

UNLIMITED YOU



ANAHEIM UNION HIGH SCHOOL DISTRICT

Personnel Commission Rules

PERSONNEL COMMISSION RULES AND REGULATIONS

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RULE 1

RULE-MAKING AUTHORITY AND DEFINITIONS

1.1 APPLICATION OF RULES

1.1.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under (commencing with Section 45240) of the Education Code and other provisions governing the Merit System Act in the Education Code.

Reference: Education Codes 45240, 45241, 45260
Government Codes 3543.2

1.1.2 Subject of Rules

These Rules shall provide for the procedures to be followed by the Board of Education as they pertain to the classified service regarding such matters as:

- a) Applications
- b) Examinations
- c) Eligibility
- d) Appointments
- e) Promotions
- f) Demotions
- g) Transfers
- h) Dismissals
- i) Resignations
- j) Layoffs
- k) Reemployment
- l) Vacations
- m) Leaves of absence, work hours and overtime
- n) Compensation within classifications
- o) Job analysis and classifications
- p) Performance evaluations
- q) Public advertisement of examinations
- r) Rejection of unfit applicants without competition
- s) Any other matters deemed necessary by the Commission to ensure the efficiency of the classified service and the selection and retention of employees based on merit and fitness.

Reference: Education Codes 45260, 45261

1.1.3 Interpretation and Application of These Rules

The commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These Rules are to be applied with consideration of their intent; however, specific and applicable provisions of the Rules shall not be waived, ignored, or superseded unless the commission determines that there are special circumstances in a particular case. The commission is open to responsible suggestions to amend the rules, however,

unless by specific authority of the Personnel Commission, after a determination by the Personnel Director, no amendment or new rule shall be applied retroactively.

Reference: Education Code 45260

1.1.4 Generic Technology

As used in these rules, the present tense includes the past and future tenses, and the future, the present. The masculine gender includes the feminine. Shall is mandatory and may is permissive. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

Reference: Education Code 45260

1.1.5 Judicial Review

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

Reference: Education Code 45260

1.1.6 Implementation of Rules

Since the implementation of new rules or amendments to existing rules can impact the board, administration, and classified employees. Copies of all proposed new rules and amendments will be submitted to the district and exclusive representative of the employees prior to adoption by the Personnel Commission. If the subject matter of a Rule is within the scope of representation, as defined in Government Code 3543.2, and there is contract language on that subject, the Rule shall not apply to employees in the bargaining unit.

1.2 DEFINITIONS

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

ABANDONMENT OF POSITION: The absence from a probationary or permanent position without proper or authorized permission for three (3) consecutive workdays.

ACCELERATED HIRING RATE: An initial hiring rate above first step on the salary schedule for all employees in a classification. Such a rate must be approved by the Personnel Commission and Board of Trustees for the specific classification.

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California applying to the "Merit System" for classified employees in certain school districts that have adopted the Merit System. It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.

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

ANNIVERSARY DATE: The date upon which an employee is first granted an earned salary increment, and the first day of the next month following completion of the required period of service for step advancement.

APPEAL: A request for review by an employee relative to an administrative decision of suspension, demotion or dismissal.

APPLICANT: A person who has filed a district application to participate or compete in the district's selection process.

APPOINTING AUTHORITY OR POWER: The Board of Trustees or its designees, or the Personnel Commission when referring to commission employees and positions.

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

ASSIGNMENT: Placement of an appointee into a position. Also refers to the position in which the employee is appointed including hours and months assigned.

ASSIGNMENT BASIS: The portion of the year for which employment is authorized for a specific position or class.

BENCHMARK: A common, easily identifiable job category for which salary data is obtained. Salaries for other jobs in the particular occupational group are set according to the relationship of each class to the benchmark.

BEREAVEMENT LEAVE: A paid leave of limited duration granted to an employee upon the death of a member of the employee's immediate family or household (See Relative.).

BOARD OF TRUSTEES: Governing Board of the Anaheim Union High School District.

BUMPING: The process whereby one employee displaces another employee with less seniority in the class.

CANDIDATE: A person who has successfully competed in one or more portions of the district's selection/examination process.

CAUSE: The grounds for disciplinary action against an employee as provided by law, written policy or the Rules of the Commission.

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

CERTIFICATION: The submission of names by the Personnel Director, certified by the Personnel Commission, of the names of eligibles from an appropriate eligibility list or from some other source of eligibility, to the appointing power or to the department head authorized to make selections subject to the approval of the appointing power.

CLASS: A group of positions whose duties and responsibilities are sufficiently similar so that the same descriptive title may be used to designate each position; substantially the same requirements of education, experience, knowledge, and ability are demanded of incumbents; substantially the same tests of merit and fitness may be used to select qualified candidates; the same schedule of compensation may be applied with equity.

CLASSIFICATION: The process of sorting positions by kinds of work into job categories and then ranking them according to level of difficulty and responsibility. Further, classify means to allocate positions to appropriate classes to determine reasonable relationships within families and to prepare written class specifications.

CLASSIFIED SERVICE: All positions in the district's service which are not exempted by the Education Code.

CLASS SPECIFICATION: An official source document that: 1) describes the duties/tasks, the responsibility levels, the employee evaluation variables and performance standards, and the organizational and supervisory relationships that are representative of the positions assigned to the class, and which distinguish the class from other classes; 2) delineates the proficiencies that an appointee must possess at time of hiring and that are representative of the full-working-level for the class.

CONTINUOUS EXAMINATION(S): A procedure or procedures authorized by the Personnel Commission for the frequent testing of applicants in certain specified classifications.

CLASSIFICATION PLAN: All classes that have been established for an organization and the procedures for plan and specification maintenance as described by the Personnel Commission.

COMMISSION: The Personnel Commission, established pursuant to the Act for the Anaheim Union High School District.

