

Fountain Valley School District

Personnel Commission

MERIT SYSTEM RULES



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Fountain Valley School District

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100 DEFINITIONS

Unless otherwise required by context and/or prevailing law, words used in these rules are understood to have the following meanings.

A

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

ABSENCE WITHOUT LEAVE: Absence without prior approval.

ACT or THE ACT: “The Act” shall mean those sections of the Education Code of the State of California applying the Merit System to classified employees in certain school districts. It shall include all of the provisions of Article 6, Chapter 5, Part 25, and applicable provisions of Articles 1 to 5, and Articles 7 to 10, Part 25.

ALLOCATION: The official placing of a position in a given class and the assignment of the class title to the position or the placement of a class to a pay range.

ANNIVERSARY DATE: This date is based on the hire date of the employee in a regular position. If the hire date is the 1st through the 15th of the month, the anniversary date is the first of that month. If the hire date is the 16th through the end of the month, the anniversary date is the first of the next month.

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

APPOINTING AUTHORITY: The Board of Trustees of the Fountain Valley School District or the Personnel Commission for members of the Commission staff.

APPOINTMENT: The official act of the appointing authority in approving the employment of a person.

ASSIGNMENT: Placement of a person in a position. It also refers to the position to which the employee is placed.

B

BEREAVEMENT LEAVE: A paid leave of limited duration granted to an employee upon the death of a member of the immediate family as defined in the appropriate employee Agreement.

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

C

CANDIDATE: A term used while an examination is in progress to differentiate an applicant from a candidate. A candidate is a person who has successfully competed in one or more parts of an examination process.

CAUSE: Those specific activities, behaviors, or events that are listed within these rules or other rules, regulations or statutes as being reason for disciplinary actions.

CERTIFICATED SERVICE: All positions and employees required by law to possess credentials issued by the State Department of Education.

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

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, experiences, 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. Also known as job and sometimes referred to as classification.

CLASS SPECIFICATION: A formal statement of the duties and responsibilities of the positions in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class. Sometimes referred to as job description.

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

CLASSIFICATION PLAN: All the classes that are used by the organization, class specifications, or the act of keeping the classifications current.

CLASSIFIED SERVICE: All positions in the District's service to which "The Act" applies and which are not excepted by "The Act".

COMMISSION: The Personnel Commission established pursuant to "The Act" for the Fountain Valley School District.

CONTINUOUS RECRUITMENT: An ongoing procedure for attracting applicants in which the last day for filing of applications is not specified, and examinations are conducted as the need arises.

D

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate. A demotion may be voluntary, the result of a reduction in force, or the result of a disciplinary action.

DISABLED EMPLOYEE: An individual with a disorder, condition, or other physical or mental impairment, as defined in the Americans with Disabilities Act and the Fair Employment and Housing Act, which impacts a major life activity.

DISCHARGE OR DISMISSAL: Separation from service for cause.

DISCIPLINARY ACTION: The suspension, demotion or dismissal of an employee for cause as defined in these rules. Letters of reprimand or warning are considered steps in the disciplinary process.

DISTRICT: The Fountain Valley School District.

DUAL CERTIFICATION: Dual examinations may result in separate open and promotional eligibility lists, with the promotional list taking precedence, or the two lists may be merged, resulting in one eligibility list.

E

ELIGIBILITY LIST: A rank ordered list of names of candidates who have qualified for employment consideration through a competitive examination.

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

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

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

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

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

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

EXEMPT CLASSES: Refers to those positions and employees exempt from the regular classified service as provided in "The Act." It also refers to those positions and employees designated as executive, administrative, or professional which are exempted from overtime and meet the criteria of the Fair Labor Standards Act. (Education Code 45130)

EXHAUSTED LIST: A list of eligibles from which there are insufficient numbers (less than three ranks) of qualified candidates who are ready, willing and able to accept an assignment on either a regular full-time or part-time basis and from which an appointing authority does not wish to make an appointment.

F

FIELD OF COMPETITION: The category of persons from whom applications will be accepted. This is determined by the Commission or its designated representative and may consist of promotional candidates only, promotional candidates taking precedence over non-employees, dual certification, or open to all candidates.

FULL TIME POSITION: A position for which the assigned time when computed on an hourly, daily, weekly, or monthly basis is 87½% or more of the normally assigned time (35 or more hours per week).

G

GOVERNING BOARD: The Board of Trustees of the Fountain Valley School District. (Synonymous with appointing authority or power.)

GRIEVANCE: An employee complaint concerning conditions of the employment contract. This term does not apply to appeals of disciplinary actions, requests for classification studies, or salary reviews.

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

H

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

HIRE DATE: Date of original or most recent employment in a regular position with the District.

I

INCOMPETENCE: The inability to perform duties at a satisfactory level.

INCUMBENT: An employee assigned to a particular position within a class.

INSUBORDINATION: Refusal to perform lawful and reasonably assigned duties.

INTERVIEW: Part of the examination process, usually the final portion, for the purpose of evaluating the candidate's background and personal qualifications – also known as a qualifications appraisal interview. This term also applies to a meeting between an eligible and the appointing authority or its designated representative to discuss possible appointment to a specific position within the District.

J

JOB AUDIT: A personnel job evaluation technique used to gather information in order to determine the appropriateness of a classification.

JOB POSTING: Notice of recruitment and examination process or announcement of interdepartmental vacancy. This posting lists deadlines, examination dates, and information specific to the process and/or vacancy.

L

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

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

LIMITED TERM: A term used in the Education Code to designate employment for periods not to exceed six months or employment of a temporary employee during the authorized absence of a permanent employee. It may also be employment of a person on a temporary basis to provide service on a work overload basis.

LOYALTY OATH: A statement that requires all new employees to the District to declare their support to the United States and California Constitutions as required by state law.

M

MERGING LISTS: The act of combining two or more equivalent eligibility lists for the same class in the rank order of scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one year from the date on which it was established by the Personnel Commission.

MERIT SYSTEM: The Merit System is a set of rules and procedures which govern classified school personnel. Its fundamental purpose is to ensure that employees are selected, promoted, and retained without favoritism or prejudice, on the basis of merit and fitness.

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

O

OPEN EXAMINATION: A competitive examination in which any qualified person may participate.

P

PART TIME POSITION: A position for which the assigned time when computed on an hourly, daily, weekly, or monthly basis, is less than 87 ½% of the normally assigned time (or 35 hours per week).

PERFORMANCE EVALUATION: A formal written statement evaluating the quantity and quality of the work performance and behavior and other pertinent characteristics of an employee.

PERMANENT EMPLOYEE: An employee who has completed an initial probationary period or, when used in reference to employment status in a specific class, an employee who has completed a probationary period for that class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months.

PERSONNEL COMMISSION: A three member body appointed in accordance with Education Code provisions and responsible for overseeing the merit system for classified employees within the Fountain Valley School District.

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

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 Trustees or by the Personnel Commission for a member of the Commission staff.

POSTING: See Job Posting

PROBATIONARY EMPLOYEE: Any employee who has been appointed from an eligibility list who has not yet completed the required probationary period.

PROBATIONARY PERIOD: The trial period of six months immediately following an original or promotional appointment to a permanent position from an eligibility list. For non-management employees, this is six months or 130 days in paid status, whichever is greater. For management employees, the period is one year.

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

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

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

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited term position made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances.

PROVISIONAL EMPLOYEE: An employee employed under a provisional appointment.

Q

Qualifications Appraisal Interview: See Interview

R

RANK: A position on the eligibility list where the final scores are rounded to the nearest whole percent. All eligibles with the same percentage score are said to have the same rank.

REALLOCATION: The reassignment of a class from one salary range or hourly rate to another salary range or hourly rate.

RECLASSIFICATION: The reassignment of a position because of a significant change in minimum qualifications, duties, or responsibilities. Reclassifications may occur only through a gradual accretion or growth of duties. Reclassification may or may not be accompanied by a change in salary range assignment.

REEMPLOYMENT: The reappointment of an employee/former employee who has been laid off.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, are eligible for reemployment without examination in their former class for a period of 39 months, arranged in order of seniority in their former class.

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a vacancy of more than six months.

REGULAR EMPLOYEE: An employee who has either probationary or permanent status with the District.

REINSTATEMENT: The reappointment of a former employee within a period of 39 months following the date of resignation, without examination, to a position in a class or classes formerly held, or in a related former class as determined by the Commission. Such reappointment requires the restoration of all rights and benefits earned by the person prior to resignation.

REPRIMAND: An oral or written criticism of work less severe than a suspension, demotion or dismissal.

RESIGNATION: A voluntary statement, preferably in writing, from an employee terminating his/her employment.

RESTORATION: The reemployment or reinstatement of an employee to duty with all the rights, benefits, and burdens held prior to the break in service.

RESTRICTED POSITIONS: Specially funded classes, positions, and employment where competition is limited to persons in low-income groups, from designated impoverished areas, and who meet other criteria as defined in the Education Code which restrict the privileges of all citizens to compete for employment. Persons in such positions shall be classified employees for all purposes except as related to obtaining permanency, seniority credits, and promotional eligibility.

