of the leave. Employees on military leave shall be granted salary advancement and shall continue to accrue seniority for purposes of layoff. No other fringe benefits, such as sick leave or vacation shall accrue during any unpaid portion of the leave.

15.14.4 OFFICIAL ORDERS MUST BE SUBMITTED:

In order for a paid or unpaid military leave of absence to be granted, the employee must submit to Human Resources official orders to active or reserve duty, stating the date to report.

15.14.5 RETURN FROM MILITARY LEAVE:

Upon return from military leave the employee shall be reinstated to his same regular position or an equal position in the same class, within thirty (30) days of release from active duty, return to inactive reserve status or discharge from active duty.

REFERENCE: Education Code Sections 45190, 45260 and 45261
California Military and Veterans Code 389, 395, 395.01-395.06, 395.1-395.4

15.15 LEAVE TO SERVE IN A LIMITED TERM OR PROVISIONAL APPOINTMENT

15.15.1 LEAVE FOR PROVISIONAL OR LIMITED TERM APPOINTMENT:

Any regular classified employee who accepts an assignment within the District to a provisional or limited term position shall, during such assignment, be considered as serving in his regular position, and such assignment shall not be considered a separation from service.

15.15.2 VOLUNTARY RETURN TO REGULAR POSITION:

The employee may, with the approval of the District, voluntarily return to his regular position or to a position in the class of his permanent status prior to completion of service in the exempt, temporary or limited term assignment.

REFERENCE: Education Code Sections 45260 and 45261

15.16 LEAVES OF ABSENCE WITHOUT PAY

15.16.1 WHEN GRANTED:

Leaves of absence without pay may be granted to a classified employee upon written request of the employee, and the approval of the Human Resources office subject to the provisions of this Rule. The employee shall submit their request stating the reason(s), duration and any supporting information to the Human Resources office at least five (5) working days prior to beginning the leave.

15.16.2 LENGTH OF LEAVE:

Leave of absence without pay may be granted for any period not exceeding six (6) months, but may be extended for six (6) additional months with the approval of the Board of Education.

15.16.3 REASONS FOR LEAVE:

A leave of absence without pay may be granted to an employee provided he/she meets the requirements set forth in this Rule, and for 1) An employee who desires to attend an educational institution or to enter training to improve quality of service and 2) Reasons deemed satisfactory to the District.

15.16.4 DENIAL:

A leave of absence may not be used for completing a provisional, limited term or probationary employment elsewhere.

15.16.5 RIGHT TO RETURN:

Granting a leave of absence without pay gives the employee the right to return to his/her position at the end of their leave of absence. Leave without pay is granted only to employees who desire to return to the District. The employee must be physically and legally capable of performing the essential duties of their position.

15.16.6 CANCELLATION OF UNPAID LEAVE OF ABSENCE:

The District may, for good cause, cancel an approved leave of absence by giving the employee due notice.

15.16.7 FILLING VACANCY:

When a leave without pay is granted, the vacancy thus caused may be filled for the duration of the leave only. The position must be held open for the employee on leave.

15.16.8 REPORT OF RETURN:

Notice of the employee's return to work at or before the expiration of a leave without pay shall be made, to the Human Resources office, prior to the return of the employee. The Board may approve or reject the request. The Human Resources office will notify an employee, who has been filling the position temporarily, of his end of assignment. Immediately upon return the employee must complete the District absence form.

15.16.9 FAILURE TO RETURN:

Failure to report for duty within three (3) working days after the date to return from leave shall be considered abandonment of position. The employee is subject to disciplinary action up to and including termination. Termination under this section shall be subject to the same due process rights as any other dismissal for cause.

15.16.10 COUNTING TIME FOR SENIORITY OR SALARY ADJUSTMENT:

Time spent on leave of absence without pay of over two (2) months shall not count towards seniority except in cases of military leave, illness leave, pregnancy disability leave, child-rearing leave, and industrial accident/illness leave. Time spent on leave of absence without pay shall not count towards salary step increase.

REFERENCE: Education Code Sections 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196, 45198, 45199, 45260 and 45261

15.17 FAMILY SCHOOL PARTNERSHIP ACT

15.17.1 UP TO FORTY (40) HOURS OF LEAVE:

An eligible employee shall be entitled, with District approval, to not more than forty (40) hours off during each fiscal year, not to exceed (8) eight hours in a calendar month, to participate in school activities.

15.17.1.1 For the purposes of this leave, an eligible employee must be a parent, guardian or grandparent having custody of one (1) or more children in grades K - 12.

15.17.1.2 Employees shall use existing vacation, personal leave, compensatory time off or unpaid leave for the period of their absence.

15.17.2 NOTIFICATION OF LEAVE USAGE:

Classified employees desiring to use such leave shall submit an Employee Absence Request form at least three (3) working days in advance of the anticipated absence for approval by their supervisor. Written proof of the school participation by the employee must accompany the absence request form.

REFERENCE: Labor Code Section 230.8

15.18 FAMILY CARE AND MEDICAL LEAVE:

All regular classified employees are entitled to leave in compliance with state and federal law regarding family and medical care leaves.

REFERENCE: Government Code Sections 12945.1 – 12945.2, 12945 and 12940
29 CFR Sections 825.100-825.800 and 2601-2654
RUSD Administrative Regulation 4261.8 and 4361.8

15.19 LEAVE FOR VOTING

15.19.1 TIME OFF TO VOTE:

Regular employees who do not have sufficient time outside of their regular working hours within which to vote in any general, direct primary, or presidential election, may without loss of pay, take off as much time as will, when added to their voting time will enable the employee to vote. However, the amount of time allowable for such purpose shall not exceed two (2) hours at the beginning or ending of the work shift.

15.19.2 ADVANCED NOTICE REQUIRED:

Except in cases of emergency or unforeseen circumstances, an employee requesting time off to vote shall provide their immediate supervisor with advance notice of the need and duration of the amount of time off needed to vote. The burden of proof as to emergency or unforeseen circumstances shall rest with the employee.

15.19.3 MAY NOT BE USED FOR OTHER PURPOSES:

The time off granted shall be used only to exercise the right to vote and for no other purpose. Therefore, the employee requesting the time off to vote shall be responsible for providing evidence that he/she is eligible to vote and can demonstrate both the need and the amount of time required to exercise their right to vote.

15.20 RETRAINING AND STUDY LEAVES

15.20.1 RETRAINING LEAVE:

Should the Board of Education contemplate the abolition of positions in the Classified Service and the creation of new positions because of automation, technological improvement, or for any other reason, the District may provide for retraining of displaced employees in accordance with these Rules and Regulations.

To be eligible for a retraining leave, a classified employee must, 1) have served at least three (3) consecutive years of employment with the District at the time application is made for such leave, 2) be serving in a position which the District contemplates abolishing, 3) show that the retraining will clearly benefit the District, 4) indicate a willingness to undergo the prescribed training program, 5) indicate a willingness to serve in the employ of the District for at least two (2) years after the successful completion of the training or retraining program.

15.20.2 DISTRICT SHALL PRESCRIBE THE TRAINING PROGRAM:

The District shall prescribe the training/retraining program, and may provide the program internally or designate the institute or other place where the program is to be given.

15.20.3 STUDY LEAVE:

A regular classified employee who has completed seven (7) consecutive years of service in regular status with the District (at the time application for such leave is made) shall be eligible to apply for a leave of absence for purposes of study. The granting of such leave shall be entirely discretionary with the District. However, once a study leave has been granted and taken, the employee taking the leave shall not again be eligible for such leave until the employee has completed an additional period of seven (7) consecutive years from the date of completion of the previous study leave.

15.20.4 TIME LIMITS FOR STUDY LEAVES:

A study leave can be scheduled for any period of time to a total maximum of one (1) year leave of absence. With the approval of the District, the periods of time for the study leave need not be consecutive. However, the total period of the leave (to the maximum period of one year) must be completed within a period of three (3) years from the initial date of the start of the leave.

15.20.5 STUDY LEAVE IS NOT A BREAK IN SERVICE:

Any leave granted and taken in accordance with this section shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave. However, if the leave period is not continuous, any services performed (time worked) for the District between the leave intervals shall be credited toward completion of the time necessary to establish future study leave eligibility.

15.20.6 NO COMPENSATION:

Any leave granted by the Board of Education and taken in accordance with this section shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future retraining or study leave. However, if the leave period is not continuous, any services performed (time worked) for the District between the leave intervals shall be credited toward completion of the time necessary to establish future retraining or study leave eligibility.

REFERENCE: Education Code Sections 45190, 45260, 45261, 45380, 45381, 45382, 45383, 45384, 45385, 45386 and 45387

CHAPTER 16

HOLIDAYS

- 16.1 Holidays for Classified Employees
- 16.2 Governor or President Declared Holidays
- 16.3 Other Paid Holidays
- 16.4 Rate of Pay for Holidays
- 16.5 Overtime Pay for Working Holidays
- 16.6 Holiday Eligibility
- 16.7 Weekend Holidays
- 16.8 Holidays for Employees With Non-Traditional Work Weeks
- 16.9 Teacher In-Service Days

16.1 HOLIDAYS FOR CLASSIFIED EMPLOYEES

Classified employees that are Bargaining Unit Members covered by the RUSD-CSEA Agreement must refer to those procedures in regards to leaves contained in Article 11 where any conflict exists with these rules and regulations provisions contained in the Agreement prevail.