COMPENSATION STUDY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work. The data is usually secured from other public agencies and from private sector businesses in the labor market area. The term also includes the written report containing the data collected.

COMPETITIVE EXAMINATION: The process of identifying the most qualified candidates by impartial testing methods. Qualified candidates are then ranked in order of relative merit on an eligibility list.

DAY: A working day on which the district administrative offices are open.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class which is allocated to a lower maximum salary rate or status. Demotion could occur due to a layoff, disciplinary action, or because of a voluntary written request.

DIFFERENTIAL or DIFFERENTIAL PAY: A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes.

DISCHARGE or DISMISSAL: Separation from the classified service for cause in accordance with the Rules and Regulations of the Personnel Commission.

DISCIPLINARY ACTION: An action by the Board of Trustees or commission to deprive a regular employee of their position and/or salary without their consent. Includes suspension, demotion, salary reduction and dismissal.

DISTRICT: The Anaheim Union High School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission which provides for simultaneous certification, under certain specific conditions, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates.

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position. It is sometimes referred to as a "position description."

ELIGIBILITY LIST: A rank order list of names of persons who have qualified on all parts of the competitive examination process.

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

EMERGENCY APPOINTMENT: The appointment of an individual to a regular classified position for a period of time, not to exceed fifteen (15) working days, to prevent the stoppage of public business when persons on an eligibility list are not immediately available.

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

EMPLOYEE ORGANIZATION: Any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer, as defined in Government Code Sections 3500 - 3540.

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

EMPLOYMENT STATUS: An employee's present appointment indicating whether employee is probationary, permanent, emergency or temporary (includes limited term and provisional).

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

FIELD OF COMPETITION: Those categories of persons (either from within or outside of the District that have been identified by the Personnel Commission or its designated representative as possessing the necessary qualifications to participate in the District's selection process.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and a half

percent (87.5%) of the normally assigned time of the majority of employees in the classified service of the District.

GOVERNING BOARD: The Board of Trustees of the Anaheim Union High School District.

GRIEVANCE: The procedure through which regular employees may seek adjustment of complaints arriving out of alleged violations of Commission Rules.

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

HEARING: A formal review of evidence before the Personnel Commission or its designated representative, in the presence of the parties involved in connection with an action affecting an employee and concerning an appeal filed by the employee.

HIRE DATE: Date of original or most recent employment with the District.

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

INVOLUNTARY LEAVE: Leaves of absence resulting from a disciplinary action; a suspension.

JOB ANALYSIS: The technical process by which positions are studied to define the tasks required to be performed and to determine the knowledge, skills, abilities, other traits and behaviors required to be successful on the job. Used as a basis for classifying positions and developing selection plans.

JOB TITLE: The title assigned to a classification by the Personnel Commission.

LATERAL TRANSFER: The transfer of an employee to a position in a similar or related class with the same salary range.

LAYOFF: Separation from a permanent position because of the 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.

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 (6) calendar months; or employment of a temporary employee during the authorized absence of a probationary or permanent employee.

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

MAY: A verb indicating that an action is permissive, not required.

MERGING: The act of combining two or more eligibility lists, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires no later than one (1) year

following the date on which it was established by the Personnel Commission; not following the date on which they were merged.

MERIT SYSTEM: A personnel management system in which merit and fitness govern an individual's selection and progress as an employee.

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

PART-TIME PLAYGROUND POSITIONS: Positions that are hired for less than three (3) hours per day to monitor and supervise a playground or play area during a lunch or recess period.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than eighty-seven and a half percent (87.5%) of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: A formal written statement of the quantity and/or quality of the work performed by a person employed in the District's classified service.

PERMANENT EMPLOYEE: An employee who has completed an initial probationary period in any classification with the District.

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

PERSONAL NECESSITY LEAVE: A leave of absence with pay for a limited duration which may be taken for reasons of personal need as specified in the Education Code, Collective Bargaining Agreement, and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave, and is limited to a maximum of seven (7) days per school year.

PERSONNEL COMMISSION: A three-member committee established pursuant to the requirements of "The Merit System Act" to administer the Merit System in the Anaheim Union High School District. Also referred to as the "Commission."

PERSONNEL DIRECTOR: As 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 provisions of law and the Rules and Regulations established by the Personnel Commission. Also referred to as the Director of Human Resources – Classified.

PERSONNEL COMMISSION STAFF: Those persons appointed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

POSITION: A group of duties and responsibilities assigned by competent authority which requires either 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 its own staff.

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

POSITION TRANSFER: The relocation of an employee between job sites within the same classification.

PRIVILEGE: A benefit that is discretionary (which may or may not be granted); in contrast to a right (which must be granted).

PROBATIONARY PERIOD: A trial period of one hundred and thirty (130) days, or two hundred sixty (260) days for executive, administrative, and supervisory employees, of paid service (excluding days absent for illness or injury) following an appointment from an eligibility list.

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

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

PROVISIONAL APPOINTMENT: A temporary appointment of a person to a permanent or limited-term position which is made in the absence of an appropriate eligibility list, for a period of time not to exceed ninety (90) working days or 126 working days in any one fiscal year except in when no one is available on an appropriate eligibility list.

PROVISIONAL EMPLOYEE: A person employed while the examination process is being conducted to fill the position for less than 90 consecutive days or 126 days per fiscal year.

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

RECLASSIFICATION: The removal of a position or positions from one class and placement into another as a result of a gradual change in class assignment as a result of a change in duties.

REEMPLOYMENT: The return to duty of a permanent employee in a class who has been laid off within thirty-nine (39) months. An additional twenty-four (24) months is added to the thirty-nine (39) months, if the laid-off employee has accepted a lesser position in lieu of lay off.

REEMPLOYMENT LIST: A list of names by classification, in rank order of seniority, of persons laid off for lack of work, lack of funds, exhaustion of illness or accident leave privileges, or other reasons specified in these Rules.