RULE OF THREE RANKS: The scope of choice available to the appointing authority for making its selection from the first three ranks of eligibles who are ready, willing and able to accept appointment to a specific position.

S

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

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

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

SALARY STEP: A specific rate in a salary range. One of the consecutive rates that comprise a monthly or hourly salary range.

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

SENIORITY DATE: Date hired in a permanent position that establishes seniority in that classification.

SEPARATION: The act of leaving a position, including resignation, dismissal, lay off, retirement, etc.

SERIES: A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

STEP ADVANCEMENT: Annual movement, based on the Anniversary Date, to a higher step on the salary range for the class until the maximum step of the range has been reached.

SUBSTITUTE EMPLOYEE: A person who is temporarily occupying a regular position during the absence of the incumbent. (May also be referred to as a limited term employee).

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

T

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

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.

U

UNCLASSIFIED SERVICE: Positions and employees not in the classified or certificated services. This includes part time playground positions, full time day students employed part time, part time students employed part-time in defined programs (ref. Ed Code 43256), apprentices, and professional experts employed on a temporary basis for a specific project.

V

VETERAN'S CREDIT: Five points (or ten points for persons disabled as the result of military service) for military or related service rendered during time of war or national emergency. The points are to be added to the final score of such person competing in an open examination.

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

W

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

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

Y

Y-RATE: Retaining or "freezing" an employee's current salary range and step in the event his/her position or classification is reclassified or reallocated downward.

The Personnel Commission

200 STATUTORY AUTHORITY FOR PERSONNEL COMMISSION RULES

1. Article 6 (Merit System) in Chapter 5 of Part 25 in Division 3 of the California Education Code provides the Personnel Commission with the right and responsibility for establishing rules and regulations to govern the District's classified employees.
2. The rules and regulations contained herein are established by the Personnel Commission pursuant to its authority under Education Code sections 45260 and 45261.
3. Since the implementation of new rules or amendments to existing rules can impact the Board, the administration, and the classified employees, the Commission has hereby established the policy of submitting copies of all proposed rules, amendments or deletions of existing rules to the exclusive bargaining representative(s) and the District Superintendent for their review and comments prior to adoption by the Commission.

201 INTERPRETATION AND APPLICATION OF RULES

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

202 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.

203 COMMISSION RESPONSIBILITIES

The Commission shall have jurisdiction over and responsibility for the following:
(Education Code 45260)

1. Adopt the necessary rules and regulations for the administration of a comprehensive merit system.
2. Establish general policy and maintain general supervision over the administration of the merit system.
3. Promote public understanding of the merit system.
4. Provide for the hearing of all personnel appeals.

The Personnel Commission

5. Review personnel operations and take any action necessary to enforce the provisions of these rules.

203.1 TERM OF OFFICE

1. The Personnel Commission is composed of three individuals who must be registered voters, reside in the Fountain Valley School District area, and be “known adherents to the principle of the merit system.” One member of the Commission is appointed by the Board of Trustees, one member is appointed by the Board of Trustees upon the recommendation of the classified employee organization which represents the largest number of the District’s classified employees, and the third member is appointed by the other two members of the Commission.
2. No member of the governing board of any school district or county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During a commissioner’s term of office, a member of the Commission shall not be an employee of the District.
3. As used in this section, “known adherent to the principle of the merit system,” with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.

As used in this section, “known adherent to the principle of the merit system” with respect to a candidate for reappointment shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation. (Education Code 45244)

4. As used in this section, “classified employees” shall mean an organization of classified employees which represents the greatest number of classified employees of the District as determined by the Board exercising its authority under Education Code 45245.
5. By law, the term of each commissioner is three years and expires at noon, December 1. The term of one commissioner expires each year. On or about September 1, of each year, the Personnel Director shall notify the appointing authority of the name and address of the commissioner whose term will expire. The notification shall also indicate that the provisions of Education Code 45246 must be followed.

The Personnel Commission

6. Personnel commissioners shall be expected to attend all regular and special meetings of the Commission. If a member is unable to attend a scheduled meeting, the member shall contact the Personnel director to inform the Commission of the expected absence.
7. A member of the Commission shall be deemed to have vacated the seat of the Commission before the expiration of the prescribed term for any of the following reasons:
 - a. The commissioner's resignation.
 - b. An adjudication pursuant to a quo warrant proceeding declaring that the commissioner is physically or mentally incapacitated due to disease, illness or accident, and that there is reasonable cause to believe that the commissioner will not be able to perform the duties of the office for the remainder of the term.
 - c. The commissioner's removal from office by a court of competent jurisdiction. The commissioner's conviction of a felony or any offense involving a violation of the official duties of a commissioner as required by these rules and/or the law. A commissioner shall be deemed to have been convicted under this rule when trial court judgment is entered.
 - d. The commissioner's ceasing to meet all the legal requirements to continue as commissioner, as defined by the Education Code.
 - e. The commissioner's ceasing to discharge the duties of the office for a period of six total regular meetings in a fiscal year except when prevented by illness or travel out of the area.
 - f. The decision of a competent court declaring the commissioner's appointment to be illegal.
 - g. The death of the commissioner.
8. The Commission may declare a position vacant pursuant to the Personnel Commission Rule 203.1. by a majority vote of the Commission. Such action must be taken at a regular or special meeting of the Commission, and the proposed declaration of vacancy must be listed as an action item on the official published agenda for said meeting. If the majority of the commissioners votes to declare a seat vacant, the Commission shall direct the Personnel Director to inform the removed commissioner in writing. The Personnel Director shall initiate the necessary legal steps to fill the vacancy as mandated by the Education Code and these rules and regulations.

203.2 ELECTION OF COMMISSION OFFICERS

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

The Personnel Commission

203.3 QUORUM AND MAJORITY

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

203.4 REGULAR MEETINGS

1. Subject to cancellation or proper change, the Commission shall meet:
 - Third Thursday of each month
 - 4:30 p.m.
 - Fountain Valley School District Office
10055 Slater Avenue., Fountain Valley, California
2. When the regular meeting falls on a holiday, the Commission shall designate some other day for its meeting.
3. The Commission may meet at some other time and/or place, provided that at least 24 hours notice is given to all commissioners, employees, and administration representatives and said notice is posted on the Commission's official bulletin board. Notice must also be given to local newspapers that have filed written requests for such notices.

203.5 ADJOURNED REGULAR MEETINGS

1. 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.
2. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour designated for regular meetings.

203.6 SPECIAL MEETINGS

1. Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two members. Written notice shall be delivered personally or by mail to each member of the Commission.
2. Notice must also be given to each of the following who have filed written notice: local newspapers of general circulation, radio or television stations, and the recognized employee organization. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice.
3. A copy of the notice shall be posted on the Commission's official bulletin board. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered by the Commission at such meeting.

The Personnel Commission

203.7 PUBLIC MEETINGS

1. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, as provided in Personnel Commission Rule 203.8.
2. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

203.8 CLOSED SESSIONS

1. The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing.
2. The Commission shall not consider any matter in closed session relating to an employee unless the employee has been notified of his right to a public hearing and has declined the public hearing or properly failed to request same.
3. The Commission, prior to or after holding any closed session, shall state the general reason or reasons for the closed session and during such closed session may only consider those matters covered in its general statement.
4. The Commission is required to report the vote to appoint, employ or discharge a public employee arising out of a closed session at the meeting during which the closed session is held.
5. The Commission may hold closed sessions to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.
6. The Personnel Commission may meet in closed session to discuss salary schedules, salaries, and compensation paid in the form of fringe benefits in order to review its position and instruct its designated representative. This may be done when the Personnel Director is acting as the representative of the Commission prior to and during consultations and discussions with representatives of employee organizations.

Reference: Government Code Sections 54957.1, 54957.6 and 54957.7.

203.9 AGENDA AND SUPPORTING DATA

1. Insofar as possible, at least 48 hours prior to every regular, and 24 hours prior to every special Commission meeting, the agenda shall be provided the designated representative of the employee organization representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's official bulletin board and distributed to the news media.

The Personnel Commission

2. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in Personnel Commission Rule 203.8, and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

203.10 COMPENSATION OF COMMISSION MEMBERS

1. In accordance with the Education Code Section 45250, members of the Personnel Commission may receive compensation not to exceed \$50 per meeting or \$250 per month.
2. The members of the Commission are entitled to the same health insurance plan of the District as regular employees.

204 MINUTES OF COMMISSION MEETINGS

1. The Personnel Director shall record in the minutes, the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, his/her dissent or approval and reasons shall be recorded.
2. The minutes shall be written and presented for correction and approval at the next regular meeting.
3. The minutes or a true copy thereof shall be open to public inspection.
4. Copies of the official minutes shall be distributed to recognized employee organization representatives who have requested them.

205 REVISION AND SUSPENSION OF RULES

1. Subject to the provisions of Chapter 5, Article 6 of the Education Code, the Commission shall prescribe, amend, and suspend such rules as may be necessary to ensure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.
2. Subject to existing provisions of the law, the Board of Trustees shall prescribe, amend and suspend such other rules governing classified employees as are deemed necessary in the conduct of school business. (Education Code 45260)
3. All proposals, from any source, to amend, delete or add to these rules will be considered a first reading at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.