All regular classified employees shall be entitled to the following paid holidays which occur during their assigned work year, subject to eligibility provisions of this Rule:

Independence Day
Labor Day
Veterans' Day
Day Before Thanksgiving
Thanksgiving Holiday
Day After Thanksgiving
Day Before Christmas
Christmas Holidays
Day Before New Year's Day
New Year's Holidays
Martin Luther King, Jr.'s Day
Presidents' Day
Memorial Day

REFERENCE: Education Code Sections 45190 and 45197
RUSD-CSEA Agreement, Article 11.2 and Appendix B

16.2 GOVERNOR OR PRESIDENT DECLARED HOLIDAYS

In addition to the holidays listed in Rule 16.1, regular classified employees shall be entitled to a paid holiday for any day every day appointed by the President, or the Governor of the State of California, as a day for a public fast, thanksgiving, or holiday.

REFERENCE: Education Code Sections 1318, 37220, 45203, 45260 and 45261

16.3 OTHER PAID HOLIDAYS

All regular classified employees shall be entitled to a paid holiday for any day declared a holiday by the Board of Trustees of this District pursuant to Education Code Sections 1318 or 37222 for classified or certificated employees.

16.3.1 CONFIDENTIAL AND SUPERVISORY EMPLOYEE FLOATING HOLIDAYS:

The Board of Education has granted two floating holidays each calendar year to Confidential and Supervisory employees that must be used by December 31st, and cannot be carried over into the subsequent calendar year.

Employees' use of the floating holidays is subject to their supervisor's approval.

16.3.2 CLASSIFIED MANAGEMENT EMPLOYEE FLOATING HOLIDAYS

The Board of Education has granted two floating holidays per fiscal year to Classified Management employees that must be used by June 30th, and cannot be carried over into the subsequent fiscal year. Employees' use of the floating holidays is subject to their supervisor's approval.

REFERENCE: Education Code Sections 1318, 37220, 45203, 45260 and 45261

16.4 RATE OF PAY FOR HOLIDAYS

Any day defined as a holiday by these rules shall be paid at the normal rate of pay the employee would have received had the employee worked that day. A position or class of positions established by the Board of Education that require employees to work exclusively on weekends and holidays, and for which a special salary rate is established that recognizes this exclusive schedule, the employees and positions may be exempted by the Personnel Commission from provisions in Education Code §45203. The Board of Education may not create a position or class of positions to avoid the payment of overtime.

REFERENCE: Education Code Sections 45203, 45204, 45260 and 45261

16.5 OVERTIME PAY FOR WORKING HOLIDAYS

Regular classified employees required to work on a holiday shall be paid their regular pay for the holiday, plus one and one-half times their regular rate of pay for all hours worked on the holiday. Compensatory time off may be earned at the same rate.

REFERENCE: Education Code Sections 45203, 45260 and 45261

16.6 HOLIDAY ELIGIBILITY

A regular classified employee shall be entitled to paid holidays under this Rule, provided he/she is in paid status during any portion of his scheduled work day either immediately preceding or succeeding the holiday. A regular classified employee who is not normally assigned to work during student recess periods within the regular school term shall be paid for any holiday that falls within the recess, provided he was in paid status during any portion of his scheduled work day either immediately preceding or succeeding the recess period.

REFERENCE: Education Code Sections 45203, 45260 and 45261

16.7 WEEKEND HOLIDAYS

When a holiday falls on a Saturday, the holiday shall be observed on the preceding work day. When a holiday falls on a Sunday, the holiday shall be observed on the succeeding work day.

REFERENCE: Education Code Sections 45203, 45205, 45260 and 45261

16.8 HOLIDAYS FOR EMPLOYEES WITH NON-TRADITIONAL WORK SCHEDULES

A regular classified employee assigned to a work week other than Monday through Friday shall be provided a substitute holiday when the regular holiday falls on a day on which the employee is not normally assigned to work, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his/her normal work schedule.

REFERENCE: Education Code Sections 45206, 45260 and 45261

16.9 TEACHER IN-SERVICE DAY

Notwithstanding the adoption of separate work schedules for the certificated and classified employees, on any day during the regular school year when students would otherwise be in attendance but are not, and for which certificated personnel receive regular pay, classified employees shall also receive regular pay whether or not they are required to report for duty that day.

REFERENCE: Education Code Sections 45203, 45260 and 45261

CHAPTER 17

COMPENSATION AND PAY PRACTICES

17.1 Determination of Salary Schedules / Pay Rates

- 17.1.1 Fixing Annual Salary Schedules
- 17.1.2 Increases or Decreases to Salary Schedules
- 17.1.3 Board Must Employ/Pay in Accordance With Merit System
- 17.1.4 Commission Shall Recommend Salary Schedules to Board
- 17.1.5 Board's Actions on Salary Schedule Recommendations
- 17.1.6 Commission Shall Determine Salary Range Placement
- 17.1.7 Board May Not Dismiss Employees Due to Reclassification

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- 17.2.2 Salary Step Advancement
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17.3 Differential and Performance Increment Pay Practices

- 17.3.1 Differential Compensation
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17.1 DETERMINATION OF SALARY SCHEDULES / PAY RATES

17.1.1 FIXING ANNUAL SALARY SCHEDULES

The Board of Education shall fix the annual salaries for all classified employees and other employees not requiring certification qualifications employed by the District unless otherwise prescribed by law. The fixing of annual salaries shall mean that the Board shall adopt a salary schedule or matrix with specific dollar amounts for each range and step.

The Board of Education may increase the salary schedule for classified employees at any time during the fiscal year and shall adopt increases and/or decreases resulting from the classification or reclassification of positions as approved by the Personnel Commission.

Any action taken by the Board of Education pursuant to this rule must be in compliance with the Personnel Commission's Rules and Regulations, and if impacted employees belong to a bargaining unit, the Board of Education must comply with any legal duty to meet and negotiate on the salary schedule as provided in the Government Code.

REFERENCE: Education Code Sections 45160, 45162, 45260, 45261, 45262 and 45267

17.1.2 INCREASES OR DECREASES TO SALARY SCHEDULES

The Board of Education shall increase or decrease the salary schedule or matrix by a percentage amount. A flat dollar amount increase or decrease to the salary schedule is prohibited, as it would disturb the reasonable percentage relationship between classifications as determined by the Personnel Commission.

REFERENCE: Education Code Sections 45256, 45260 and 45261

17.1.3 BOARD MUST EMPLOY/PAY IN ACCORDANCE WITH MERIT SYSTEM

The Board of Education shall employ, pay and otherwise control the services of classified employees only in accordance with the provisions of Title 2, Division 3, Chapter 5, Article 6 (Merit System) of the State of California Education Code and these Rules.

REFERENCE: Education Code Sections 45241, 45260 and 45261

17.1.4 COMMISSION SHALL RECOMMEND SALARY SCHEDULES TO BOARD

The Personnel Director shall prepare recommendations for the allocation of classes to salary ranges for approval by the Personnel Commission. The Commission's recommended salary schedule may take into account the following factors:

17.1.4.1 The wages and salaries paid by other governmental agencies in the recruitment area.

17.1.4.2 The principle of like pay for like work within the classified services.

17.1.4.3 Appropriate differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.

17.1.4.4 Such other information as the Commission may require.

REFERENCE: Education Code Sections 45256, 45260, 45261 and 45268

17.1.5 BOARD'S ACTIONS ON SALARY SCHEDULE RECOMMENDATIONS

The Board of Education may approve, amend, or reject the salary schedule recommendations of the Personnel Commission, but may not alter the percentage relationships among classes as established by the Personnel Commission. No amendment shall be adopted until the Commission is first given a reasonable opportunity to comment on the effect the amendment will have on the principle of like pay for like work.

REFERENCE: Education Code Sections 45256, 45260, 45261 and 45268

17.1.6 COMMISSION SHALL DETERMINE SALARY RANGE PLACEMENT

The Personnel Commission shall determine the salary range placement of all positions and classifications within the Classified Service of the District, pursuant to its obligation to set reasonable relationships among the various classifications. The Commission may make modifications to the range placement as part of its statutory obligations.

REFERENCE: Education Code Sections 45162, 45256, 45260 and 45261

17.1.7 BOARD MAY NOT DISMISS AN EMPLOYEE DUE TO RECLASSIFICATION

The provisions of these rules shall not be construed to permit the Board of Education to demote or dismiss an employee due to the reclassification of a position or class of positions unless otherwise authorized by law or these Rules and Regulations.

REFERENCE: Education Code Sections 45162, 45260 and 45261

17.2 APPLICATION OF SALARY SCHEDULES

17.2.1 INITIAL SALARY PLACEMENT

All new regular classified employees shall be paid in accordance with the salary range established for the class to which assigned. Initial placement will normally be the first step of the salary range. However, a new employee may be granted advanced step placement upon recommendation of the appointing authority to the Personnel Director and approval by the Personnel Commission, based upon such factors as:

- 17.2.1.1** Additional education, at the college level when related to the classification, that is beyond the established requirements for entry into the class. Credit for one step will be given for two years of education.
- 17.2.1.2** Additional qualifying experience, when related to the classification, that is beyond that required for entry into the class. Credit for one step will be given for two years of qualifying experience.
- 17.2.1.3** Evidence that the salary received by the eligible from his/her most recent employer is greater than the first step of the salary for the position offered to the eligible.

The Personnel Commission may accept, amend, or reject the Personnel Director's recommendation and the Commission's decision shall be final. If approved, advanced step placement shall become effective on the first date of regular appointment in accordance with Rule 7.1.2 and following the Commission's approval.

REFERENCE: Education Code Sections 45260 and 45261

17.2.2 SALARY STEP ADVANCEMENT

When a probationary or permanent employee accepts a regular position on the first step of the salary range, and upon successfully completing the probationary period outlined in these Rules, a merit salary increase shall be granted to the second step. If the completion of this period of satisfactory service is completed after the first working day of the month the salary adjustment shall be the first of the following month. The date of the first salary adjustment after employment is known as the Anniversary Date. In accordance with Rule 17.2.1, employees that are provided advanced step placement shall receive a merit salary increase after twelve months as applicable.