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

REGULAR STATUS: Probationary or permanent status in the classified service of the district.

REHIRE DATE: The date of most recent regular employment with the district.

REINSTATEMENT: A reappointment without examination, after resignation, to a position in the employee's former class within 39 months.

RELATIVE: Means a member of the immediate family which is:

Mother (Stepmother)	Brother-in-law
Mother-in-law	Brother (Step-Brother)
Father (Stepfather)	Sister (Step-Sister)
Father-in-law	Grandmother
Husband	Grandfather
Wife	Son-in-law of employee
Son (Stepson)	Daughter-in-law of employee
Grandchild of employee or spouse	Legal Guardian of employee
Sister-in-law	Domestic Partner
Foster children	

RESIGNATION: A voluntary written or oral statement from an employee requesting to be terminated from employment.

RESTORATION: The reassignment of an employee who has demoted to his/her former class.

RESTRICTED EMPLOYEE: An employee hired into a position which is limited to persons from low-income groups or from designated geographical regions or to those who meet other specified criteria. Restricted employees are not entitled to permanent status, seniority, promotional opportunities or to appeal rights in the event of disciplinary action.

RULE OF THREE: The applicant choice available to an appointing power from a ranked eligibility list; selection may be made only from those eligibles in the first three ranks, who are ready and willing to accept appointment to the specific position.

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

SALARY RATE: A specific amount of money authorized to be paid for a specified period, on a hourly, daily, weekly, monthly, or annual basis for a particular classification, assignment or contract.

SALARY SCHEDULE: The complete list of ranges, steps, and rates of pay for the classified service. (often referred to as the salary matrix).

SALARY STEP: A specific rate in a salary range.

SENIOR MANAGEMENT: A classified employee in the highest position in a principal program area with responsibility for formulating policy or administering the program or is the fiscal advisor to the superintendent. Senior management positions are part of the classified service, are afforded all rights, benefits and burdens of the classified service, except they are exempt from permanent status in the senior management position.

SENIORITY: Status secured by length of service in a classification for determining the order of layoff when positions within a classification are eliminated. In addition, seniority is used to calculate the extra points for employees taking promotional examinations.

SEPARATION: The termination from employment of an employee; includes resignation, dismissal, layoff and retirement.

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

STATUS: The employee's present standing in the classified service, e.g. full-time, part-time, probationary, limited-term or permanent.

STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding twelve months until the maximum step has been achieved.

SUBSTITUTE EMPLOYEE: A person who is temporarily occupying a regular position during the absence of the incumbent.

SUSPENSION: An enforced absence of an employee with or without pay for disciplinary purposes, or pending the outcome of an investigation of charges that have been filed against an employee, pursuant to Education Code 45304.

TEMPORARY: Employment on the basis of other than permanent or probationary status, e.g. limited-term or provisional status.

TRANSFER: See lateral or position transfer.

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

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

1.3 VIOLATION OF MERIT SYSTEM LAWS

- 1.3.1 Violation Shall be Criminal Act: Any person who willfully or through culpable negligence violates any of the provisions of Article 6, commencing with Section 45240 of the Education Code is guilty of a misdemeanor.

Reference: Education Code Section 45317

- 1.3.2 Other Unlawful Acts: In addition to the prohibition on unlawful acts outlined in Rule 1.3.1, it is also unlawful for any person:

1.3.2.1 Willfully, either alone or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to any right of examination, application, or employment under the Merit System laws of the Education Code or the Rules and Regulations of the Personnel Commission.

1.3.2.2 Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the Merit System laws of the Education Code or the Rules and Regulations of the Personnel Commission, or to aid in doing, or make any false representation concerning the same of the person examined.

Reference: Education Code Sections 45103, 45127, 45194, 45256, 45260,
45261, 45262, 45269, 45270, 45275, 45285, 45286, 45287, 45290,
45292, 45294, 45296, 45298, 45301, 45302, 45305, 45307, 45309,
45317

Personnel Commission Approved: 9/09/08

RULE 2

THE PERSONNEL COMMISSION

2.1 ORGANIZATION OF COMMISSION

2.1.1 Terms of Office and General Selection Procedures

The Personnel Commission is composed of three individuals who must be registered voters, reside in the Anaheim Union High School District, and be a known adherent 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 classified employee organization which represents the largest number of the district's classified employees, and the third member is appointed by those two (2) members.

- A. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During a commissioner's term of office, a member of the Personnel Commission shall not be an employee of the Anaheim Union High School District.
- B. As used in this chapter, known adherent to the principle of the merit system, with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this chapter, known adherent to the principle of merit system, with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.
- C. The term of office for each of the commissioners is for a three year period and expires at noon, on December 1 of the third year. The term of one commissioner expires each year.

REFERENCE: Education Code 45244, 45245, 45246, 45247

2.1.2 Appointment Procedures

On or about September 1 of each year, the Personnel Director shall notify the Governing Board of the name and home address of the commissioner whose term will expire and whether or not that commissioner will accept re-appointment for another three year term. The notification shall also provide the name of the appointing authority and the procedures to be followed in filling the upcoming vacancy.

A. Board's Appointment

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

B. Classified Employees' Appointment

The classified employees shall submit the name of its nominee to the board at least thirty (30) days prior to the date the vacancy will occur. The board shall appoint that nominee effective the date the vacancy occurs. If the classified employees voluntarily withdraw the name of their nominee and submit the name of a new nominee, the board shall then appoint that new nominee.