The Personnel Commission

4. At the first reading, the Commission will set a date for action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.
5. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

206 COMMISSION EMPLOYEES

1. The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be employees of the Personnel Commission. However, they shall be considered part of the classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service shall apply to Commission employees, except as the Commission may specifically direct.
2. General Duties of the Personnel Director
 - a. The Personnel Director shall perform all of the duties and carry out all of the functions imposed by law and these rules.
 - b. The Director shall act as Secretary to the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission in accordance with Education Code 45266.
 - c. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he/she deems necessary to his/her responsibilities.
 - d. The Director may be designated as a hearing officer in accordance with Education Code 45312.
 - e. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Commission.

207 COMMUNICATION WITH COMMISSIONERS

1. Communications and requests shall, insofar as practicable, be in writing.
2. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.
3. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for placement on the Commission agenda.
4. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject.

The Personnel Commission

208 BUDGET

1. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year.
2. The budget shall be submitted no later than the first Commission meeting in April, and a public hearing shall be held during the month of May.
3. The Commission shall forward a copy of its proposed budget to the Board of Trustees indicating the time, date and place for the public hearing of the budget and shall invite Board and District administration representatives to attend and present their views. The Commission shall fully consider the views of the Board of Trustees prior to adoption of its proposed budget. The Commission shall then forward its proposed budget to the County Superintendent of Schools for action. (Education Code 45253)

209 DISTRIBUTION OF PERSONNEL COMMISSION RULES

Copies of the rules of the Personnel Commission shall be printed and made available to permanent classified employees at each work location. (Education Code 45262)

Classification Plan

300 POSITIONS INCLUDED IN THE CLASSIFIED SERVICE

1. All positions established by the Board of Trustees that are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
2. No person whose contribution consists solely in the rendition of individual personal services, and whose employment does not come within the scope of the exemptions established in the law, shall be employed outside the classified service. (Education Code 45256)

301 EXEMPTION FROM THE CLASSIFIED SERVICE

1. The following positions are exempt from the classified service:
 - Positions required by law to have certification qualifications
 - Part-time playground positions
 - Full-time day students employed part-time
 - Apprentices and professional experts employed on a temporary basis for a specific project by the Board of Trustees or by the Personnel Commission when so designated by the Commission.
2. In addition to the exemptions authorized by Section 45256 and notwithstanding the provisions of Section 45105, there shall be exempt from the classified service, positions which are established pursuant to Title VI of the Comprehensive Employment and Training Act of 1973 (CETA) as amended by the Emergency Jobs and Unemployment Assistant Act of 1974, and which are limited to projects of not more than one-year duration. (Education Code 45256)
3. Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as otherwise provided by law or the Board of Trustees.
4. A part-time position, for the purpose indicated in this exemption rule, is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis is less than 87 ½% of the normally assigned time of the majority of employees in the classified service. On a weekly basis, a part-time employee under this exemption rule is any employee who works less than 35 hours. (Education Code 45256)

302 PROFESSIONAL EXPERT ASSIGNMENT

A professional expert is an alternative to an independent contractor/consultant and is employed by the district for a limited term project.

1. When a professional expert assignment is to be made, the administration shall submit to the Personnel director a description of the project, its duration, and the duties to be performed.

Classification Plan

2. Professional expert assignments shall not be made to avoid payment of overtime to an employee, nor shall a limited term position be filled by a professional expert if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
3. When the name of the person to be appointed as a professional expert is known, the name and qualifications shall be submitted to the Personnel Director.
4. A professional expert is exempt from classified service. To qualify as a professional expert, an individual must be recognized as such by reputable members of his/her own profession, as evidenced by one of the following:
 - a. Approval of a committee of members of the individual's own profession.
 - b. Certification or license to practice that profession by a government agency if such license is established.
 - c. Listing in such publications where individuals are chosen for listing by members of their own profession.
 - d. By membership in professional societies limited to that profession.
 - e. By advanced degrees from a recognized university with a major field of that profession.
5. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary assignment is made.
6. Authorization for service as a professional expert shall not exceed 12 months.

303 NATURE OF THE PLAN

1. The Personnel Director shall make recommendations to the Personnel Commission regarding the establishment and maintenance of a district classification plan.
2. The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed into groups according to general occupational nature and, within groups, shall be listed in series by specific class.
3. The Commission may classify new positions and abolish, divide, or combine existing classes within the classification plan as the needs of the classified service require.

304 CLASS SPECIFICATIONS

For each class established by the Commission, the Personnel Director shall maintain official class specifications as approved by the Commission including:

1. The official class title.
2. A definition of the class indicating the duties, responsibilities and distinguishing characteristics.

Classification Plan

3. A statement of examples of duties to be performed in positions allocated to the class.
4. A statement of the desirable qualifications for determining the fitness of appointees to positions in each class which may include education, experience, knowledge, skills, licenses or certificates, and personal or physical traits or characteristics.

305 INTERPRETATION OF CLASS SPECIFICATIONS

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

1. The class titles used in the classification plan are to be used as payroll titles and in connection with any personnel record or transaction.
2. Class specifications are descriptive and explanatory only. They are not restrictive. They indicate the kinds of positions that are allocated to the respective classes but do not prescribe the duties and responsibilities for any position. The use of a particular expression or illustration in the samples of duties and responsibilities or other attributes typical or descriptive of the class does not exclude others not mentioned that are of a similar nature.
3. In determining the class to which any position shall be allocated, the specification for each class is considered in its entirety and in its relation to others in the classification plan. Consideration shall be given to both the general and specific duties, the responsibilities, and the qualifications required in relation to other classes.
4. Persons not meeting the education and minimum or promotional qualifications where indicated may not be considered further for employment in the class.
5. The following personal qualification requirements may apply to all classes even though not specifically mentioned in the specification:
 - a. Health/physical condition/abilities commensurate with the duties of the class
 - b. Dependability
 - c. Judgment
 - d. Character
 - e. Willingness to assume the responsibilities and conform to the conditions and work characteristics of the particular position.
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 to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

Classification Plan

305.1 ALLOCATION OF POSITIONS TO CLASSES

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

306 CHANGES IN DUTIES

Any significant changes in the duties of an existing position shall be promptly reported in writing by the supervisor to the Personnel Director, who shall then consider such changes to determine whether the position should be allocated to a different class, remain as currently allocated, or removed from the employee's responsibility if not appropriate for the class.

307 CLASSIFICATION OF NEW POSITIONS

When a new position is to be added within the rules and regulations established by the Personnel Commission, the supervisor shall immediately report that fact in writing to the Personnel Director in the manner prescribed, stating the duties to be performed and the responsibilities to be assigned.

The Personnel Director shall make such investigations as necessary and shall determine whether the position shall be allocated to an existing class or whether a new class should be created.

If a new class is required, the Personnel Director shall submit a recommendation to the Commission as to class specification and appropriate compensation. (Education Code 45256)

308 REVIEW OF POSITIONS

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification. If the Personnel Director finds that a position or positions should be reclassified, he/she shall advise the administration of the findings. If the administration verifies the duties of the position, or if the duties are not revised to fit within the current classification, the Personnel Director shall report the findings and recommendations to the Commission.

309 RECLASSIFICATION

1. Requests for a classification study of an existing position may be initiated by an employee, employee organization, department head, supervisor, principal, or by the Superintendent. It must be submitted in writing to the Personnel Director together with a statement of the reasons for requesting such a study.
2. The basis for reclassification of the position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities.

Classification Plan

3. Determinations of gradual accretion will be based on an analysis of data to be supplied by the department or school as well as the Commission staff, regarding the following factors:
 - a. the nature and scope of each identified change in duties and responsibilities
 - b. the exact or approximate date the incumbent began the performance of the newly acquired duties and responsibility
 - c. the conditions which led to the association of the added duties and responsibilities with the subject position(s)
 - d. evidence of the employee's performance of the added duties and responsibilities.
4. Reclassification of a position shall become effective on the date prescribed by the Commission and shall not be retroactive. Effective dates may be set up to three months in the future to allow sufficient time for an examination process to be completed, if necessary.

309.1 RECLASSIFICATION - UPWARD

1. When all positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years shall be reclassified to the higher class without examination.
2. When one or more, but not all, positions of a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified shall be reclassified without examination.
3. Any positions reclassified to a higher class in which incumbents do not meet the two-year eligibility requirement must take qualifying exams as ordered by the Commission. Incumbents who are unsuccessful in the examination may be considered for voluntary transfer or may remain in the position at the lower classification.

309.2 RECLASSIFICATION – SAME LEVEL

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

309.3 RECLASSIFICATION – DOWNWARD

When an employee's position is reclassified downward:

1. If there is a vacant position in the formerly held higher class, the employee may request to be transferred to the vacant position.
 - a. The employee must have attained permanency in the higher class to be considered.
 - b. If more than one employee requests a transfer because of reclassification downward, interviews will be conducted by the supervisor.

Classification Plan

2. If there is no vacant position in the formerly held higher class, the employee has the right to have his/her name placed on the reemployment list for the higher class or classes in which he/she attained permanency.
3. The incumbent shall have the right to bump an employee in the reduced class with the lowest seniority in the class, provided the incumbent has greater seniority in the class.