- 17.2.2.1** The date for the first merit salary increase after employment is known as the anniversary date.

17.2.2.2 After reaching the first anniversary date salary step advancements shall be made on an annual basis. ~~provided~~ The employee ~~has~~ must received an overall Meets Expectations rating from their supervisor on the Employee Performance Report for the preceding 12-month period.

17.2.2.3 Whenever the immediate supervisor indicates an overall rating lower than Meets Expectations on the Employee Performance Report, then the employee shall be notified by their supervisor of the denial for salary step advancement in writing.

REFERENCE: Education Code Sections 45260 and 45261

17.2.3 SALARY PLACEMENT OF TEMPORARY EMPLOYEES

Salary placement of temporary, substitute, and limited term employees will be at the first step of the appropriate salary range. Classified employees and retirees working in temporary, substitute, or limited term assignments shall be compensated at the same step of the range for classifications having served as a regular employee.

REFERENCE: Education Code Sections 45260 and 45261

17.2.4 SALARY RANGE CHANGES

Unless otherwise provided by special resolution of the Personnel Commission, whenever the salary range for a class is changed upward the salary of each incumbent in the class on the date the change was effective shall be adjusted to the higher range with the same step of the lower range. Whenever the salary range for a class is changed downward, the salary of each incumbent in the class on the date the change was effective shall be adjusted to the lower range and then to that step of the lower range that provides a base hourly rate as close to the former higher salary without exceeding the former higher salary. The employee's original Anniversary Date will remain unchanged unless so ordered by the Commission.

REFERENCE: Education Code Sections 45260 and 45261

17.2.5 "Y" RATING INCUMBENTS

By special resolution of the Personnel Commission, the effects of downward range adjustments may be mitigated by a policy of "Y" rating the impacted incumbents' current hourly salary until the new lower salary range hourly rate catches up. The impact of this policy means that an incumbent so "Y" rated will not receive a general cost of living or normally entitled salary step increase until his/her old higher hourly rate is matched or exceeds the new lower hourly rate.

Whenever the Personnel Commission gives authorization to "Y" rate an incumbent, the rate will be discontinued when the employee receiving the rate is promoted, separates from the District, or refuses appointment to a higher class. The "Y" rate will be discontinued whenever the salary range for the class is increased so that it encompasses the employee's present rate, in which event the employee's salary rate will be adjusted to the nearest highest amount in the new range.

REFERENCE: Education Code Sections 45260 and 45261

17.2.6 PROMOTIONAL SALARY RATE

In determining the salary for an employee who is promoted, the following procedure shall be used:

- 17.2.6.1** The employee shall be provided with a minimum salary increase of at least one step or 5% over their current salary. In no instance shall the increase exceed the maximum step established for the salary range.
- 17.2.6.2** Promoted employees will follow the normal step placement on the current salary schedule after the initial step is determined.
- 17.2.6.3** The promoted employee shall serve the required probationary period in the new class pursuant to Rule 9.3.3.
- 17.2.6.4** For purposes of this rule, an employee that previously attained permanent status in a higher classification and who requests reversion shall, if their reversion request is approved, be placed at the same range and step (of the higher classification) closest to their current rate or at the range and step of the classification that the employee voluntarily demoted from, whichever is greater.

REFERENCE: Education Code Sections 45260 and 45261

17.2.7 SALARY PLACEMENT AFTER UNPAID LEAVE OF ABSENCE

Upon return from an unpaid leave of absence, an employee shall be placed on the same step of the range for the class which he/she had achieved prior to taking the leave, including any change(s) in rate or range applicable to the employee's class; except that step advancement within the range shall be granted under the following conditions:

- 17.2.7.1** When the employee's paid status credit since returning when combined with any previous service time earned prior to the unpaid leave but after the last anniversary date increase, add up to the equivalent of one year's service credit for purposes of step advancement. Upon return from an unpaid leave of absence, the

Personnel Director shall recalculate any changes necessary in the employee's anniversary date in order to comply with this rule.

17.2.7.2 The law and/or these rules provided that credit for advancement shall accrue during such leave(s) of absence.

17.2.7.3 Credit for step advancement shall accrue during leaves of absence for military service, to serve in limited-term positions within the District, and any paid leaves of absence (e.g., illness, vacation, industrial accident/illness, etc.).

REFERENCE: Education Code Sections 45260, 45261 and 45309

17.2.8 SALARY PLACEMENT UPON DEMOTION

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

REFERENCE: Education Code Sections 45260, 45261 and 45309

17.2.9 SALARY PLACEMENT WHEN REEMPLOYED OR REINSTATED

When an employee is reemployed following layoff, or reinstated according to these rules following separation from employment, the employee shall be placed on the same step of the range for the class which he/she had achieved prior to the separation, including any change(s) in rate or range applicable to the employee's class. The employee's anniversary date shall be adjusted for any break in service.

REFERENCE: Education Code Sections 45260, 45261 and 45309

17.2.10 RECESS PERIOD SALARY PLACEMENT

A classified employee shall, for services performed during summer or any other recess period, receive on a pro-rata basis, not less than the compensation and benefits which are applicable to the classification during the regular academic year.

REFERENCE: Education Code Sections 45102, 45260 and 45261

17.3 DIFFERENTIAL AND PERFORMANCE INCREMENT PAY PRACTICES

17.3.1 DIFFERENTIAL COMPENSATION

The Commission shall, insofar as possible, determine the practices relating to shift differentials in the private employment fields in which it must compete for employees and shall consider the advisability of providing comparable differentials for the classified staff.

17.3.1.1 The District may provide differential compensation to those classified employees who perform duties of a distasteful, dangerous, or unique nature, when, in the opinion of the Board of Education, such compensation is reasonably justified. Any differential compensation provided by the Board of Education shall be based upon findings and recommendations of the Personnel Commission, and shall not be applied in a manner contrary to the principle of like pay for like service.

17.3.1.2 No employee assigned to work in a position entitled to differential compensation shall be demoted in class or grade as a result of such an assignment.

REFERENCE: Education Code Sections 45181, 45182, 45184, 45260, and 45261

17.3.2 TEMPORARY ASSIGNMENT

An employee receiving differential compensation shall not lose such compensation if the employee is temporarily, for twenty (20) working days or less, assigned to a position not entitled to such compensation.

REFERENCE: Education Code Section 45185, 45260, and 45261

17.3.3 SHIFT DIFFERENTIAL

Classified employees that are Bargaining Unit Members covered by the RUSD-CSEA Agreement must refer to those procedures in regards to shift differential stipends contained in Article 10. Where any conflict exists with these rules and regulations provisions contained in the Agreement prevail.

Employees with an assignment where a majority of the assignment is worked after 6:00 p.m. shall work seven and one-half (7 1/2) hours and be paid for eight (8) hours.

REFERENCE: Education Code Sections 45180 - 45186
RUSD-CSEA Agreement, Article 10

17.3.4 PERFORMANCE INCREMENTS

Classified employees that are Bargaining Unit Members covered by the RUSD-CSEA Agreement must refer to those procedures in regards to performance increments contained in Article 12. Where any conflict exists with these rules and regulations provisions contained in the Agreement prevail.

The District shall provide classified employees whose positions are designated as Confidential / Supervisory with performance increment compensation based on their original hire date as a regular classified employee. A Confidential / Supervisory employee will qualify for a performance increment if their most recent Employee Performance Report overall rating is "meets expectations" or above when they become eligible for the performance increment. The District shall provide classified employees whose positions are designated as Administrative a special increment based on their original hire date in an Administrative position for the District.

17.3.4.1 CLASSIFIED CONFIDENTIAL / SUPERVISORY EMPLOYEES

A performance increment of five percent (5%) will be paid based on the employees' original hire date, according to the following schedule:

Upon completion of the fifth (5th) year of service

Upon completion of the tenth (10th) year of service

Upon completion of the fifteenth (15th) year of service

Upon completion of the twentieth (20th) year of service

Upon completion of the twenty-fifth (25th) year of service

17.3.4.2 CLASSIFIED ADMINISTRATORS

A special increment of 2.3 percent (2.3%) will be paid based on the employees' original hire date as a classified administrator in the District according to the following schedule:

Upon beginning seven (7) years of service

Upon beginning twelve (12) years of service

Upon beginning seventeen (17) years of service

Upon beginning twenty-two (22) years of service

Upon beginning twenty-seven (27) years of service

REFERENCE: RUSD Administrative Regulation 4351

17.3.5 COMPUTATION OF RATE OF PAY

When computing the regular pay for a classified employee the calculation shall be based on the following:

17.3.5.1 The employee's appropriate salary range and step shall be considered the employee's base salary.

17.3.5.2 Calculated on the base salary and added to it shall be any longevity the employee may be entitled to pursuant to Rule 170.3.4.

17.4 SPECIAL PAY PRACTICES

17.4.1 PAYROLL ERRORS

Any payroll error resulting in the underpayment of a classified employee shall be corrected and supplemental payment made within five (5) working days after determination an error has occurred. Equitable arrangements will be made for repayment when an employee has been overpaid.

REFERENCE: Education Code Sections 45167, 45260 and 45261

17.4.2 MILEAGE

Employees who are required to use their own automobiles in performance of their duties and employees who are assigned to more than one (1) site per day shall be reimbursed for all such travel at the current rate of reimbursement as determined by the Internal Revenue Service (IRS) for all driving done between arrival at the first location at the beginning of their workday, and the location at the completion of their workday.