C. Commissioners' Appointment

By September 30, the appointee of the board and appointee of the classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At the next regularly scheduled commission meeting to be held after thirty (30) days of the date the commission publicly announced its candidate, the commission shall hold a public hearing to provide the public employees and employee organizations the opportunity to express their views on the qualifications of the person recommended by the commission. The commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

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

REFERENCE: Education Codes 45244-45248

2.1.3 Filling Vacancies During Term of Office

A. Board's Appointment

Within thirty (30) days of notification of the vacancy, the board shall publicly announce the name of the person nominated to fill the unexpired term. The requirements of Rule 2.1.2A shall then be followed.

B. Classified Employees' Appointment

Within thirty (30) days of notification of the vacancy, the classified employees shall publicly submit the name of its nominee to the board. The requirements of Rule 2.1.2B shall then be followed.

C. Commissioners' Appointment

Within thirty (30) days of notification of the vacancy, the commissioners shall publicly announce the name of the person they intend to appoint. The requirement of Rule 2.1.2C shall then be followed.

REFERENCE: Education Code 45244-45248, 45260.

2.1.4 Emergency Appointment of Commissioners

If there are two vacancies on the commission, the board, at the request of the Personnel Director, shall declare that an emergency exists and shall make one interim appointment to fill a vacancy to insure the continuance of the functions of the Personnel Commission. The interim appointment shall terminate on the date the notification of a permanent appointment is received by the appointee. An interim appointee must meet the requirements of the Education Code and Rule 2.1.1

REFERENCE: Education Code 45244, 45248, 45260, 45261

2.1.5 Officers

At its first regular scheduled meeting on/or after December 1 of each year, the commission shall elect one of its members to serve as the Chair and another of its members to serve as Vice Chair for a period of one year or until their successors are duly elected.

REFERENCE: Education Codes 45260, 45261
Government Code 1302

2.1.6 Quorum and Majority

Two members of the commission shall constitute a quorum for any regular or special meeting of the commission. The affirmative vote of two (2) members is required to carry any motion or action. A commissioner shall abstain from the vote if they he/she has, or may have, a personal pecuniary interest or gain.

REFERENCE: Education Codes 45260, 45261
Government Code 54952.6

2.1.7 Compensation of Commission Members

The board has authorized payment to the members of the commission at the rate of fifty dollars (\$50) per meeting. The board has authorized the members of the commission to receive the health insurance plans of the district as provided members of the board.

REFERENCE: Education Codes 45250, 45260

2.2 MEETINGS

2.2.1 Regular Meetings

Subject to cancellation or approved change, the commission shall meet on the second Tuesday of each month in the Board Room of the Anaheim Union High School District at 501 Crescent Way, Anaheim, California. When the regular meeting date falls on a holiday, the commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. If necessary, meetings may be held at some other time and/or place within the boundaries of the school district, provided that at least 24 hours notice is given to employee and administration representatives and posted on the commission's official bulletin board.

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

2.2.2 Adjourned Regular Meetings

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

2.2.3. Special Meetings

Special meetings may be called at any time by the Chair or by written request of any two members, or a special meeting may be requested by the Personnel Director. Written notice of a special meeting shall be delivered personally or by mail to each member of the commission. Written notice shall also be provided to the district, employee organizations and others as required. Such notice shall be delivered personally or by mail at least 24 hours before the time of such meetings as specified in the notice. A copy of the notice shall be posted on the commission's official bulletin board. The notice shall specify the time and place of the special meeting and the business to be transacted. Only those items of business listed on the agenda shall be considered at the special meeting.

2.2.4 Public Meetings

All regular and special meetings of the commission shall be open to the public, and all persons shall be permitted to attend any meetings of the commission, except as provided in Rule 2.2.5.

2.2.5 Closed Sessions

- A. A closed session may be conducted only during a regular or special meeting of the commission that has been called with proper notification. Prior to holding a closed session, the commission shall state the reasons for the closed session and cite the statutory or legal authority for the closed session. Only those matters identified may be considered in closed session.
- B. When a matter is considered at a closed session which will require commission action, the final action may be taken in a public or closed session; however, the result of such action, if taken in closed session, must be announced by the presiding officer, and the result of such action shall be recorded in the minutes of the commission.

The commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The commission may hold closed sessions also to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.

REFERENCE: Government Code 54952, et.seq.

2.2.6 Agenda and Supporting Data

- A. At least seventy-two (72) hours prior to every regular or twenty-four (24) hours prior to every special commission meeting, the agenda shall be provided to the commission, and to the designated representative of all employee organizations representing district classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the commission's official bulleting board and distributed to others who have requested it.
- B. Individual employees, employee organizations and other interested parties may submit their written views on any matter before the commission, except those matters listed in Rule 2.2.5, and will be provided reasonable opportunity to present their views orally during the commission meeting. The commission will consider these comments and recommendations prior to arriving at a decision
- C. It shall be the policy of the Personnel Commission to provide an opportunity to all persons who wish to be heard at commission

meetings. Persons who wish to speak concerning items not on the agenda will be granted five minutes for their presentations. Each person wishing to speak to an agenda item will be granted not more than five minutes, unless this time is extended by the Chair of the commission.

2.2.7 Amendment, Deletion, or Addition to Rules

- A. All proposals from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first reading", the commission will set a date for commission action on the proposal, which will normally be the next regularly scheduled meeting of the Personnel Commission. The Personnel Director will then refer the proposed rule change to interested persons or organizations in order to provide them an opportunity to submit comments and/or recommendations.
- C. Insofar as possible, interested parties shall submit their reactions or recommendations to proposed rule changes in writing on or before the stipulated commission agenda deadline date. Those wishing to speak to the item will be given the opportunity at the appropriate commission meeting.

REFERENCE: Education Code 45260

2.2.8 Minutes

The Personnel Director or their designee shall record in the minutes the time and place of each commission meeting, the names of the commissioners present, all official acts of the commission, and the votes of the commissioners. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representative who have requested them.