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

1. The incumbents can bump the employees with the least seniority in a lower class in which they formerly served, provided the incumbents have greater seniority in that class.
2. The incumbents may have their names placed on a reemployment list for the higher class or classes in which they attained permanency.

309.4 SALARY UPON RECLASSIFICATION – DOWNWARD

When the reclassification results in a lower class and the employee elects to retain the reclassified position in the lower class, he/she will continue to draw the salary fixed for the previous classification as long as he/she holds the lower position, or until the normal salary schedule for the lower class equals or exceeds their present salary.

310 REEMPLOYMENT LIST FOR DISPLACED INCUMBENTS

1. Any displacement of a regular employee resulting from a reclassification of a position, positions, or class of positions shall be considered a layoff for lack of work and a 39 month reemployment list will be established in accordance with these rules.
2. This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.

Recruitment and Examination

400 APPLICATION FOR EMPLOYMENT

Filing of Application

1. All applications for employment shall be made upon forms furnished by the Commission and filed as specified on the job posting.
2. Applicants taking more than one examination must file a separate and complete application for each examination, unless otherwise indicated on the posting.
3. All applications and examination papers are confidential records of the Commission and will not be returned to the applicant.

401 GENERAL QUALIFICATIONS OF APPLICANTS

1. Applicants must be able to prove their legal right to work in the United States and prove their identity in accordance with the requirements of federal law. (Immigration, Reform and Control Act)
2. Residency within the District shall not be a condition for filing applications or offering employment, except in the case of restricted positions that require specific residency.
3. No maximum age limit shall be set as a condition for initial or continued employment in the District.
4. Applicants must meet all entrance requirements adopted by the Commission and set forth on the job announcement and job description.

402 EQUAL EMPLOYMENT OPPORTUNITY

1. Every qualified applicant shall have an opportunity to seek, obtain, and hold employment without discrimination because of political or religious opinions or affiliations, race, ethnicity, national origin, ancestry, gender, sexual orientation, marital status, disability, or age except where age is an essential occupational requirement.
2. The Fountain Valley School District assures that all personnel policies and practices relevant to recruiting, employing, training, and promoting employees shall guarantee equal opportunities for all. [Board Policy 4030(a)]

403 REJECTION OF UNFIT APPLICANTS, CANDIDATES, OR ELIGIBLES

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

1. Failure to meet the criteria under Personnel Commission Rule 401.
2. Knowing membership in the Communist Party. (Education Code 45303)
3. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

Recruitment and Examination

4. Conviction or pleading guilty in court to a charge of moral turpitude, or any sex offense, or mistreatment of children.
5. Conviction, either by a plea of guilty or no contest, a court decision or a jury verdict of a felony or serious crime or a record of one or more convictions that would indicate that the person is a poor employment risk. A conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); age of the person at the time and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offense(s); person's attitude; and the duties of the class.
6. Intentionally making a false statement or omitting a statement as to any material fact on the application form or during the hiring process.
7. Practicing any deception or fraud in connection with an examination or to secure employment.
8. Evidence of the excessive use of alcohol or inappropriate use of a controlled substance.
9. Dismissal for cause from previous employment or a record of unsatisfactory service as evidenced by a disciplinary action, unsatisfactory job performance notice, or a resignation in lieu of, or release from, probation or dismissal.
10. Unsatisfactory health conditions or physical or mental disability that cannot be reasonably accommodated.
11. Failure to report for duty after an assignment has been offered and accepted.
12. Failure, after due notice, to report promptly for review of any of the listed reasons for rejection.
13. Intimidating or harassing actions toward staff or others involved in the examination process.
14. Failure to provide requested documentation for the job.
15. Other causes deemed sufficient by the Commission.

Recruitment and Examination

404 REJECTION AND APPEAL FROM REJECTION

1. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Personnel Commission Rule 403 shall be notified in writing by the Personnel Director. The notification shall state:
 - a. The reason(s) for rejection.
 - b. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.
 - c. That, within seven calendar days of the postmark of the notification, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
2. If there has been an administrative review, as provided above, and the rejection is sustained by the Personnel Director, the individual shall be:
 - a. Given a written notice outlining the reason(s) for sustaining the rejection.
 - b. Informed of his/her right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days of the postmark of the notification, to the Personnel Commission. The appeal may be based on any of the following reasons:
 - 1) Discrimination because of affiliations, political or religious acts or opinions, race, ethnicity, national origin, ancestry, gender, sexual orientation, marital status, disability, or age except where age is an essential occupational requirement.
 - 2) Abuse of discretion.
 - 3) Inconsistency of the reasons given for the rejection with the facts.
3. Upon receipt of an appeal, the Commission shall set a date for a hearing, hear all of the evidence, and render a decision. The decision shall be transmitted in writing to all concerned and shall be final.
4. If a rejection is not sustained by the Personnel Director or the Personnel Commission, the Personnel Director shall institute immediate action to ensure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

405 ANNOUNCEMENT OF EXAMINATIONS

Whenever it is necessary to fill existing or anticipated vacancies in the classified service, and an appropriate eligibility list or reemployment list does not exist, or whenever an eligibility list in any class is about to be abolished in accordance with the provisions of law and these rules, the Personnel Director may direct the holding of an examination to provide eligible candidates. For at least 15 working days, public notice of such examination shall be given. (Education Code 45278).

1. Such notice shall be in the form of announcements distributed widely through the District and in other potential recruitment areas.

Recruitment and Examination

2. The Personnel Director may waive the posting time requirement provided that summary examination bulletins are distributed to all work locations at least once a month. (Education Code 45278)
3. Such notice shall contain the following facts as fixed by the Personnel Director except where these rules may provide to the contrary:
 - a. deadline for filing applications and the date and place of the examination
 - b. procedure for filing applications
 - c. scope of duties and responsibilities of classification being tested
 - d. minimum qualifications required
 - e. examination parts and relative weights
 - f. salary or other compensation
 - g. location of employment, expected number of vacancies, and other conditions of employment
 - h. such other information as will assist the public in understanding fully the nature of the employment and the procedure necessary to participate in the examination.

406 FIELD OF COMPETITION

At the start of each recruitment/examination process, the Personnel Director shall determine the appropriate field of competition. This determines who may compete in the process. Pursuant to Education Code 45272, "All vacancies in the classified service shall be filled...from applicants on eligibility lists which, wherever practicable as determined by the commission, shall be made up from promotional examinations..." When there does not appear to be a sufficient number of qualified internal candidates in order to produce a viable eligibility list, a dual certification process will generally be utilized, with an open field of competition used only from entry-level classifications.

406.1 PROMOTIONAL EXAMINATIONS

Where an adequate field of competition exists within the District, the field of competition may be limited to promotional applicants.

1. Promotional examinations shall be limited to employees with permanent status in the District.
2. Employees of the District must have completed their initial probationary period on or before the application deadline (or extended deadline) date in order to compete as promotional applicants.
3. Applicants for promotional examination must meet the qualifications for the class.
4. A permanent employee is eligible for further appointments while in a probationary status. A permanent employee in a probationary status may participate in any examination, and his/her name shall be placed on the appropriate promotional eligibility list.

Recruitment and Examination

5. Classified employees who have completed an initial probationary period and who are laid off because of lack of work or lack of funds have the right to participate in promotional examinations within the school district during the 39-month period after layoff.

406.2 DUAL CERTIFICATION EXAMINATIONS

When there does not appear to be a sufficient pool of internal candidates to assure a viable promotional only list, a dual certification examination will be conducted. Dual examinations are open to open and promotional applicants, resulting in separate lists with the promotional list taking precedence OR the two lists may be merged, resulting in one list. If separate lists are to be used, the Director may, prior to the examination, authorize certification of candidates from the open eligibility list if the candidate on the open list has a higher score than the highest available candidate on the promotional list after seniority credits have been added.

1. Seniority credit points shall be added to promotional candidates when the examination results in a merged list. Seniority credit will be allowed at the rate of $\frac{1}{4}$ point per year of Fountain Valley School District employment, not to exceed 5 points.
2. Determination as to whether the lists will be merged will be made by the Personnel Director prior to the examination. (Education Code 45284).

406.3 OPEN EXAMINATIONS

An open recruitment/examination process will only be used, when determined to be appropriate, for the entry level classification within a job family series. Open examinations shall be given to interested applicants both inside and outside the district.

1. Applicants for open examinations must meet the qualifications for the class.
2. The resulting eligibility list shall not give preference points to district employees.

406.4 CONTINUOUS EXAMINATIONS

1. Continuous examinations are those given when there is a shortage of “ready and willing” eligibles to fill vacancies in the service of any class and shall be given under similar conditions as previous examinations for the same class. The resulting eligibility list shall be combined with previous lists in the relative order of merit of the eligibles.
2. Applications or interest envelopes shall be accepted until sufficient applications or interest envelopes are received.
3. Examinations shall be given as the need arises.