REFERENCE: Education Code Sections 44032, 45260 and 45261

CHAPTER 18

COMPLAINT PROCEDURES

- 18.1 Purpose of the Complaint Procedure
- 18.2 Certain Matters Excluded from Procedure
- 18.3 Commission Staff Will Lend Assistance
- 18.4 Approval of Personnel Director
- 18.5 Complaint Timelines shall be Considered Maximums
- 18.6 Complaint must be filed within Twenty (20) Working Days
- 18.7 Definition of Complaint
- 18.8 Employee Representation
- 18.9 No Reprisals for Filing of Complaint
- 18.10 Reasonable Release Time
- 18.11 Maintenance of Complaint Files
- 18.12 Resolution Procedure – Step One
- 18.13 Resolution Procedure – Step Two
- 18.14 Resolution Procedure – Step Three
- 18.15 Resolution Procedure – Step Four

18.1 PURPOSE OF THE COMPLAINT PROCEDURE

The purpose of this rule is to establish an orderly process through which regular classified employees may receive timely consideration of their complaints. Although specific steps and time limits are set forth in the procedure, it is recognized that the settlement of complaints may require that the procedure be altered in certain situations. It is also the intent of this chapter to emphasize the need for employee complaints to be submitted through established channels and for resolution of complaints at the lowest possible level. Employees may utilize this chapter of the Rules to seek adjustment of complaints arising in the following areas:

18.1.1 Established Commission Rules and Regulations.

18.1.2 Established provisions of the Education Code on matters within the scope of the Personnel Commission's authority.

18.1.3 Administrative Procedures - Complaints against other employees on matters within the scope of the Personnel Commission's authority.

REFERENCE: Education Code Sections 45260 and 45261

18.2 CERTAIN MATTERS EXCLUDED FROM PROCEDURE

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

18.2.1 An alleged violation of any collective bargaining agreement shall be adjudicated using that agreement's grievance procedure.

18.2.2 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 contained in Chapter 19.

18.2.3 Complaints about the subject matter of a rule, regulation, policy, law, or administrative procedure. Any employee with such a complaint should direct his suggestions for change through administrative channels to the responsible authority.

REFERENCE: Education Code Sections 45260 and 45261

18.3 COMMISSION STAFF WILL LEND ASSISTANCE

At any stage in the procedure, the services of the Personnel Commission's staff will be available to all parties to provide requested information and to assist in the settlement of the problems.

REFERENCE: Education Code Sections 45260 and 45261

18.4 APPROVAL OF PERSONNEL DIRECTOR

If any settlement of any complaint covered by these procedures is reached without the involvement of the Commission or Personnel Director, the Personnel Director shall be informed of all proceedings, receive copies of all communications submitted in the case, and be notified of the proposed settlement and have an opportunity to comment on it prior to finalization. All settlements of any complaint covered by these procedures must be approved by the Personnel Director under the following circumstances:

- 18.4.1** When the complaint involves any Personnel Commission rule or regulation.
- 18.4.2** When the complaint involves any Personnel Commission administrative procedures.
- 18.4.3** When the complaint involves any Personnel Commission employee.
- 18.4.4** When the complaint involves any alleged violation of the Merit System Article of the Education Code within the purview of the Personnel Commission.
- 18.4.5** When the complaint involves any matter touching upon the authority of the Personnel Commission or the Merit System.

REFERENCE: Education Code Sections 45260 and 45261

18.5 COMPLAINT TIMELINES SHALL BE CONSIDERED MAXIMUMS

It is important that complaints be resolved as promptly as possible, therefore the times indicated at each level shall be considered as maximums. Time limits may be extended by mutual agreement.

REFERENCE: Education Code Sections 45260 and 45261

18.6 COMPLAINT MUST BE FILED WITHIN TWENTY (20) WORKING DAYS

A complaint must be filed at Step One (1) of this procedure within twenty (20) working days of the occurrence of the violation or infraction, or within twenty (20) working days of when the complaining party could reasonably have known of the occurrence of the act or omission giving rise to the complaint.

REFERENCE: Education Code Sections 45260 and 45261

18.7 DEFINITION OF COMPLAINANT

A complainant is defined as a regular employee or employees, filing a complaint involving one (1) or more of the subjects covered by Rule 18.1.

REFERENCE: Education Code Sections 45260 and 45261

18.8 EMPLOYEE REPRESENTATION

Any regular employee may have an independent representative or an employee organization represents his/her interests at any level of this complaint procedure.

REFERENCE: Education Code Sections 45260 and 45261

18.9 NO REPRISALS FOR FILING OF COMPLAINT

No reprisals of any kind shall be taken by the District against the complainant or any representative of the complainant by reason of his bringing a complaint or participating in a complaint.

REFERENCE: Education Code Sections 45260 and 45261

18.10 REASONABLE RELEASE TIME

The complainant and/or his/her representative shall be provided reasonable release time, without loss of compensation, to attend complaint conferences or hearings but no release time shall be allowed for preparation of the presentation.

REFERENCE: Education Code Sections 45260 and 45261

18.11 MAINTENANCE OF COMPLAINT FILES

All records pertaining to complaints filed under this rule shall be maintained by the Personnel Director in the Personnel Commission office. All complaint records shall be maintained separately from the complainant's and/or his/her representative's personnel files.

REFERENCE: Education Code Sections 45260 and 45261

18.12 RESOLUTION PROCEDURE – STEP ONE

The complainant shall meet with their immediate supervisor to discuss the potential complaint in an attempt to resolve it informally. The immediate supervisor shall attempt to hold a conference within two (2) working days of the request by the

employee for a conference. The immediate supervisor shall consider the facts and provide a decision with supporting reasons within five (5) working days after the informal conference.

REFERENCE: Education Code Sections 45260 and 45261

18.13 RESOLUTION PROCEDURE – STEP TWO

If successful resolution was not reached at Step One and the employee chooses to pursue their complaint he/she must submit the complaint in writing to the immediate supervisor within ten (10) working days of the conclusion of Step One.

The written complaint shall be a clear, concise statement of the complaint, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation including Step One complaint correspondence, and a statement of the specific remedy sought. The immediate supervisor shall hold a conference with all interested parties on the complaint within five (5) working days of receipt. The supervisor shall submit a written response to the complainant within ten (10) working days after the conference.

REFERENCE: Education Code Sections 45260 and 45261

18.14 RESOLUTION PROCEDURE – STEP THREE

In the event that the complaint is not satisfactorily adjusted by the immediate supervisor or the immediate supervisor fails to respond during the time limit, the complaint may be submitted in writing to the Personnel Director within ten (10) working days of receipt of the Step Two decision, or if the immediate supervisor has failed to respond, within ten (10) working days after the Step Two response deadline.

The written complaint shall be a clear, concise statement of the complaint, including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation including previous complaint correspondence, the reasons why the response from the Step Two supervisor was unsatisfactory, and a statement of the specific remedy sought. The Personnel Director shall hold a conference with all interested parties regarding the complaint within five (5) working days of receipt of the complaint. The Personnel Director shall submit a written response to the complainant within ten (10) working days following the conference.

REFERENCE: Education Code Sections 45260 and 45261

18.15 RESOLUTION PROCEDURE – STEP FOUR

If successful resolution was not reached at Step Three, the complaint may be submitted in writing to the Personnel Commission as dictated by this rule, within ten (10) working days of receipt of the Step Three decision, or if the appropriate Step

Three administrator has failed to respond, within ten (10) working days after the Step Three response deadline.

The written complaint shall be a clear, concise statement of the complaint including the rule, regulation, policy, or procedure allegedly violated, attachment of all relevant evidence and documentation including previous complaint correspondence, the reasons why the response from the Personnel Director at Step Three was unsatisfactory, and a statement of the specific remedy sought.

The Personnel Commission shall schedule an open session, unless provisions of the Brown Act permit and /or require a closed session, for all written and oral evidence to be presented. Within thirty (30) days after the hearing, the official body hearing the case shall render a decision on the matter. The decision of the Personnel Commission shall be final and binding on all parties.

REFERENCE: Education Code Sections 45260 and 45261

CHAPTER 19

PROCEDURES FOR DISCIPLINARY ACTION AND APPEAL

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19.1 GENERAL PROVISIONS FOR DISCIPLINARY ACTIONS

19.1.1 DISCIPLINARY ACTION ONLY PURSUANT TO THIS RULE

A permanent or probationary classified employee shall be subject to disciplinary action only for cause as prescribed by these Rules and Regulations, and only pursuant to the procedures outlined herein.

REFERENCE: Education Code Sections 45260, 45261 and 45302

19.1.2 TIME LIMITS ON DISCIPLINARY ACTION

No disciplinary action shall be taken against any employee for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two (2) years prior to the date of the Notice of Proposed Disciplinary Action unless such cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

REFERENCE: Education Code Sections 45260 and 45261

19.1.3 PROHIBITED ACTS RELATED TO DISCIPLINARY ACTION

No employee shall be suspended, demoted, dismissed, subjected to any form of disciplinary action, sexually harassed, or in any way discriminated against because of the employee's affiliations, race, color, national origin, age, marital status, sex, sexual orientation, disability, ancestry, employee organization membership or non-membership and legal activities related thereto, medical condition (as defined in Government Code Section 12926), or religious or political beliefs or acts, except as legally provided in Rule 19.1.5.

REFERENCE: Education Code Sections 45260 and 45261

19.1.4 DEFINITION OF DISCIPLINE

Disciplinary action includes any action whereby a regular classified employee is deprived of any classification or any incident of any classification, including dismissal, suspension without pay, or demotion.