2.3 COMMISSION EMPLOYEES

2.3.1 Status of Commission Employees

The Personnel Director and other persons required to carry out the responsibilities of the commission, shall be employees of the Personnel Commission. The commission shall determine how these employees will be utilized and determine the assigned time of their employees. Employees of the commission shall be part of the classified service, and be accorded all rights, benefits, and burdens pertinent to the classified service, except as the commission may specifically direct.

REFERENCE: Education Codes 45260, 45264

2.3.2 General Duties of the Personnel Director

- A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed by law and these rules. The Director shall act as secretary to the commission and shall issue and receive all notifications on its behalf. The Director shall direct and supervise the employees of the commission and conduct administrative transactions consistent with the law and the proper functioning of the office and staff of the commission.
- B. The Personnel Director shall be responsible for conducting classification, salary, and rules studies; planning and administering examinations; monitoring the selection, assignment and transfer of employees by the board; conducting investigations of protests and other matters as directed by the commission; and for investigating such other matters as deemed necessary to fulfill the responsibilities of the department.
- C. In cases where two or more rules appear to be in conflict, or when no rules provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to review by the commission.

REFERENCE: Education Codes 45260, 45261, 45266

2.4 MISCELLANEOUS PROVISIONS

2.4.1 Communications

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

2.4.2 Personnel Commission Budget

The Personnel Director shall prepare and submit to the commission, a proposed operating budget for the commission for the next fiscal year. The proposed budget shall be submitted to the commission in April for review and discussion.

A. Public Hearing

The commission shall designate a meeting in May at which a public hearing on its proposed budget will be held. 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.

B. Budget Forwarded to County Superintendent

The Commission shall adopt a proposed budget by May 30. The Commission shall forward its proposed budget to the County Superintendent of Schools for action.

REFERENCE: Education Codes 45253, 45260

2.4.3 Annual Report

A. The Personnel Director shall prepare an annual report of commission activities. When approved by the commission, the annual report shall be submitted to the Board of Trustees.

B. The report shall be prepared for commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover commission activities for the preceding fiscal year.

REFERENCE: Education Code 45266

2.5 POWER TO CONDUCT HEARINGS

2.5.1 Hearings

Pursuant to applicable provisions of the Education Code, the commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described in the Education Code.

REFERENCE: Education Code 45311

2.6 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

2.6.1 Legal Counsel

The legal counsel of the board shall aid and represent the commission in all legal matters. If legal counsel fails to respond to a written

request for legal assistance within fifteen (15) working days, counsel has then refused to represent the commission in that matter.

2.6.2 Conflict of Interest

Legal counsel shall refuse to represent the commission when counsel knows, or has reason to know at the time of the request; a conflict exists between the interests of the commission and the board or district.

The commission may also declare a conflict of interest. Such conflict shall be identified in writing to the district and its legal counsel.

2.6.3 Other Counsel and Fees

When legal counsel refuses to represent the commission in a legal matter or the commission identifies a conflict of interest, the commission may employ its own attorney. The reasonable cost of other legal counsel constitutes a legal charge against the general funds of the district, whether or not funds for legal services appear in the commission budget.

REFERENCE: Education Code 45313

Personnel Commission Approved: 10/14/08

RULE 3

THE CLASSIFIED SERVICE

3.1 THE CLASSIFIED SERVICE

3.1.1 Positions Included

- A. All positions established by the Governing Board which are not exempt from the classified service by law, shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal service and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.
- C. Nothing in this Rule shall be construed to prohibit the employment of a person possessing certification qualifications in a classified position nor shall certification qualifications be grounds for disqualification for employment. However, a person with certification qualifications hired into a classified position shall be a member of the classified service.

REFERENCE: Education Codes 44065, 44066, 44069, 45104-45106, 45108, 45256, 45256.5, 45258, 45259

3.1.2 Exemption from the Classified Service

- A. Positions required by law to have certification qualifications, part-time playground positions, full-time day students employed part-time, apprentices, part-time students employed part-time in any college work-study program or in a work experience education program conducted by a community college district, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the commission when so designated by the commission, shall be exempt from the classified service.
- B. The board may create the positions of staff assistant and field representative to directly assist the Governing Board of Trustees. Such positions, if created are exempt from the provisions of these rules insofar as they relate to the position classification, recruitment, employment, and salary setting. Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve the Governing Board of Trustees. A field representative may also serve an individual board member. If a permanent classified employee is appointed to serve in such an exempt position, they shall retain status as a permanent employee. If they are terminated from the exempt position, they shall have bumping rights in their former class in the same manner as if they had been laid off for lack of work or lack of funds.

REFERENCE: Education Codes 44065, 44066, 44068, 44069, 45103, 45106, 45108, 45112, 45204, 45205, 45205.1, 45256, 45256.5, 45257, 45258, 45259, 51760, 51760.3, 51764

3.1.3 Effect of Exemption

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

REFERENCE: Education Codes 44065, 45105, 45106, 45256, 45258, 45260

3.1.4 Professional Expert Assignments

- A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignment shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
- B. When the person is known who is to be appointed as a professional expert, his/her name and data relative to his/her qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession. Evidence of professional qualifications must be presented to the commission prior to employment for approval. Authorization for service as a professional expert shall not exceed more than ninety (90) working days or a total of 720 hours, in a fiscal year. Additional required service shall be submitted to the Commission for approval.

REFERENCE: Education Codes 45256, 45258

3.1.5 Senior Management

- A. The Board of Trustees may designate certain positions as Senior Management of the classified service. The decision of the Board of Trustees to designate a position Senior Management is not negotiable but is subject to review by the Public Employment Relations Board (PERB). Employees whose positions are designated Senior Management are a part of the classified service and shall be afforded all rights, benefits and burdens of the classified service, except they shall not attain permanent status.
- B. Positions in the Senior Management service shall be filled from an unranked list of eligibles who have been found qualified as specified by the superintendent and determined by the commission.
- C. Notice of reassignment or dismissal shall be in accordance with Education Code 35031. When the Board of Trustees determines that a member of the Senior Management Service is not to be reelected upon expiration of

their term of employment, the employee shall be duly notified as provided. If the Senior Manager has prior permanent status in the classified service and the decision is not to reelect, displacement rights shall be provided to the employee.