Recruitment and Examination

4. Termination of continuous examination procedures for any class may be affected by appropriate action of the Personnel Commission. The prerogative for termination of continuous examination procedures is delegated to the Personnel Director. (Education Code 45292)

407 CHARACTER OF EXAMINATIONS

1. Examinations shall be administered objectively and shall consist of test parts that relate to job performance. (Education Code Section 45273)
2. These tests may be in the form of a practical, job-related demonstration of skill and ability or any combination, including an investigation of experience, character or identity. Any job-related tests of technical knowledge, manual skill or physical and mental fitness may be employed. An examination may consist of but not be limited to, any or all of the following: training and experience review, written test, performance test, assessment center, reference checks, oral interview, or other selection measurements. (Education Code 45273)
3. Oral Examinations:
 - a. For classes of positions deemed by the Personnel Director to require an oral examination, the oral examination panel shall include at least two members, preferably three.
 - b. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination panel shall confine itself to evaluating general fitness for employment in the class.
 - c. When the oral examination panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupational area. (Education Code Section 45273)
4. Examination records shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, within reasonable time limits, be made available to a candidate or candidate's representative.

408 CONDUCT OF EXAMINATIONS

The following examination procedures shall be observed:

1. The Personnel Director shall prepare the examinations or cause them to be prepared. The assistance of any competent person or agency outside the District service may be secured. Examinations, whether prepared within the District or secured from outside sources, shall be classified as confidential.
2. All competitors must take the examinations on the prescribed dates and under the same or similar conditions.

Recruitment and Examination

408.1 WRITTEN TESTS

1. Communication between the competitors during examination is strictly forbidden, and competitors are forbidden to receive aid from one another or to use any unauthorized help in any form. Evidence of copying or collusion by a competitor may result in the cancellation of his/her examination papers and the debarment of the competitor from future examinations. Copies of questions in the examination shall not be made or taken from the examination room.
2. If a passing score is not achieved on an examination – whether promotional or open – the applicant shall be entitled to retake the examination once after a 30-day period. If a passing score is not achieved a second time, the applicant would be authorized to retake the exam after 12 months have elapsed from the date of the first examination.
3. All examination papers submitted by competitors are the property of the District and are confidential records.

408.2 ORAL INTERVIEWS

1. All panels shall consist of at least two members, and multiple panels may be utilized when necessary to accommodate a sizeable candidate pool. When the panel is being directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specific occupational area.
2. All oral examinations shall be electronically recorded. (Education Code 45373)
3. If it occurs that a candidate is scheduled or appears for an interview and that candidate is related to one of the interviewers, or so known by one or more of the interviewers that s/he could not be objective in evaluating the candidate, the interviewer shall make the situation known to staff and will be excused from that interview. Furthermore, the interviewer shall not share any information about the candidate or participate in any discussion about, or rating of, the candidate.
4. Members of the Personnel Commission or Government Board shall not serve on an oral examination board. (Education Code 45273)
5. Ratings of education, experience, and personal qualifications shall be made on a competitive basis and competitors shall be rated thereon in relation to the minimum qualifications for the class and in relation to the comparable qualifications of other competitors.
6. The term “personal qualifications” includes all such personality traits and personal characteristics as are necessary to perform the essential duties and functions established for the class.

Recruitment and Examination

7. When rating competitors' education and experience, the interviewers shall consider the quality, length, and pertinence of such education and experience, and the degree to which competitors' total education and work histories represent suitable preparation for the work of the class.
8. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral examination board.
9. All rating sheets and electronic recording of interviews will be held for a period of 90 days after establishment of a candidate on an eligibility list. (Education Code 45274).

409 RATING OF EXAMINATIONS

1. All examination papers shall be marked and graded under the direction of the Personnel Director or the authorized person or agency outside the District employed for this purpose.
2. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated. The determination of minimum qualifying scores on written examinations shall be made before any examination papers are identified.
3. Competitors may be required to attain a pre-set designated final rating on an examination part or a pass point may be set based on the distribution of scores and the needs of the organization.
4. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles.
5. All eligibles with the same percentage score will be considered as having the same rank.
6. Appointment shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position. (Education Code Section 45272)

410 NOTICE OF RESULTS OF EXAMINATIONS

As soon as the rating of an examination has been completed and the eligibility list has been certified, each competitor shall be notified by mail of the result of his/her examination. Those qualified will be notified of their final score and relative standing on the eligibility list. A copy of the list shall be maintained in the Classified Personnel Department.

410.1 REQUEST FOR REVIEW OF WRITTEN TEST QUESTIONS

Forms shall be made available at each written test which allow candidates to request that specific test questions be reviewed. Any forms submitted will be reviewed and corrections considered prior to final scoring of the written test. Any changes to the answer key will apply to all candidates who have tested within a year of the changes.

Recruitment and Examination

410.2 REVIEW OF TEST RESULTS

1. When the written test papers of all competitors have been rated, the candidates who have not achieved a passing score will be notified of their score.
2. Candidates may request a review of their test results. In the review process, they shall not be given a copy of the test or the answer sheet.
3. Following completion of the examination process, all other candidates shall be notified of their scores and provided the opportunity to review their test and interview results.
4. The deadline for a request to review is ten (10) working days from the date of notification.

410.3 APPEAL OF EXAMINATIONS

1. Within the first seven (7) calendar days immediately following the postmarked mailing date to the candidates of the notice of the examination results, a candidate may make an appeal in writing protesting the results of the examination to the Personnel Director on the basis of one or more of the following:
 - a. erroneous scoring of examinations
 - b. unfair or improper conduct of an examination
 - c. fraud, bias, or error in rating resulting from an oral, performance, or medical examination.
2. The Commission may alter the qualification appraisal interview rating if it finds justification for the protest and order the competitor's examination score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointee was fraudulently appointed.
3. Notwithstanding the provisions of Rule 413.2, copies of test keys from form tests or repetitive tests shall not be made available for review by any candidate, nor will the individual ratings given candidates by members of a qualifications committee be made available to the candidate.

410.4 DOCUMENTATION OF EXAMINATIONS

Examination records, including any recordings and the rating sheet of each member of the oral panel for each candidate, shall be retained by the Commission for a period of not less than 90 days after promulgation of an eligibility list.

411 RETAKING EXAMINATIONS

An applicant who is unsuccessful in an examination normally may not retake the same examination for a period of 30 calendar days. This section does not apply to routine skill testing of typing.

Recruitment and Examination

412 VETERANS' PREFERENCE

Veterans' preference points shall be added to passing scores in open examinations in the amount prescribed by Education Code Section 45296. At least 30 days of active service in the Army, Navy, Marine Corps, Air Force, Coast Guard or as a nurse on active duty with the Red Cross, is required.

1. Veteran means any person who has served in the above service branches 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. Required dates of service are as follows: (Education Code 45294)

World War II	December 7, 1941 – December 31, 1946
Korea	June 27, 1950 – January 31, 1955
Vietnam	August 7, 1964 – April 30, 1975
Gulf War	August 2, 1990 – March 8, 1991
Afghanistan War	October 7, 2001 – December 28, 2014
Iraq War	March 20, 2003 – December 18, 2011

2. In order to obtain credit, applicants shall furnish satisfactory proof of qualification prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.
3. After passing the written examination and qualification appraisal interview, five points will be credited for Veterans' Preference and ten points for Disabled Veterans' Preference.
4. Disabled Veteran means any veteran as defined above who is currently declared by the United States Veteran's Administration to be ten percent or more disabled as a result of service in the Armed Forces. (Education Code 45295)

413 SENIORITY CREDIT

In promotional examinations resulting in a merged list, seniority credit shall be added to the final passing scores of candidates in the amount of one-fourth of one point for each year of service, not to exceed a total of five points. Credit shall be granted for time spent in regular status (see definition) in the classified service.

A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis. Credits shall be calculated for units of not less than a half year.

One-half year of service.....	1/8 point (.125)
1 year of service.....	1/4 point (.25)
4 years of service.....	1 point
8 years of service.....	2 points
12 years of service.....	3 points
16 years of service.....	4 points
20 years of service.....	5 points

Eligibility Lists and Appointments

500 ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS

After an examination, the Personnel Office is authorized to establish an eligibility list of successful competitors arranged in the order of examination score, plus additional points where applicable. The final scores of candidates shall be rounded to the nearest whole percentage for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. The eligibility list shall be presented for approval of the Personnel Commission.

When time schedules for the employment process conflict with regularly scheduled Personnel Commission meetings, the Personnel Office is authorized to establish an eligibility list and certify candidates under the rule of the rank of three for interview by the immediate supervisor. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position, or other appropriate sources.

The Personnel Director is authorized to offer employment to the selected employee contingent upon approval of the eligibility list by the Personnel Commission and approval for employment by the Board of Trustees.

After approval, the eligibility list shall be in effect for one year from the date it was established, unless exhausted, and may be extended for not to exceed one additional year at the discretion of the Commission. (Education Code 45272)

500.1 TERMINATION OF ELIGIBILITY LISTS

1. An eligibility list is automatically terminated one year from the date the eligibility list is established for that classification unless previously extended by the Commission.
2. An eligibility list is automatically terminated two years after it was established unless previously terminated.
3. An eligibility list is automatically terminated when no eligibles remain on the list.
4. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established. (Education Code Section 45300)

500.2 MERGING OF ELIGIBILITY LISTS

Eligibility lists may be merged under the following conditions:

- fewer than three names remain on a valid eligibility list
- OR
- testing for the classification is continuous

Eligibility Lists and Appointments

If a new examination for a classification 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.