REFERENCE: Education Code Sections 45260 and 45261

19.1.5 CAUSES FOR DISCIPLINARY ACTION

The following causes shall be grounds for disciplinary action:

19.1.5.1 Incompetency, inefficiency, inattention to or dereliction of duty.

19.1.5.2 Insubordination.

- 19.1.5.3** Discourteous, offensive, or abusive conduct or language toward the public, students, supervisors, or fellow employees.
- 19.1.5.4** Willful or persistent violation of the Education Code, Rules and Regulations of the Classified Service, Board of Education policies and/or administrative regulations, or department procedures.
- 19.1.5.5** Dishonesty or falsifying information supplied to or withholding any material information from the District, including but not limited to, information on application forms, employment records, or any other District records.
- 19.1.5.6** Reporting for work under the influence of alcohol or possessing or consuming alcoholic beverages while on duty.
- 19.1.5.7** Addiction to the use of narcotics or a restricted substance, use of narcotics or restricted substances while on the job, or reporting to work while under the influence of a narcotic or restricted substance, or possession of narcotics or a restricted substance while on duty.
- 19.1.5.8** Arrest and/or being formally charged with a sex offense as defined in Education Code Section 44010. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- 19.1.5.9** Arrest and/or being formally charged with a controlled substance offense as defined in Education Code Section 44011. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- 19.1.5.10** Conviction of a violent or serious felony. A violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code. Conviction of a violent or serious felony shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- 19.1.5.11** Assault, battery or other unjustified use of force or violence against a student, member of the public or another District employee.
- 19.1.5.12** Conviction of a felony or a crime involving moral turpitude.
- 19.1.5.13** Repeated unexcused absence or tardiness, abuse of leave privileges or absence without notification.

- 19.1.5.14** Abandonment of position. Absence of three (3) consecutive working days without permission or notification and the failure to notify the District of a valid or acceptable reason for absence as determined by the Assistant Superintendent of Human Resources.
- 19.1.5.15** Failure to return to work or notify the District within three (3) working days following an authorized leave of absence except in the case of dire emergency.
- 19.1.5.16** The suspension, cancellation or revocation of a certificate or license required for a position or the failure to maintain a valid certificate or license.
- 19.1.5.17** Carelessness or negligence in the performance of assigned duties, or in the care, willful misuse, theft or destruction of District property, or the property of employees or students.
- 19.1.5.18** Conduct which constitutes, or contributes to, unlawful harassment or discrimination in the work setting.
- 19.1.5.19** Offering anything of value or any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- 19.1.5.20** Distributing or having distributed through student contacts or use of student or employee directory data, any promotional material intended to result in personal benefit or financial gain to the employee.
- 19.1.5.21** Endorsing commercial products/activities in his/her official capacity as a District employee.
- 19.1.5.22** Failure to report for review of criminal or health records, or submit a report of an Intradermal Manitou skin test and/or chest x-ray examination after due notice.
- 19.1.5.23** Failure to submit to involuntary drug testing or positive drug test results after a confirming second drug test for positions designated safety sensitive by the Omnibus Transportation Employee Testing Act of 1991 and Board Policy and Administrative Regulation 4212.42/4312.42.
- 19.1.5.24** Advocacy of overthrow of the Government of the United States or the State of California, by force, violence, or other unlawful means.

- 19.1.5.25 Membership in the Communist Party. (Education Code §45303)
- 19.1.5.26 Engaging in political or personal activities during his/her assigned hours of employment, unless otherwise provided by law.
- 19.1.5.27 Any other willful conduct tending to injure the public service.
- 19.1.5.28 Unsatisfactory performance.

REFERENCE: Education Code Sections 212.5, 230, 44010, 44011, 45260, 45261, 45302, 45303, 45304
Government Code Section 1028
Business & Professions Code Section 25608

19.1.6 **PROGRESSIVE DISCIPLINE**

Except in those situations where an immediate suspension is justified under the provisions of State law, or except in cases where the health, welfare, or safety of District employees, students, or the public might be in question, or in cases of theft or intentional damage to District property or willful violations of the law, the District shall impose disciplinary action on an employee whose work or conduct is of such character as to incur discipline shall be afforded the right to progressive discipline outlined in the order below.

19.1.6.1 **ORAL WARNING:**

An employee shall be orally notified by his/her supervisor that unsatisfactory job performance has been observed. Such verbal warning shall include but not be limited to the specific deficiency or deficiencies observed, the rule violated and suggestions for improving performance. After a reasonable period of time, the supervisor shall review the employee's performance. If the employee's performance has not improved, the supervisor may elect to move to the next step listed for progressive discipline. This shall be an informal meeting and no record shall be included in the employee's permanent personnel file of this meeting at this time. Whenever subsequent disciplinary action is taken, records of this warning may be included with other documentation of deficiencies.

19.1.6.2 **WRITTEN WARNING:**

An employee whose work performance or conduct is of such character as to incur discipline shall be specifically warned in writing by the immediate supervisor. Such written warning shall state the rule or rules that were violated, the acts or omissions, a performance improvement plan developed by the employee's

immediate supervisor, and a reasonable time period during which the employees' performance will be reviewed for improvement or attainment of goals. The supervisor shall give a reasonable period of time to permit the employee the opportunity to correct the deficiency without incurring disciplinary action. This written warning will be placed in an employee's official personnel file.

19.1.6.3 DEMOTION OR SUSPENSION WITHOUT PAY:

After written warning, if the permanent employee continues to violate a cause in Rule 19.1.5 above, then the employee may be demoted to a lower classification or suspended for up to thirty (30) days without pay. The proposed length of suspension shall reasonably relate to the seriousness of the alleged offense.

19.1.6.4 TERMINATION:

After suspension or demotion, if the permanent employee continues to violate a cause in Rule 19.1.5 above, then the employee may be terminated.

REFERENCE: Education Code Sections 45260, 45261 and 45304

19.1.7 IMMEDIATE SUSPENSION WITHOUT PAY

The Superintendent or designee may immediately suspend an employee without pay and without pre-disciplinary notice when he/she determines that this action is appropriate because of the seriousness of the charges or potential harm to the health, welfare or safety of persons or property. Said disciplinary action shall be in accordance with legally required due process.

REFERENCE: Education Code Sections 44010, 44011, 44940.5, 45260, 45261, 45302, 45303, 45304
Penal Code Section 261
Health and Safety Code Sections 11054, 11056, 11357-11361, 11363, 11364, 11377-11382
Personnel Commission Rule 19.1.6

19.1.8 DISMISSAL OF SUBS, LIMITED-TERM OR PROVISIONAL EMPLOYEES

A substitute, limited-term, provisional, or other temporary employee may be terminated at any time during his/her assignment without regard to procedures set forth in this chapter.

REFERENCE: Education Code Sections 45260, 45261 and 45305

19.1.9 BURDEN OF PROOF

The burden of proof in all hearings and proceedings under these rules shall remain with the District, and any rule, regulation, policy, practice, or procedure to the contrary shall be void.

REFERENCE: Education Code Sections 45260 and 45261

19.1.10 APPLICATION TO EMPLOYEES OF THE PERSONNEL COMMISSION

For the purposes of this section "the Personnel Commission" shall replace "the Board of Education" and "the District" and "the Personnel Director" shall replace "the Superintendent" for individuals employed by the Personnel Commission. For Personnel Commission employees the appeal of disciplinary action imposed by the Personnel Commission shall be before a Hearing Officer and the decision of the Hearing Officer shall be the final disposition of the appeal. The Personnel Commission shall adopt and abide by the decision of the Hearing Officer.

REFERENCE: Education Code Sections 45260 and 45261

19.2 NOTICE OF DISCIPLINARY ACTION

19.2.1 NOTICE OF INTENT TO DISCIPLINE

A permanent classified employee may be subjected to disciplinary action after the employee receives a "Notice of Intent to Discipline," and the employee has had an opportunity to respond to the charges.

19.2.2 CONTENTS OF NOTICE OF PROPOSED DISCIPLINE

The Notice of Intent to Discipline is the notification that disciplinary action will be recommended by the Superintendent to the Board of Trustees and shall contain statements in ordinary and concise language of:

19.2.2.1 The nature of the proposed discipline, such as, suspension, demotion or dismissal.

19.2.2.2 The specific causes and sections of the Laws, Regulations, District Policies/Procedures, Personnel Commission Rules and Bargaining Unit Agreement that the employee is alleged of violating.

19.2.2.3 The charges set forth in clear and understandable language, the specific acts, errors, or omissions giving rise to the charges.

19.2.2.4 The proposed effective date(s) of the disciplinary action.

19.2.2.5 The employee's right to a Pre-disciplinary (Skelly) Conference before the Superintendent, or designee which shall be scheduled in the Notice of Intent to Discipline. The purpose of this conference is to allow the employee to respond to the charges and/or causes stated in the Notice of Intent to Discipline.

19.2.2.6 The employee's rights to see and obtain copies of all evidence and documentation to support the District's case against the employee, including but not limited to, sections of all Laws, Regulations, District Policies and Administrative Procedures, Personnel Commission Rules and the Collective Bargaining Unit Agreement, and the rules and regulations which are alleged to have been violated.

19.2.2.7 The employee's right to representation at all phases of the disciplinary process.

19.2.2.8 The employee's right to respond to charges either orally or in writing.

REFERENCE: Education Code Sections 45116, 45260, 45261 and 45305

19.2.3 NOTICE MUST USE READILY UNDERSTOOD LANGUAGE

The charges outlined in the notice of proposed disciplinary action must be written so that the employee will know the complaint(s), charge(s), and actions taken against him/her, and may respond to them. A notice of proposed disciplinary action that solely restates one or more causes or grounds for disciplinary action established by any rule, regulation, or statute in the language of the rule, regulation, or statute alone and which does not provide clarification, is insufficient for any purpose.