REFERENCE: Education Codes 35031, 45108.5, 45256.5

3.1.6 Part Time Defined

A part-time position, for the purpose of exemption, is one for which the assigned time, when computed on an hourly, weekly or monthly basis is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service.

REFERENCE: Education Code 45256, 45260

3.1.7 Restricted Positions and Employees

- A. Employment may be restricted to persons in low income groups, from designated impoverished areas, or any other criteria which precludes employment through the normal competitive process, in which case the position shall, in addition to the assigned title, be designated as Restricted.
- B. Persons employed in Restricted positions shall be considered classified employees for all purposes except: 1) they shall not attain permanent status; 2) they shall not be accorded seniority rights; 3) they shall not be given provisional appointments concurrent with status in a restricted position, and 4) they are not eligible to compete in promotional examinations in the regular classified service.
- C. At anytime after six (6) months of satisfactory service in a restricted position, a person serving in a restricted position shall be given the opportunity to take such qualifying examination as required for all persons serving in regular positions in the class. If the restricted employee satisfactorily completes the examination and is placed on the eligibility list, regardless of score or standing on the list, the employee shall be considered a part of the regular classified service, even when such employee continues to serve in a restricted position. Employees who have attained regular permanent status under the provisions of this rule shall be accorded all rights, benefits and burdens as a regular permanent classified employee, including seniority from the employee's initial date of employment in the restricted position.

REFERENCE: Education Code 45105

3.2 GENERAL CLASSIFICATION RULES

3.2.1 Assignment of Duties

The Board of Trustees shall prescribe the duties and responsibilities for all positions in the classified service except those of the commission staff. When the Personnel Director of human resources finds the duties being performed

by an employee are inconsistent with the duties officially assigned to a position, he/she shall take appropriate action (s) under these Rules. Appropriate action may include, but is not limited to, reporting the matter to district administration, processing a working-out-class claim, or beginning a reclassification study.

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

3.2.2 Classification Plan

The Personnel Commission shall classify all employees and positions within the jurisdiction of the Board of Trustee and the commission, except those positions which the commission determines are exempt from the classified service pursuant to the law and these Rules.

To classify shall include but not be limited to allocating positions to appropriate classes, arranging classes into job families (occupational hierarchies), determining reasonable percentage relationships between classes within job families and between the job families and preparing written class specifications.

The Personnel Commission shall establish and maintain a classification plan for all positions in the classified service. Classes will be organized in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the classes in each series, which are usually filled through an open competitive examination. The commission shall determine whether the examination shall be open, promotional, or a combination thereof. The list of classes shall include the approved salary rate or range applicable to each class.

REFERENCE: Education Codes 45100, 45104, 45105, 45105.1, 45109, 45241, 45256

3.2.3 Class Specifications

For each class established or approved by the commission, there shall be established and maintained a class specification, which shall include:

- A. The class title.
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.
- C. A statement of essential and other related duties to be performed by persons holding positions allocated to the class.
- D. A statement of employment standards for service in the class. The employment standards may include education, experience, knowledge's, skills, abilities, and personal and physical traits and characteristics;
- E. A statement about any license, certificate or other special requirements for employment or service in the class;

- F. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of their qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
- G. Employment standards shall not require a teaching, administrative or other credential, nor shall they require experiences which would restrict applicants to credential holders. Titles shall not be assigned that would restrict competition to credential holders.
- H. The title of the class shall be used as the title of all positions in the class on payrolls audited by the personnel director and in the records and correspondence of the Board of Trustees and the commission.

REFERENCE: Education Codes 45256, 45260, 45276, 45277

3.2.4 Interpretation of Class Specifications

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

- A. The definition and essential duties are descriptive and explanatory only and not restrictive. The classes indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission or the personnel director of human resources-classified.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording clear distinctions of the positions that the class includes.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications required of all incumbents such as the ability to perform the essential duties of the position, honesty, sobriety, dependability, good judgment and the ability to assume the responsibilities and conditions of the position, even though not specifically mentioned in the specifications, are implied in the qualification requirements.

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

REFERENCE: Education Codes 45256, 45261, 45273, 45276, 45285, 45285.5

3.2.5 Allocation of Positions to Classes

The commission shall allocate all positions which have substantially similar job duties, responsibilities and qualifications to the same class.

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

3.2.6 Working Out of Classification

- A. Each classified employee shall be required to perform the duties approved by the Board of Trustees and classified by the commission for the class to which the employee is assigned. Classified employees shall not be required to perform duties and responsibilities inconsistent with their normal assigned duties for a period exceeding five (5) working days, within a fifteen (15) calendar day period except as provided by this Rule. If a classified employee is working out of class, the information needs to be reported to the Personnel Director, who shall investigate and report to the Personnel Commission and the administration.
- B. When a regular employee is assigned to perform work inconsistent with those stated in the definition or duties of the class for more than five (5) working days, within a fifteen (15) calendar day period, the employee's pay shall be adjusted upward for the entire period of working out of class as follows:
 - 1. If the assignment is to perform the duties of an existing class, the employee shall be placed on the salary range of the existing higher class and shall receive at least a four (4) percent salary increase, but not less than the first step of the range. If the increase is less than four (4) percent then the employee shall be placed on the next higher step but not higher than the highest step on that range.
 - 2. If an employee is required to perform duties which are not allocated to an existing class or there is a dispute over whether higher level duties are being performed, the assignment shall be reported to the Personnel Director in writing so that a review may be conducted to determine whether a pay differential is appropriate.
 - A. A claim for differential working-out-of-class pay may be submitted by an employee, the supervisor or an administrator. The Human Resources Director will notify the district upon receipt of a submitted claim. A claim for differential working-out-of-class pay must contain a list of the assigned duties.