Where Dual Certification applies, open and promotional lists shall be merged for certification.

When lists are merged under this rule, the earlier list shall be terminated one year after its establishment, and those eligibles' names shall be removed from the merged list at the expiration of their eligibility. (Education Code 45291)

500.3 ELIGIBILITY AFTER APPOINTMENT

An eligibility list shall be used for regular full-time or part-time and limited term assignments in the classification. An eligible who accepts part-time employment shall continue to be eligible for full-time employment except in classifications where there are no full-time positions. An eligible who accepts limited term employment shall continue to be eligible for regular employment. (Education Code Section 45286)

500.4 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

The name of an eligible may be removed from an eligibility list or withheld from certification by the Personnel Director subject to appeal to the Personnel Commission following Personnel Commission Rule 404 for any of the following reasons:

1. A written request by the eligible for removal.
2. Failure to respond within the requested timeline to a written inquiry regarding availability for employment.
3. Waiver of three invitations to final selection interviews or three offers of employment.
4. Termination of employment.
5. Failure to present any license, certificate, or other required documentation.
6. Any of the causes listed in Personnel Commission Rule 403.

500.5 PROCEDURE WHEN FEWER THAN THREE NAMES REMAIN

1. Open and Competitive Lists

When fewer than three eligibles are available for certification, the available eligibles shall be certified; however, the supervisor may choose not to appoint any of them and may request a new examination to provide three ranks of ready and willing eligibles.

Eligibility Lists and Appointments

2. Promotional and Open Lists

When fewer than three ranks of ready and willing eligibles are available on the Promotional List, sufficient ranks shall be certified from the Open List, when available, to allow a choice among three ranks.

500.6 REEMPLOYMENT LISTS

1. There shall be established for each class as necessary, a reemployment list that shall take precedence over all other employment lists. This list shall contain the names of all classified service employees who, because of lack of work or lack of funds, have been laid off, demoted, or have taken voluntary reductions in assigned time from any position. Such persons are eligible for reemployment for a period of 39 months. (Education Code 45298)
2. Employees who acquire leaves of absence for military reasons and those who are ordered pursuant to the laws of the United States to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the reemployment list in any given class.

501 OTHER SOURCES OF ELIGIBILITY

In the absence of a reemployment list for a class, a vacancy may be filled by:

1. Transfer
2. Demotion
3. Reemployment after resignation
4. Restoration to former classification after voluntary demotion
5. Other means provided in the policies (Personnel Commission Rule 502.6.)

The preceding categories may be considered along with the top three ranks of ready and willing eligibles from the eligibility list.

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or a higher level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledges are adequately tested in the examination.

502 REQUEST FOR CERTIFICATION

When a position is to be filled, the supervisor shall notify the Personnel Office of that fact in advance of the date of the anticipated need and make written request on the forms prescribed by the Commission.

Eligibility Lists and Appointments

502.1 ORDER OF PREFERENCE OF CERTIFICATION

The Personnel Director shall certify to the supervisor, from the lists of eligibles, the names of persons who have indicated a willingness to accept the conditions as specified. They shall be certified from the proper list(s) in the following order of precedence and each list shall be exhausted before certifying from the next lower list:

1. Reemployment List

When certification is made from the reemployment list, the name of the eligible standing highest on the list shall be certified and shall be offered reemployment.

2. Promotional Eligibility List

When certification is made from the promotional list, appointments for interview shall be made from the first three ranks of ready and willing applicants.

3. Open Eligibility List (Open Competitive Examination)

When certification is made from the open eligibility list, appointments for interview shall be made from the first three ranks of ready and willing applicants.

Transfer eligibles may be considered before Promotional and Open Eligibility Lists.

502.2 RESPONSE TO NOTICE OF CERTIFICATION

1. It shall be the duty of every eligible to respond promptly after receiving the notice of certification.
2. In the event an eligible is notified by priority mail of the certification, s/he shall present him/herself before the appointing power for interview or reach the appointing power with some form of communication within three days of the postmark on the priority mail.
3. Failure to respond within a period of three working days will be deemed an automatic waiver of certification and the Personnel Director will certify an additional name in lieu of such eligible.

502.3 WAIVER OF CERTIFICATION OR APPOINTMENT TO A POSITION

An eligible may, for a reason satisfactory to the Personnel Director, waive certification or appointment to a position.

1. The combined total of waivers for certification and appointment to a position may not exceed three (3).
2. After a total of three (3) waivers, the eligible will be informed his/her name would be removed from the eligibility list as a result of a fourth waiver.
3. Upon a fourth request for waiver, the eligible's name shall be removed from the eligibility list for that class.

Eligibility Lists and Appointments

502.4 WITHDRAWAL FROM ACTIVE LIST

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

502.5 WITHHOLDING NAMES FROM CERTIFICATION

The name of eligibles may be withheld from certification when the candidate:

1. Expresses unwillingness or inability to accept appointment.
2. Fails to respond to contact by the Personnel Office. The following steps may be followed in passing over a name on the eligibility list:
 - a. That the Personnel Office attempt to contact the individual by telephone at least twice over a two-day period.
 - b. If the calls are not returned, a certified letter shall be sent requiring contact within three days of the postmark.
 - c. If contact is not made, the person be passed for certification on the eligibility list and a letter of notification of such action shall be forwarded to the eligible.
3. Fails to appear for an interview appointment.
4. Fails to present the license, registration, certificate, or any other credential required. The name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met.
5. For any reason listed in Personnel Commission Rule 401.

502.6 RESTORATION TO CERTIFICATION

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

1. When the withholding or removal was because of the 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 appear for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that s/he is now willing and able to accept appointment.
2. When the withholding or removal was for a reason stated in Personnel Commission Rule 401 and such action was improper or the defect has since been corrected.
3. Other circumstances deemed sufficient by the Commission.

Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

Employment Status

600 PROVISIONAL APPOINTMENTS

Restrictions

1. When the Commission certifies that no eligibility list exists for a position in the classified service, a new employee may receive a provisional appointment that may accumulate to a total of 90 working days. A 90-calendar day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity. (Education Code 45287)
2. No person shall be employed in provisional capacities under a given board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Personnel Commission Rule 301, successive 90 working day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year. (Education Code 45289)
3. The Commission may authorize the extension of a provisional assignment for a period not to exceed 36 working days providing other requirements as stipulated in Education Code 45288 have been met.
4. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15 working day period does not extend beyond the 90 working day provisional assignment.
5. A provisional appointment may be terminated at any time, at the discretion of the supervisor.

Conditional Provisional Appointments

Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specification. When no one who meets the minimum qualifications is available, a conditional provisional appointment may be made for a period not to exceed 90 days. (Education Code 45288, 45289)

Emergency Appointments

1. To prevent the stoppage of public business in times of emergency, the Board of Trustees, through its authorized department heads, may make emergency appointments without reference to eligibility lists, for a period not to exceed 15 working days. (Education Code 45290)
2. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code 45290 for provisional appointment.
3. Before such emergency appointments are made, the Board of Trustees, or authorized representative, must justify the nature of the emergency of such appointments and coordinate these appointments with the Personnel Director.

Employment Status

601 LIMITED TERM EMPLOYEES

1. Limited term assignments shall be made for six months or less, or in case of an appointment in place of an absent employee, not to exceed that employee's absence.
2. No time served in a limited term appointment may count toward acquiring permanent status in any position.
3. A limited term list shall be established in the order stated below:
 - Laid off employees on the 39-month reemployment list
 - Promotional eligibility list
 - Open eligibility list
4. Acceptance or rejection of a limited term assignment shall not affect the eligibility of any candidate.

602 ASSIGNMENT OF DISABLED EMPLOYEES

When a permanent employee becomes permanently unable to perform the duties of his/her classification because of illness or injury as determined by medical authority designated by the District, effort shall be made to place the employees in a position where duties are within his/her capabilities. Reassignment, if any, shall be considered within the guidelines for reasonable accommodation as described in the Americans With Disabilities Act and at the discretion of the Board of Trustees, with the recommendation of the Commission, in the cases noted below: (Education Code 45279)

Reassignment

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

The Interactive Process

If the employer believes the employee has a disability, an inquiry shall be made as to whether the employee is in need of a reasonable accommodation. If a disability is not obvious, the employee has the responsibility to inform the supervisor that an accommodation is needed.

Employment Status

The employee, supervisor, and Human Resources Director will work together in a good faith effort to determine the employee's limitations, discuss his/her request for accommodation, consider alternatives if necessary, and come up with the best solution to the situation.

The accommodation process is ongoing and may require follow-up to see that it was effective.

603 PROCEDURES REGARDING LAYOFF

1. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority and therefore shall be laid off first. (Education Code 45308)
2. The names of permanent and probationary employees thus laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the re-employment list shall be in the relative order of seniority.
3. No regular employee shall be laid off from any position while employees serving under limited term appointment are retained in positions of the same class in the same organization unit unless the regular employee declines the limited term position.
4. A limited term employee may be laid off at the completion of the assignment without regard to the procedure set forth in this rule.
5. All affected employees shall be given notice of layoff not less than 60 calendar days prior to the effective date of layoff and informed of their displacement and re-employment rights.
6. When employees are affected as a result of the expiration of a specially funded program, they will be notified no later than April 29, informing them of their layoff at the end of such school year. If the expiration date of the specially funded program is other than June 30, the affected employee will be given not less than 60 calendar days prior notice. (Education Code 45117).