REFERENCE: Education Code Sections 45116, 45260 and 45261

19.2.4 DISCIPLINARY NOTICE SENT TO PERSONNEL DIRECTOR

The Notice of Intent to Discipline shall be delivered to the Personnel Commission office.

REFERENCE: Education Code Sections 45260 and 45261

19.2.5 NOTICE MUST BE IN WRITING AND SERVED ON EMPLOYEE

The notice of proposed disciplinary action shall be in writing and served in person or by certified mail (Return Receipt Requested) to the employee. This requirement will be deemed to have been met if the notice of proposed disciplinary action is sent certified mail to the last known home address on file in the Human Resources Division Office. Failure of the employee to

retrieve delivered mail, or respond to notifications by the United States Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. The responsibility for keeping the District informed of a home address is the requirement of the employee. For purposes of this rule, if a notice is mailed, the fifth calendar day following the postmark date of the notice shall be considered to be the official date of receipt.

REFERENCE: Education Code Sections 45116, 45260 and 45261

19.3 PRE-DISCIPLINARY (SKELLY) CONFERENCE

19.3.1 PRE-DISCIPLINARY CONFERENCE BEFORE SUPERINTENDENT

An employee shall have the right to a pre-disciplinary conference before the Superintendent or designee. The pre-disciplinary conference shall be scheduled prior to the Superintendent's recommendation of disciplinary action to the Board of Education.

REFERENCE: Education Code Sections 45260 and 45261

19.3.2 NOTIFICATION OF PRE-DISCIPLINARY CONFERENCE TO EMPLOYEE

An employee shall be noticed of the date, time and place of the pre-disciplinary conference. Notice of the pre-disciplinary conference shall be contained in the Notice of Intent to Discipline. Notice shall be hand delivered or sent certified mail to the last known address on file with the District (19.2.5). Failure of the employee to retrieve delivered mail or respond to notifications by the United States Postal Service of attempted delivery shall not be grounds for voiding notification or staying the established time line.

REFERENCE: Education Code Sections 45260 and 45261

19.3.3 ACTION IF CONFERENCE IS NOT ATTENDED BY EMPLOYEE

If the employee does not attend the pre-disciplinary conference outlined in the Notice of Intent to Discipline, the Superintendent shall recommend to the Board of Education that the proposed disciplinary action be approved. The Board shall have the power to accept, lessen, or reject the recommendation of the Superintendent. The Board shall not act to provide for a penalty or disciplinary action more severe than that recommended by the Superintendent.

REFERENCE: Education Code Sections 45260 and 45261

19.3.4 DESIGNEE FOR SUPERINTENDENT

The Superintendent may assign a designee to serve as the Pre-disciplinary (Skelly) Conference officer. The designee must be an administrator who has the authority and authorization to accept, modify, or rescind the proposed disciplinary action. The administrator may not be a party to the proposed action, either as the supervisor initiating proposed disciplinary action, or as a witness.

REFERENCE: Education Code Sections 45260 and 45261

19.3.5 EMPLOYEE SHALL HAVE OPPORTUNITY TO REFUTE THE CHARGES

The employee shall have the opportunity to refute all charges and shall be allowed to present any evidence or information he/she may have which would cause the disciplinary recommendation to be modified or rejected at the Skelly Conference.

REFERENCE: Education Code Sections 45260 and 45261

19.3.6 RIGHT TO REPRESENTATION

The employee may, at his/her option and at his/her own expense, be represented by legal counsel and/or union representation, or any other person designated by the employee. An employee that requests a pre-disciplinary conference may attend the conference, even if the employee's designated representative appears on his/her behalf. Should the employee fail to appear, he/she will be deemed to have waived their rights to the conference and the Superintendent may recommend action to the Board of Education.

REFERENCE: Education Code Sections 45260 and 45261

19.3.7 PRE-DISCIPLINARY CONFERENCE DECISION

The Superintendent or designee shall issue a written decision within five (5) working days after the conclusion of the Pre-disciplinary (Skelly) Conference, to either continue the proposed disciplinary action, to modify the proposed disciplinary action, or to rescind and halt the proposed disciplinary action. The Superintendent shall not act to provide for a penalty or disciplinary action more severe than that recommended in the Notice of Intent to Discipline. The written decision of the Superintendent shall be filed with the Personnel Commission Office, and a copy shall be mailed to the employee via certified mail.

REFERENCE: Education Code Sections 45260 and 45261

19.3.8 PERMANENT EMPLOYEE IN PROBATIONARY PROMOTIONAL POSITION

A permanent classified employee who has not served the full probationary period for the class to which promoted, and who is demoted to his/her former class, may appeal his/her disciplinary action only pursuant to Rule 190.3.7. A permanent classified employee who has not served the full probationary period for the class to which promoted, and who is subjected to disciplinary action that would result in the separation of the employee from the permanent classified service shall have full appeal rights as if he/she had completed permanency in his/her present class.

REFERENCE: Education Code Sections 45260, 45261 and 45305

19.3.9 NOTIFICATION REQUIRED TO PERSONNEL COMMISSION

When formal disciplinary action has been approved or modified by the Board of Education, the action and the charges shall be reported to the Commission's Personnel Director within three (3) working days following the date on which the action was taken. This notification will be in the form described in rule 19.2.2. This notification will include any and all modifications to the Notice of Intent to Discipline in clear and concise language. The Personnel Director shall, within seven (7) working days of the action, formally notify and furnish the employee with a copy of the charges filed and action taken against him/her and a statement of his/her right to appeal. This notice shall contain the right to appeal notification including the time allowed to file an appeal, right to a hearing, and copies of the Personnel Commission hearing procedures in Rule 19.4. The intent of this provision shall be deemed to have been carried out if a certified letter has been mailed to the last known mailing address of the employee which is on file in the Personnel Commission office.

REFERENCE: Education Code Sections 45260, 45261 and 45305

19.4 PERSONNEL COMMISSION APPEAL HEARING PROCEDURES

19.4.1 AUTHORITY OF COMMISSION HEARING AND DECISION

The Personnel Commission may, at will, inspect any records of the Board of Education that may be necessary to ensure the Rules and Regulations established by the Commission have been complied with. Upon request of a disciplined permanent employee the Commission shall conduct a hearing. Hearings may be held on any subject to which the Commission's authority may extend.

REFERENCE: Education Code Sections 45305, 45306 and 45311

19.4.2 NOTICE OF RIGHT TO APPEAL

A permanent employee who has been suspended, demoted or dismissed may appeal to the Personnel Commission within fourteen (14) days after receipt of a copy of the written charges from the Personnel Director by filing a written answer to the charges. A permanent employee who has not completed a subsequent probationary period may be demoted to the class from which promoted without right to an appeal or hearing by the Commission except when the demotion results in separation from the permanent classified service.

REFERENCE: Education Code Section 45305

19.4.3 EMPLOYEE RESPONSE TO THE CHARGES

The employee's written response to the charges must include information on the following grounds. Appeals must be written on the form prescribed by the Personnel Commission and can be made only on the following grounds:

- 19.4.3.1** The charges made do not constitute sufficient cause for the action taken.
- 19.4.3.2** The action taken was not in accord with the facts.
- 19.4.3.3** There has been an abuse of discretion.
- 19.4.3.4** That the procedures set forth in these rules have not been followed.
- 19.4.3.5** The action was taken because of sexual harassment, or because of the employee's affiliations, race, color, national origin, age, marital status, sex, sexual preference, disability, ancestry, employee organization membership or non-membership and legal activities related thereto, medical condition (as defined in Government Code Section 12926), or religious or political beliefs or acts.

The notice of appeal must be signed by the employee being disciplined and must include a current address at which the employee may be contacted. The notice of appeal shall also contain the name of his/her legal counsel or representative (if known at the time of appeal) and address of such counsel or representative. Failure on the part of the employee to appeal and otherwise answer the disciplinary action against him/her within the fourteen (14) day period shall be construed as an admission of the truth of the charges made against him/her making the action of the Board of Trustees final and conclusive.

REFERENCE: Education Code Sections 45260, 45261, 45305 and 45306

19.4.4 APPOINTMENT OF HEARING OFFICER

The Personnel Commission may appoint a hearing officer to conduct any hearing or investigation which the Commission itself is authorized by the Education Code and/or these Rules and Regulations to conduct, including disciplinary action. Any such hearing officer conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of records, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this state. The Commission may instruct such hearing officer to present findings or recommendations. The Commission may accept, reject, or amend any of the findings or recommendations of the hearing officer. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation, or upon the results of such supplementary hearings or investigations as the Commission may order.

19.4.4.1 The Commission may employ by contract or as professional experts or otherwise any such hearing officer, and may adopt and amend such rules and procedures as may be necessary to effectuate this section of the rules.

REFERENCE: Education Code Sections 45260, 45261 and 45312

19.4.5 COMMISSION SHALL DETERMINE TIME AND PLACE OF HEARING

Upon receipt of an appeal, the Personnel Commission shall determine the date, time and place for the hearing. The hearing shall be held within the geographic boundaries of the District and in a place that is conducive to the conduct of a hearing. Unless an open hearing is requested by the appellant, the hearing shall be held in closed session. An appellant that fails to appear at a hearing scheduled by the Commission shall be deemed to have withdrawn the appeal and the action of the Board of Educations' action shall be final.

REFERENCE: Education Code Sections 45260 and 45261

19.4.6 ALL HEARINGS SHALL BE RECORDED

All hearings authorized under these rules shall be electronically recorded in a manner that will allow a written transcript to be produced. Either party to the hearing may request that the hearing be recorded by a Court Reporter. The party making such request shall bear the cost. If both parties request a Court reporter the cost shall be shared equally.