- B. The Personnel Director shall review the duties assigned to the position. The Personnel Director will determine if the assigned duties are either at a higher or lower level classification, and will present the findings, recommendation of approval or rejection of an appropriate pay differential to the Commission. Before the Commission approves or rejects a pay differential, it shall give reasonable notice of its proposed action to the District and the exclusive bargaining representative, and allow them an opportunity to respond. All hours worked out of class, except overtime, shall be credited as seniority in the regular classification of the employee.

REFERENCE: Education Codes 45110, 45256, 45260, 45285.5

3.2.7 Review of Positions

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed as needed. If the director finds that a position or positions should be reclassified, the administration shall be advised of the findings. If the duties of the position are verified, or the duties are not revised to fit within the current classification, the director shall report findings and recommendations to the commission for appropriate action. Cases shall also be reported to the commission where review indicates no change of classification.

3.2.8 Creation and Abolishment of Positions

- A. When the Board of Trustees creates a new position, the duties and responsibilities to be performed shall be submitted to the Personnel Director, in writing, prior to filling the position. The Board of Trustees may recommend minimum educational and work experience requirements for new classes. The director shall place the new position in an existing class or if a determination is made a new class is needed, the director shall present recommendations to the Commission for action. The Personnel Commission shall:
 - 1. Classify the position. The director shall set forth a proposed class specification setting out the title, duties as established by the Board of Trustees, qualifications and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Trustees.
 - 2. The Commission shall designate the salary placement and internal alignment on the classified salary schedule.
 - 3. The Personnel Director of Human Resources, Classified shall report Commission's decisions to the Board of Trustees.

- B. When all positions in a classification have been vacant a full fiscal year, the Commission shall notify the Superintendent of its intent to abolish the classification. If the administration does not express intent to refill at least one position in the classification during the following fiscal year, the Commission shall abolish the classification at that time. A classification shall be abolished when no position has been filled for two (2) consecutive fiscal years.

REFERENCE: Education Codes 45104, 45105, 45109, 45241, 45256

3.2.9 Positions Requiring Multiple Languages

- A. The Board of Trustees may, with the approval of the commission, designate positions within a class which require the incumbent of the position to speak, read, or write a language in addition to English. The Board of Trustees must clearly set forth valid reasons for the language requirements.
- B. The commission may establish a classification exclusively for positions which require the use of a second language in addition to English. The commission shall designate the salary placement and internal alignment on the classified salary schedule.
- C. If a request from the Board of Trustees to designate a position with a language requirement is challenged, the commission shall cause an investigation to be made within ninety (90) days and shall consider the findings and other pertinent data prior to taking action.

REFERENCE: Education Codes 45104, 45105, 45109, 45241, 45256, 45277

3.3 RECLASSIFICATION

3.3.1 Reclassification of Positions

- A. The only basis for reclassification of a position shall be the gradual accretion or growth of duties. Recommendation as to gradual accretion will be made by the personnel director of human resources, Classified. The commission shall be the final approving authority. Positions which are created by the board or commission and classified by the commission under Rule 3.2.9 shall be ineligible for reclassification for a period of two (2) calendar years from the date of the commission classification action.
- B. Requests for a reclassification study by an employee of an existing position shall be presented, on the form provided by the commission, to the administration then sent to the Personnel Director of Human Resources, Classified. The request for reclassification shall include a statement of the reasons and shall be presented to the director requesting the study. Requests for a reclassification of a position may also be initiated by the administration, with the approval of the superintendent, or by employees, or employee organizations. Requests initiated by the administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes.

- C. This rule applies to positions which are occupied at the time of reclassification. If a vacant position is reclassified, it shall be filled through a selection process.
- D. When the Personnel Director has completed a study, the findings shall be reported to the commission, the administration, employee organization and affected employees. In the event that the administration or an affected employee does not agree with the findings, additional information may be presented to the commission. The commission's decision shall be final and binding.

3.3.2 Effective Date of Reclassification

Reclassification of a position shall become effective on the date prescribed by the commission and shall not have retroactive effect. Changes in classification and salary resulting from reclassification shall be effective as follows:

- A. The day following Commission approval, provided the incumbent is reclassified with the position; or

The day following the date on which the incumbent becomes fully qualified by successfully completing all parts of the selection process; or

- B. On the date specified by the Commission.

REFERENCE: Education Codes 45256, 45260, 45268, 45285, 45285.5.

3.3.3 Effects on Incumbents

- A. In order for an employee to be reclassified upward with their position, the reclassification must have been occasioned by a gradual accretion of duties and not be a sudden change resulting from reorganization or change of duties by the governing board. Whenever a position is reclassified, the rights of the incumbent will be determined by these rules. The reclassification of positions in a class to a higher salary range shall have the following effect on incumbents:

1. When any or all of the positions in a class are reclassified upward, an incumbent who has a record of two (2) or more years in the position may be reclassified with the position and without examination.
2. When any or all of the positions in a class are reclassified upward and the incumbents have been in the position less than two (2) years, the incumbent will be granted status in the higher class upon passing a promotional only examination for the class. The promotional examination shall be held in accordance with these Rules and be held as soon as practicable.
3. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until two (2) years have elapsed.