603.1 PROCEDURES REGARDING REEMPLOYMENT

39-Month Reemployment List

A classified employee who is laid off shall be placed on a 39-month re-employment list and shall have the right to participate in promotional examinations within the District while the employee's name remains on the reemployment list. The employee shall be required to maintain his/her current address on file with the District Personnel Office.

Employment Status

Employees who take voluntary demotions or voluntary reduction in assignment time in lieu of layoff 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 reemployment for an additional period of up to 24 months. (Education Code 45298)

1. If, during an employee's eligibility period for reemployment, positions become vacant within a job classification of the laid off employee or employees, the District Personnel Office shall call to offer employment. If the person cannot be contacted by phone, written notice will be sent by certified mail to the last known address of such employee or employees offering reemployment in order of seniority.
2. Employees will be offered reemployment based on seniority in a position. If available, the placement will be at the same number of hours as the position from which they were laid off. An employee may be offered a position with greater hours if one at the same number is not available. Last, a position of lesser hours may be offered and if accepted, the employee will remain on the reemployment list until "made whole" through restoration of his/her former hours.
3. An employee who receives notice of reemployment, but who does not respond, either by phone or in writing, or fails to accept in writing the written offer of reemployment within ten working days of the postmark shall be deemed to have rejected the offer of reemployment. After refusal or non-response to the second offer of reemployment, the employee's name shall be removed from the 39-Month Reemployment list including all rights thereto.

Rights Upon Reemployment

A classified employee re-employed within 39 months after being laid off shall be fully restored to his/her position with all rights to permanent status. However, seniority, benefits, or service credit shall not accrue during the period of layoff.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, s/he shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment.

604 DISTRIBUTION OF PREEMPLOYMENT INFORMATION

Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished the following information or materials.

1. Job description
2. Rate of pay
3. Work location

Employment Status

4. Days and hours of work

(Education Code 45169)

605 PROBATIONARY PERIODS

1. A new employee appointed from an eligibility list shall serve a probationary period of six months or 130 days of paid service, whichever is longer, in one class before becoming a permanent employee in the classified service. After becoming a permanent employee, the hire date will be used to establish his/her placement on the seniority list.

Board approved holidays do not extend the length of the probationary period.

2. An employee who has been promoted shall serve a probationary period of six months or 130 days of paid service, whichever is longer, in the higher class before attaining permanency in that class.
3. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.
4. Time while on unpaid leave of absence or paid leave exceeding five days shall not be included as part of the probationary period. The probationary period is extended by the number of days of leave taken. (Education Code 45301)
5. For those classes designated by the Commission as management, the probationary period shall be one year.

605.1 RIGHTS OF PROBATIONARY EMPLOYEES

1. An employee who resigns in good standing during the probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
2. A probationary employee shall be placed on the reemployment list in the event that the work proved temporary instead of permanent. This includes probationary employees who have been laid off. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
3. When an employee does not pass probation due to performance issues, the employee's name shall not be restored to the eligibility list for the remainder of the life of that list.
4. A permanent employee may be demoted during the probationary period to his/her former class shall be notified in writing of the action. The employee shall not have the right of appeal, as provided in Personnel Commission Rule 700.2. (Education Code 45305)

Employment Status

5. The following also applies to a permanent employee who is currently in probationary status:
 - a. A permanent employee who does not pass probation shall be returned to his or her previous class, either to a vacant position or his/her former position. If another probationary employee is bumped in this process, he/she shall be placed on the reemployment list in order of seniority in the class, and the time served shall be credited to his/her probationary period.
 - b. A permanent employee who requests during the probationary period to be reinstated to his/her former classification shall be reinstated to a vacant position in the former class if such a vacancy exists. If there is no such vacancy, the employee shall continue to serve in the position in the higher class and may be considered for future vacancies in accordance with other provisions of these rules.
 - c. A permanent employee who, during probation, is suspended, dismissed, or demoted to other than his/her former class, retains full rights of appeal.

606 PERMANENT CLASSIFICATION

1. Upon completion of the probation period of six months or 130 days of paid service in one class, whichever is longer, the employee will become a permanent classified employee. (Education Code 45301)
2. No person in the permanent classified service shall be suspended, demoted or dismissed except for reasonable cause designated by the School District policies and Education Code as detrimental to the efficiency of the service or welfare of the District.
3. Nothing in these rules shall be construed so as to prevent layoffs or change of status because of lack of work, lack of funds, or departmental reorganization. (Education Code 45302)

607 WORKING OUT OF CLASS

1. An employee may be required to perform higher level duties not prescribed for the position to which s/he is appointed for a period of time not to exceed five working days within a 15 calendar day period.
2. When the reassignment of duties exceeds five working days, the employee working out of classification will be placed on the first step of the higher class on the current salary schedule that will result in at least a 5% increase for the entire period that work is required out of classification.
3. Out of class assignments must be reviewed by the Director, Human Resources, prior to or at the start of the assignment.
4. No reassignment of duties shall be for a period of more than 30 days without the consent of the Commission.

Employment Status

5. If the reassigned duties reasonably relate to those fixed for the employee's position, no limitations or salary adjustments are applicable. (Education Code 45110)

608 DEMOTION

1. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require approval of the Personnel Director and both supervisors involved.
2. Voluntary demotion is a privilege available to a probationary employee only in cases when layoff would otherwise result due to lack of work or lack of funds.
3. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures described in Personnel Commission Rule 700.
4. An employee shall serve a new probationary period if the voluntary demotion is to a class in which s/he has not attained permanency.

609 REINSTATEMENT AND REEMPLOYMENT

Reinstatement is the process whereby a former employee may be considered without examination for an open position in the employee's former classification.

Reemployment is the right to reassignment to duty without examination of an employee who has been laid off from a permanent position by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules.

A permanent employee who resigns in good standing may be reinstated into a vacant position in the former class at the same salary step, and with seniority adjusted for the period of absence within 39 months of the last date of paid service.

1. The former employee may be reinstated in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority.
2. An employee who has taken a voluntary demotion may be reinstated to the former class or to a related lower class, as determined by the Commission, within 39 months, except when demotion was chosen in lieu of layoff. Restoration is discretionary with the appointing authority.
3. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, abolishment or reclassification of the position, has the right to be reemployed, in accordance with seniority in the former class within 39 months after demotion. Intervening reassignment to other classes shall not abrogate this right.

Employment Status

4. Reinstatement or reemployment of a former employee shall have the following effects:
 - a. Restoration to the former step in the salary range for the class, or, if rehired in a lower class, to the rate closest to that of the step to which he/she would be assigned if he/she were rehired in his/her former class.
 - b. If restored to permanent status within 39 months, restoration of sick leave and seniority accrued before the off duty period.
 - c. Restoration of former anniversary date, but without step advancement credit for the off-duty period.
 - d. Restoration to all rights, benefits, and burdens of a permanent employee in the class shall be granted.
5. Any former employee who has requested reinstatement but refuses two offers of employment for a position equal in hours to the assignment last held, shall be removed from future consideration for reinstatement.
6. An employee who is on the 39-month reemployment list may waive two offers before removal from the list.

610 EVALUATION PERIODS

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

1. Probationary employees will be evaluated on an ongoing basis and formally in writing at least twice during the six-month probationary period, normally not later than the end of the second and fifth months of employment.
2. Probationary administrative employees will be evaluated on an ongoing basis and formally in writing at least twice during the one-year probationary period, normally not later than the fourth, eighth, and eleventh months of service.
3. Permanent employees will be evaluated at least once each year, normally during the last quarter of the fiscal year but prior to the end of the regular employment year.
4. The supervisor shall meet and discuss with each employee his/her performance and how well the job requirements are being met. At the conclusion of this meeting both should sign the form. Each then receives a copy and the original is sent to Personnel for review and placement in the employee's personnel file.
5. If the employee does not agree with the evaluation and refuses to sign, that fact shall be noted on all copies of the evaluation form.

The employee has ten days to submit a rebuttal to Personnel if desired, before the evaluation form is filed in the employee's personnel file.

6. Every classified employee, whether probationary or permanent, may be evaluated by an immediate manager at any other time when exemplary or unsatisfactory service is performed.

Discipline and Appeal

700 SUSPENSION, DEMOTION, DISMISSAL

Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes that are hereby designated as detrimental to the efficiency of the service.