REFERENCE: Education Code Sections 45260 and 45261

19.4.7 HEARINGS CONDUCTED TO DETERMINE THE TRUTH

Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Personnel Commission nor its appointed hearing officer shall be bound by technical rules of evidence. The decision of the Personnel Commission shall not be invalidated by any informality in any of the proceedings.

REFERENCE: Education Code Sections 45260 and 45261

19.4.8 ORAL EVIDENCE BY OATH ONLY

Oral evidence shall be taken only on oath or affirmation.

REFERENCE: Education Code Sections 45260 and 45261

19.4.9 ABILITY TO EXAMINE EVIDENCE

Each party shall have the following rights as it relates to examination of witnesses and evidence:

19.4.9.1 To call and examine witnesses.

19.4.9.2 To introduce exhibits.

19.4.9.3 To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination(s).

19.4.9.4 To attempt to impeach any witness regardless of which party first called him to testify.

19.4.9.5 To rebut all evidence presented by the opposing party.

REFERENCE: Education Code Sections 45260 and 45261

19.4.10 APPELLANT MAY BE CALLED TO TESTIFY

If the appellant does not elect to testify on his own behalf, he may still be called to testify and be cross-examined as an adverse witness.

REFERENCE: Education Code Sections 45260 and 45261

19.4.11 ADMISSION OF EVIDENCE

The hearing need not be conducted according to the technical rules relating to evidence and the examination of witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious business; regardless of the

existence of any common law or statutory rule which might cause the evidence to be objected to or ruled out if presented in a criminal or civil procedure before a court of law.

19.4.11.1 Hearsay evidence may be used for the purpose of explaining or providing supplemental evidence, but shall not be sufficient in and of itself to support a finding by the Personnel Commission or its hearing officer.

19.4.11.2 The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. Irrelevant and unduly repetitious evidence shall be excluded.

REFERENCE: Education Code Sections 45260 and 45261

19.4.12 RIGHT TO BE REPRESENTED

The Board of Education and the appellant shall be allowed to be represented by legal counsel or other designated representatives.

REFERENCE: Education Code Sections 45260, 45261 and 45306

19.4.13 GRANTING OF CONTINUANCE

The Personnel Commission or its hearing officer may, prior to or during the hearing, grant a continuance for reason(s) believed to be sufficient or important to reaching a fair and proper conclusion.

REFERENCE: Education Code Sections 45260 and 45261

19.4.14 RULING ON OBJECTIONS

The Personnel Commission or its hearing officer shall rule on all objections raised by either party.

REFERENCE: Education Code Sections 45260 and 45261

19.4.15 BURDEN OF PROOF

The burden of proof shall be on the District except in cases of alleged discrimination, and then the burden of proof shall be on the appellant.

REFERENCE: Education Code Sections 45260 and 45261

19.4.16 FINDINGS BASED UPON A PREPONDERANCE OF EVIDENCE

The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of the evidence and testimony presented.

The findings of the Commission or hearing officer shall be based upon the preponderance of evidence.

REFERENCE: Education Code Sections 45260 and 45261

19.4.17 ORDER OF PRESENTATION OF EVIDENCE

Each side shall be permitted an opening statement and a closing summation. The Board's representative shall be first to present its witnesses and evidence to sustain its charges. The appellant or representative shall then present his/her witnesses and evidence in defense.

REFERENCE: Education Code Sections 45260 and 45261

19.4.18 EXAMINATION OF WITNESSES

Each side will be allowed to examine and thoroughly cross-examine witnesses. The Commission or its hearing officer may, at its discretion, exclude witnesses not under examination except for the appellant, District representative, the Personnel Director, and their respective counsel or designated representative.

REFERENCE: Education Code Sections 45260 and 45261

19.4.19 SUBPOENA OF WITNESSES AND EVIDENCE

The Personnel Commission or its hearing officer may, and shall if requested by either party, subpoena witnesses and/or require the production of records, documents, or other material evidence. The Personnel Director, on behalf of the Personnel Commission or its hearing officer shall issue the subpoenas. Subpoenas shall be delivered to the requesting party for service. Requests for subpoenas must be filed with the Personnel Commission Office at least seventy two (72) hours prior to the date of the hearing.

REFERENCE: Education Code Sections 45260 and 45261

19.4.20 LIST OF WITNESSES

A list of witnesses to be called by each party shall be submitted to the Personnel Commission Office at least twenty four (24) hours prior to the date of the hearing. This will allow the Personnel Commission to secure the release time of employee witnesses prior to the hearing.

REFERENCE: Education Code Sections 45260 and 45261

19.4.21 SWORN AFFIDAVITS

Witnesses shall give testimony orally at hearings. If the Personnel Commission or hearing officer determines that a witness has good and sufficient reason to not be present at the hearing, written testimony will be acceptable under the following conditions:

- 14.9.21.1** Such evidence must be submitted by sworn affidavit of the witness. The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness, and shall not contain any conclusions of the witness, except that a witness who qualifies as an expert may express his/her opinion based upon the facts which he/she has recited.
- 14.9.21.2** Copies of all such affidavits must be filed with the Personnel Director or hearing officer at least three (3) working days prior to the date of the hearing and may be inspected by the other party to the hearing, who shall be notified of the filing of such affidavits.
- 14.9.21.3** The Commission or hearing officer may reject any such affidavit submitted which fails to comply with any of the foregoing conditions.

REFERENCE: Education Code Sections 45260 and 45261

19.4.22 DELIBERATIONS AND FINDINGS OF HEARING OFFICER

Whether the hearing is held in open or closed session, the hearing officer, if one is appointed by the Personnel Commission, shall deliberate on the evidence presented and a determination of his/her recommendations to the Personnel Commission in closed session.

- 19.4.22.1** Within thirty (30) working days following the conclusion of the hearing, the hearing officer shall submit his/her written recommendations and findings of fact to the Personnel Director, unless the Personnel Commission grants an extension of time for submission of the recommendations and findings.
- 19.4.22.2** Upon receipt of the hearing officer's written recommendations and findings of fact, the Personnel Director shall contact the Chairperson of the Personnel Commission to schedule a meeting of the Commission to consider the findings and recommendations of the hearing officer.

REFERENCE: Education Code Sections 45260 and 45261

19.4.23 DELIBERATION OF PERSONNEL COMMISSION

Whether the hearing before the Personnel Commission is held in open or closed session, the Commission, after it concludes the hearing, shall deliberate its decision(s) in closed session. No persons other than members of the Personnel Commission, its legal counsel, and the Personnel Director, shall be permitted to participate in the deliberations. If the Personnel Director was the administrator initiating the disciplinary action, or if he/she acted on behalf of the Board of Education in the presentation of the case at any level of the appeal process, or if he/she served as a witness in the proceedings, he/she shall also be excluded from the Commission's deliberations.

REFERENCE: Education Code Sections 45260 and 45261

19.4.24 DECISION OF PERSONNEL COMMISSION

The Personnel Commission shall render its judgment as soon after the conclusion of the hearing as possible, but no later than twenty (20) working days following the conclusion of the hearing. The decision(s) of the Commission shall be in writing and shall set forth which charges, if any, are sustained and the reasons therefore.

19.4.24.1 The Commission's written decision(s) shall contain findings of fact, a determination of the issues presented, and the penalty imposed. The findings may be stated in the language of the pleadings or included by reference thereto.

19.4.24.2 If the disciplinary action is not sustained, the Commission's order shall set forth the effective date that the employee is to be restored or reinstated to his/her former position and/or status. The date shall be set forth at any time on or after the disciplinary action was invoked.

19.4.24.3 Copies of the Commission's decision(s) shall be delivered to the parties personally or transmitted to them by certified mail, return receipt requested. The requirement for notification of the employee will be deemed to have been met if the decision is sent certified mail to the last known home address on file in the Human Resources Division Office. Failure of the employee to retrieve delivered mail, or respond to notifications by the United States Postal Service of attempted delivery shall not be grounds for voiding notification. For purposes of this rule, if a notice is mailed, the fifth calendar day following the mailing date of the notice shall be considered to be the official date of receipt.

REFERENCE: Education Code Sections 45260 and 45261

19.4.25 BOARD SHALL COMPLY WITH COMMISSION DECISION

Upon receipt of the Personnel Commission's written decision, the Board of Education shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision, it shall so notify the Commission in writing.

19.4.25.1 If the Board fails and/or refuses to fully comply with the Commission's written decision(s) and order(s) as required by these rules and regulations and legal statutes, the Commission shall seek judicial action to insure compliance.

REFERENCE: Education Code Sections 45260, 45261 and 45307

19.4.26 PERSONNEL COMMISSION ACTION

The Personnel Commission may sustain or reject any or all of the charges filed against the employee. The Commission may sustain, reject, or modify the disciplinary action imposed against the employee, but may not provide for discipline more stringent than that invoked by the Board of Education.

REFERENCE: Education Code Sections 45260, 45261 and 45307

19.4.27 DECISION MUST INCLUDE CONSIDERATION OF JUST SETTLEMENT

Following its determination of the facts and findings relative to the disciplinary action invoked against the employee, the Commission shall consider such other matters as it deems necessary and proper to effect a just settlement of the appeal, including, but not limited to:

19.4.27.1 Compensation of the employee for all or part of the legitimate expenses incurred in pursuit of the appeal. If such a finding is made, the expenses ordered paid by the Commission shall be a legitimate and legal draw upon the general funds of the District.