1. Incompetency
2. Inefficiency
3. Insubordination
4. Inattention to or dereliction of duty
5. Violation of law, regulation, policy or established work procedure.
6. Any other failure of good behavior that is of such nature that it causes discredit to the District or his/her employment.
7. Withholding information needed for employment, insurance or other necessary purposes.
8. Conviction of a crime involving moral turpitude or work-related behavior.
9. Work-related dishonesty, theft, willful misuse of office property for personal gain, willful destruction or mishandling of office property.
10. Reporting for work while intoxicated or under the influence of a prohibited substance or possession of or consumption of same while on duty.
11. Failure of drug and alcohol testing as required by the United States Omnibus Transportation Testing Act of 1991 (those whose employment requires a Commercial Vehicle License – CVL).
12. Political activity during working hours.
13. Conviction of a crime by a court of law or a record of one or more convictions that indicates that the person is a poor employment risk. Failure to disclose material facts regarding criminal records or other false or misleading information on application forms or examination and employment records concerning material matters.
14. Excessive absences, unexcused absences or tardiness.
15. Violation of District, Board or departmental rule, policy or procedure.
16. Failure to report for review of criminal records or for health examination after due notice.

Discipline and Appeal

17. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
18. Absence without authorized leave (abandonment of position for five workdays).
19. Conduct unbecoming to a District employee whether or not it amounts to a crime, including theft of District property.
20. Persistent abuse of discretion.
21. Discourteous, offensive, or abusive language or conduct toward other employees, pupils, or the public.
22. Conviction of a sex offense as defined in Education Code 44010.
23. Offering of anything of value or offering any service in exchange for special treatment in connection with one'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.
24. Any conduct harmful to the welfare of the schools or the pupils or the employees thereof.
25. Conviction of a narcotics offense or a crime involving moral turpitude. (Education Code 44009, 44011)
26. Written charges have been filed in a sex or narcotics offense. (Education Code 45304)
27. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
28. Unlawful discrimination against the public or other employees while acting in the capacity of a District employee including harassment on the basis of political or religious opinions or affiliations, race; ethnicity, national origin, ancestry, gender, sexual orientation, marital status, disability, or age.

Discipline and Appeal

700.1 PROCEDURE FOR DISCIPLINARY ACTION

Except in situations where an immediate suspension, demotion, or dismissal is justified under provisions of these rules, an employee whose work performance problem or conduct is of a less serious nature shall be dealt with according to a progressive discipline approach. This approach is designed to ensure that the employee is aware of the problem and receives feedback in order to make the necessary improvements. The supervisor shall provide coaching, counseling and a reasonable amount of time to permit the employee the opportunity to correct his/her performance.

The steps in the process may include oral warnings, conference summary reports, written warnings, and letters of reprimand. A negative evaluation and a performance improvement plan may also be used to address performance problems. The step taken by the supervisor following an incident(s) will depend on the specific situation and may require action up to and including termination.

1. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her political or religious opinions or affiliations, race, ethnicity, national origin, ancestry, gender, sexual orientation, marital status, disability, or age.
2. When a regular employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented for approval of the Board of Trustees.
3. When formal disciplinary action has been approved by the Board of Trustees, the procedure set forth in Education Code 45304 shall be followed.
4. The notice to the employee shall include a copy of the charges and a statement of rights to appeal, if any, together with a copy of Personnel Commission Rule 700 and Education Code Sections 45302, 45303, 45304, 45305, 45306, 45307, 45311, and 45312.
5. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board of Trustees approval at the discretion of the Superintendent, subject to later ratification by the Board within two weeks. The procedures set forth in Education Code 45304 shall apply to such suspension.
6. Dismissal shall cause removal of the employee's name from all employment lists.
7. Failure to appeal, as provided in Personnel Commission Rule 700.2, shall make the action of the Board of Trustees final and conclusive.

Discipline and Appeal

700.2 APPEAL OF DISCIPLINARY ACTION

1. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges as set forth in Education Code 45305.
2. An appeal can be made only on the following grounds:
 - a. Procedures set forth in these rules were not followed.
 - b. The action taken was in violation of the law.
 - c. There was an abuse of discretion.
 - d. The action was not in accord with the facts.
 - e. The penalty invoked was excessive.
3. A permanent employee who has not served the full probationary period for the class and who is demoted to the class from which promoted, may request an investigation by the Commission within 14 days after receipt of notice of termination of probation. The Director of Human Resources shall conduct an investigation but shall not be required to follow the procedures for appeals and hearings set forth in these rules.

The Director shall notify the Commission and the employee in writing of his/her findings. If the Director's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding.

701 HEARING PROCEDURE

1. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearings and report findings and recommendations to the Commission as set forth in Education Code Sections 45306, 45311, and 45312.
2. Neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings. The decision of the Commission shall not be subject to review by the Board of Trustees.
3. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence both written and oral. It shall base its findings on the preponderance of evidence. The hearing may, but need not be, recorded on a tape recorder or by a Certified Shorthand Reporter.
4. Each side will be permitted an opening statement (employer first) and closing arguments (employee first). The employer shall first present its witnesses and evidence to sustain its charges and the employee will then present witnesses and evidence in defense.
5. Each side will be allowed to examine and cross-examine witnesses.

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6. Both the employer and the employee will be allowed to be represented by legal counsel or other representative approved in advance by the Commission.
7. The Commission or hearing officer may administer oaths, and shall, if requested by the employer or the employee, subpoena and require the attendance of witnesses and the production of books or papers, 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.
8. The Commission may, prior to or during a hearing, grant continuances.
9. The Commission or hearing officer may permit an amendment of the charges at any time prior to the decision and the employee shall be given notice of the amendment and an opportunity to show that the hearing would be prejudiced unless reopened to permit the introduction of additional evidence on behalf of the employee. If such prejudice is shown, the case shall be reopened to permit the introduction of additional evidence.
10. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision with respect to appointment, employment or dismissal, or charges brought against individual employees, in closed session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If the Director or any staff is not serving full time for the Commission and/or was a witness in the proceedings, he/she shall also be barred from the Commission's final deliberations.
11. The Commission shall render its decision as soon after the conclusion of the hearing as possible and in no event later than 14 days. Its decisions shall set forth which charges, if any, are sustained and the reasons therefor. A copy of the decision shall be delivered to the employee or sent to the last known address by registered mail.
12. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the employer.
13. The Commission order of decision will be filed with the Board of Trustees. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated, which may be any time on or after the date of disciplinary action, and the Commission may order paid all or part of the employee's full compensation from the time of suspension, demotion or dismissal. The Board of Trustees shall reinstate the employee and authorize such compensation as the Commission directs.

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702 PROBLEM SOLVING PROCEDURE

Definitions

1. A problem is a formal written allegation by a classified employee that s/he has been adversely affected by a violation of Personnel Commission Rules or Regulations, District Policy, District Administrative Procedure, or portions of the Education Code.
2. Complainant may be any classified employee.
3. Conferee is an advisor or support person.
4. Day is any day on which the District Office of the Fountain Valley School District is open for business except winter and spring recesses.
5. Immediate Supervisor is the lowest level administrator having immediate jurisdiction over the complainant.

General Provisions

1. This process shall be considered completely private between the parties involved.
2. Conferees may be present only at formal level conferences.

Informal Level

1. Within ten days after the occurrence of the act or omission giving rise to the problem, the complainant must write a statement of the problem.
2. Before filing the written statement of the problem at the formal level, the complainant should attempt to resolve the problem by an informal conference with the immediate supervisor. In the event that the problem is with an administrator other than the immediate supervisor, the complainant shall first discuss the problem with his/her immediate supervisor and then discuss the problem with that administrator.

Formal Level – Process and Time Limits

1. Within ten days of the informal level conference and if the problem has not been resolved, the complainant must present the problem in writing to the immediate supervisor and (if one) the administrator named in the problem statement. The written statement shall clearly and concisely identify the specific section of Personnel Commission Rules and Regulations, District Policy, District Administrative Procedure, or portions of the Education Code allegedly to have been violated, the circumstances involved, the decision rendered at the informal level, and the specific remedy sought.
2. The supervisor or administrator named in the problem shall hold a meeting with the complainant. At this meeting a conferee may be requested by the employee.

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3. The supervisor or administrator named in the problem statement shall conduct the meeting and communicate his/her decision to the complainant in writing within ten days after receiving the complaint. If the supervisor/ administrator does not respond within the ten day limit, the complainant may appeal to the next level.

Formal Level II – Process and Time Limits

1. Within ten days of the Formal Level I conference and if the problem has not been resolved, the complainant may present the problem in writing to the Director, Human Resources. The written statement shall include a copy of the original problem, the decisions rendered, and a clear, concise statement of the reasons for the appeal.
2. The Director, Human Resources shall hold a meeting with the complainant and conferee, if requested. The Assistant Superintendent, Personnel may be requested to participate in this meeting. Either the complainant or the Director, Human Resources may request, and shall be granted, a personal conference to informally clarify issues.
3. The Director, Human Resources shall conduct the meeting(s) and communicate his/her decision to the complainant in writing within ten days after receiving the complaint. If the Director, Human Resources does not respond within the ten day limit, the complainant may appeal to the next level.

Formal Level III – Process and Time Limits

1. Within ten days of the Formal Level II conference and if the problem has not been resolved, the complainant may present the problem in writing to the Superintendent, his/her designee, or the Personnel Commission. The written statement shall include a copy of the original problem, the decisions rendered, and a clear, concise statement of the reasons for the appeal.
2. The Superintendent, his/her designee, or the Personnel Commission shall communicate the decision to the complainant within ten days of receipt of the complaint. This decision shall be final and binding.