19.4.27.2 The granting of seniority credit for any or all of the off-duty time pending restoration or reinstatement.

19.4.27.3 Transfer or other change of the employee's work location.

19.4.27.4 Expunge from the employee's personnel file and record any causes or charges that are not sustained by the Commission.

REFERENCE: Education Code Sections 45260, 45261 and 45307

19.4.28 OBTAINING COPIES OF APPEAL HEARING TRANSCRIPT

The employee or his/her designated representative and the Board of Education or its designated representative may obtain a copy of the transcript under the following conditions:

- 19.4.28.1** The cost of the transcript and copies if requested shall be born by the party making the request.
- 19.4.28.2** The request shall be in writing and a cash deposit made in an amount determined by the Personnel Director prior to preparation.
- 19.4.28.3** The final cost of the transcript shall be the actual cost of preparation plus the actual cost of copies as determined by the Personnel Director.
- 19.4.28.4** The transcript shall only be released upon payment in full. When the deposit is greater than the actual costs of the document, the remainder shall be refunded.

REFERENCE: Education Code Sections 45260 and 45261

19.4.29 DISQUALIFICATION OF HEARING OFFICER OR COMMISSIONER

A hearing officer or Personnel Commission member shall voluntarily disqualify himself or herself and withdraw from any appeal in which he/she cannot accord a fair and impartial hearing or consideration.

Any party may request the disqualification of any hearing officer or Personnel Commission member by filing and affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded.

- 19.4.29.1** Where the disqualification request concerns a Personnel Commission member, the issue shall be determined by the other members of the Commission. However, no Commission member shall withdraw voluntarily or be subject to disqualification if his/her disqualification would prevent the existence of a quorum qualified to act in that particular appeal.
- 19.4.29.2** If the Personnel Commission determines that there are sufficient grounds for disqualification, it may elect to disqualify the hearing officer or Personnel Commission member.

REFERENCE: Education Code Sections 45260 and 45261

19.4.30 **LEGAL COUNSEL FOR THE PERSONNEL COMMISSION**

The Personnel Commission may, if it so desires, seek and appoint legal counsel as part of its appeal and investigatory hearing duties. To avoid any conflict of interest, the legal counsel shall not be the same counsel representing the Board of Education, nor shall the Board and the Commission be represented by members of the same legal firm in a hearing held pursuant to these rules and regulations. All reasonable costs associated with the use of such legal counsel by the Personnel Commission in hearings shall constitute a legal charge against the District's general funds, whether or not the money or costs for legal services appear in the Commission's budget.

REFERENCE: Education Code Sections 45260, 45261 and 45313

Old Rules

Chapter 12 – (to be Chapter 20) Layoff

CHAPTER 12

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- 12.1 Reasons for Layoff
- 12.2 Computation of Seniority
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- 12.4 Layoff Procedures
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- 12.6 Voluntary Demotion or Reduction in Assigned Time
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12.1 Reasons For Layoff

A layoff shall occur only when a regular employee must suffer a loss of pay, not including salary differentials, as a result of either a lack of work or lack of funds.

12.2 Computation of Seniority

Length of service within a class shall be determined by date of hire. The employee with the most recent hire date in the class, plus all higher classes, shall be considered the least senior. Hire date shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service.

Permanent employees who have served in a restricted position and subsequently attained permanency in the same class shall be credited with seniority accrued while serving in the restricted position.

Seniority shall not be earned during periods of separation from the service of the District. A permanent employee who resigns and is subsequently reinstated to a position with the District shall accumulate seniority rights from the date of reinstatement plus previous seniority in the classification and all higher classifications accrued prior to separation.

The word "classification" shall be interpreted to include two or more classifications having the same or equivalent duties and responsibilities when such classifications are the result of a reclassification action separating an existing classification into two or more classifications. Seniority for the purpose of this section shall include the total service in each classification both before and after separation of the classification. This would apply only to those employees who had been regularly appointed to the class prior to the effective date of the separation.

Should one or more classifications at the same salary range be combined into one classification, the affected employees shall be credited with seniority accrued in their previous class and all higher classes.

12.3 Order of Layoff

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Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee, who has been employed the shortest time in the class, plus all higher classes, shall be laid off first.

If employees have the same date of hire, order of ranking shall be broken based on each employee's overall qualifications in relation to the position as determined by Personnel Office staff. Should employees be found equally qualified, then the employee possessing the greatest amount of overall District seniority shall be given higher ranking.

12.4 Layoff Procedures

- A. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, the classified employees to be laid off at the end of such school year shall be given or mailed (certified) written notice on or before May 29 informing them of their layoff effective at the end of such school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than forty-five (45) days prior to the effective date of their layoff.
- B. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff, for lack of work. Affected employees shall be given or mailed (certified) notice of layoff not less than forty-five (45) days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.
- C. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the Board without the notice required by A and B above.
- D. Whenever simultaneous layoffs occur in a class series, the layoff will occur first in the higher class, followed by displacement to the lower class. When displacements in the lower class have been completed, the layoff in the lower class will occur.

12.4 Layoff Procedures (continued)

- E. Layoff shall occur in reverse order of the length of service in the class according to the time assignment. Before any probationary or permanent employee can be laid off, employees serving in an emergency, provisional, restricted or limited appointment

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shall be returned to the class from which they came or, if they do not possess such rights, they shall be terminated.

- F. Following "E", if layoff action is still required, the incumbent in the position which is being eliminated or reduced shall have the right to "bump" the least senior employee in the class who is working in a time assignment which either has the same or more total hours of work when computed on a yearly basis.
- G. If the affected employee is the least senior employee in his/her current time assignment or higher time assignment, then the affected employee may "bump" the least senior employee in a lower time assignment which is closest to his/her present time assignment.
- H. If the affected employee is the least senior employee in his/her classification, or is in a benefit position and will lose such benefits, then the employee shall have the right to "bump" into a lower class in his/her class series provided that he/she meets the minimum qualifications of the class. (**Note:** If the employee has never held permanent status in the lower class, he/she must serve a probationary period in accordance with Rule 7.5.)
- I. The employee being "bumped" has the same seniority "bumping" rights and may exercise them in accordance with these provisions as though he/she was being laid off.
- J. Any employee going to a lower class pursuant to "H" shall be placed at the highest step of the salary range of the lower class which does not exceed the salary received by the employee in the higher class.
- K. In all cases where an employee is "bumped" or involuntarily reduced in assigned time, his/her name shall be placed on a reemployment list. Persons so laid off are eligible for reemployment for a period of 39 months from the effective date of layoff or reduction in time and shall be reemployed in preference to all others. In addition, such persons laid off have the right to participate in promotional examinations within the District during the thirty-nine (39) month period.

12.4 Layoff Procedures (continued)

- L. Employees laid off from a given class or who have had their time assignment reduced, shall be notified by the District by certified mail of the layoff process or such notice shall be personally delivered. Receipt of notice shall be construed to mean a dated, certified letter was mailed to the employee's last known residential address as listed with Personnel. Employees desiring to exercise their option to "bump" shall submit their response in writing to Personnel within twenty-four (24) hours. If the letter is

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returned marked "undeliverable" by the Post Office or the employee fails to respond in writing within the allotted time period, it shall be understood that the employee will be given his/her "bumping" rights.

- M. Notice of any layoff affecting bargaining unit members shall be transmitted to CSEA.
- N. Absence from duty as a result of layoff shall be considered as unpaid leave and shall not count as service for salary step advancement.
- O. Personnel Commission staff shall prepare and maintain the reemployment list for all classes. These lists are to be updated regularly to insure their accuracy.

12.5 Retirement in Lieu of Layoff

Any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employee's Retirement System shall be placed on an appropriate reemployment list. The District shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or lack of funds.

If the employee is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the District shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed the request for reinstatement from retirement.

12.6 Voluntary Demotion or Reduction in Assigned Time

Employees who take voluntary demotions to a lower class with a lower maximum salary range or take voluntary reductions in assigned time in lieu of layoff, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided that the same tests of fitness under which they qualified for appointment to the class shall still apply. The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

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Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

12.7 Reemployment

- A. Employees who have suffered a loss of pay due to a layoff shall be placed on a reemployment list in rank order according to seniority. Those employees who "bumped" an employee with a lesser time assignment, "bumped" an employee in a lower classification, or accepted a lay off rather than exercising his/her bumping rights, shall be placed on the reemployment list for 39 months.
- B. Employees who accepted a voluntary demotion or accepted a voluntary reduction in time assignment rather than exercising their "bumping" rights shall be placed on the list for 63 months.
- C. In the case of a layoff, a probationary employee shall have reemployment rights to the class only if the employee has actually served in the position.

12.7 Reemployment (continued)

- D. Employees who are laid off or reduced in hours shall complete an availability form identifying those assignments which they are ready and willing to accept. Based on such data, if an employee on the reemployment list is offered a position which is lesser than the time assignment which he/she held immediately prior to layoff, then his/her acceptance/rejection of such offer shall have no bearing on his/her continuance on the reemployment list. However, if he/she is offered a position which has either the same number or more work hours in a year as the employee had immediately prior to layoff, then the employee's acceptance or rejection of the position shall result in the employee's removal from the reemployment list. When a position is offered, an employee must respond to Personnel within twenty-four (24)

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hours indicating either acceptance or rejection of the offer. If the employee fails to respond within the allotted time, the employee shall be assigned to the position.

- E. Any offer of reemployment shall result in written notice verifying the offer and the employee's acceptance or rejection. A copy of the letter to a bargaining unit member shall be transmitted to CSEA.
- F. Once an employee accepts an offer of reemployment, he/she must be ready to serve in a position within ten (10) working days if the position is immediately available or when the position becomes available, whichever is later.