- B. The reclassification of positions in a class to a lower salary range shall have the following effect on incumbents:
1. The incumbent shall be transferred to any vacant position at his/her current salary level if the employee is otherwise qualified for the position. If no vacancy exists, the employee may elect to remain in the position and be demoted. The employee may be laid off for lack of work if the above are rejected.
 2. When a regular classified employee is demoted to a position at a lower salary range due to reclassification, the employee's salary shall be Y-rated. Y-rating freezes the dollar amount of salary. The y-rate is terminated when the incumbent's Y-rated salary falls within the salary range of the class to which the incumbent was reclassified. The incumbent will then be placed on the step of the salary schedule which is next above the Y-rated amount.
- C. When a position is reclassified to a position in a class with the same salary range, the incumbents' salary shall remain the same.
- D. The provisions of these Rules shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions unless otherwise authorized by law or these Rules.

3.4 CLASSIFICATION CHANGE AND SENIORITY

3.4.1 Seniority on upward Reclassification

When a position is reclassified to a class with a higher salary range, incumbents reclassified with their positions shall have their seniority begin with the effective date of the reclassification.

When a position is reclassified to a class with a higher salary range, incumbents reclassified with their positions, shall be credited with all hours in paid service from their prior class, providing the prior class is concurrently abolished.

When a position is reclassified to a class with a higher salary range, incumbents who must pass a promotional examination shall be reclassified effective the day after passing the examination and their seniority shall begin on that date.

REFERENCE: Education Codes 45256, 45260, 45268, 45285, 45285.1

3.4.2 Seniority on Downward Reclassification

When a position is reclassified to a class with a lower salary range, incumbents accepting demotion shall have their hours in paid service credit to the lower class.

3.4.3 Effect of Classification Changes

If a position is reclassified or has its title changed as a result of reorganization, and no change in compensation occurs as a result, incumbents affected shall be credited with all hours in paid service in the previous classification.

REFERENCE: Education Codes 45256, 45260, 45268, 45285, 45285.1

3.4.4 Reemployment List for Displaced Incumbents

Any displacement of a permanent employee resulting from a reclassification shall be considered a layoff for lack of work, and an appropriate reemployment list will be established.

3.4.5 Effect of Reclassification on Reemployment and Eligibility Lists

When all positions in a class are reclassified, the personnel director shall determine whether current reemployment lists and eligibility lists are also to be reclassified. Salary reallocation of a class shall have no effect on lists.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.1

Personnel Commission Approved: 3/09/10

RULE 4

APPLICATIONS FOR EMPLOYMENT

4.1 APPLICATION FOR EMPLOYMENT

4.1.1 Filing of Application

All applications for employment shall be made on official forms furnished by the Commission. Items shall be answered in full and the application filed in the Commission office on or before the date specified.

- A. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
- B. For federal and state reporting purposes, questions regarding ethnicity, gender, age and handicapping condition shall be placed on a separate form. Answers to such questions shall be voluntary and no other information shall be requested relative to race, religious creed, color, national origin, ancestry, handicapping or medical condition, marital status, gender, or age prior to employment
- C. Applications and examination papers are confidential and become the property of the Commission and shall not be returned to the applicant. The names of applicants or unsuccessful candidates in any examination shall be confidential.

Reference: Education Code 45272, 45274, 45293

4.1.2 General Qualifications of Applicants

Applicants must be permanent residents of, or must otherwise prove their right to work in the United States as specified by the U.S. Department of Immigration and Naturalization. Applicants must possess all other requirements that are specified in the qualifications established for the class. Every applicant must be able to competently ~~to~~ perform the duties of the position for which applying.

- A. Qualified applicants shall have an opportunity to seek, obtain and hold District employment without discrimination because of race, religious creed, color, national origin, ancestry, medical condition, physical disability, mental disability, marital status, gender or age.
- B. Residency within the District shall not be a condition for filing an application or for employment.
- C. No maximum age limit shall be set as a condition for initial or continued employment in the District.

- D. Persons with a physical and/or mental disability shall be given equal employment opportunities and reasonable accommodation in testing and employment.

Reference: Education Code 45111, 45260, 45272
Government Code 12920, 12920.5, 12921

4.2 DISQUALIFICATION OF APPLICANTS, CANDIDATES, AND ELIGIBLES

4.2.1 Causes for Disqualification

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

- A. Failure to meet the general qualifications of Rule 4.1.2.
- B. Refusal to execute the oath of allegiance required by law.
- C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- D. Conviction, either by a plea of guilty or nolo contendere, a court decision or jury verdict to a charge of a sex or controlled substance offense, as defined in Education Code 44010 or 4011.
- E. Conviction of a plea of guilty or nolo contendere, a court decision or jury verdict of a violent or serious felony as defined in subdivision (c) of Section 667.5 and subdivision (c) of Section 1192.7 of the Penal Code.
- F. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or misdemeanor or a record of one or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the nature, seriousness and circumstances of the offense (s); age of the person at the time and how recent the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including employment record with respect to job responsibility and duration; person's attitude; and the duties of the class.
- G. Making a false statement or intentionally omitting a significant statement or a material fact on the application form.
- H. Practicing any deception or fraud in connection with an examination or to secure employment.
- I. A history of controlled substance addiction or abuse, or use of intoxicating beverages to excess without acceptable evidence of rehabilitation.
- J. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these Rules.

- K. Previous dismissal from the district unless the district waives this subsection.
- L. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement notice, an unsatisfactory or marginal performance evaluation or a resignation in lieu of dismissal.
- M. Improperly obtaining or attempting to obtain either directly or indirectly, any information regarding test questions or examination content.
- N. Discharge other than honorable from the armed forces of the United States.
- O. A health condition which renders the applicant or candidate unable to perform the essential duties of the position, with or without a reasonable accommodation, or would endanger the health and safety of others.
- P. Failure, after due notice, to report for duty after an assignment has been offered and accepted.
- Q. Failure, after due notice, to report promptly for review of any of the causes for disqualification as provided in this Rule.
- R. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees.
- S. Failure to submit to involuntary drug testing or positive drug testing results after a second confirming drug test for classifications designated as safety sensitive.
- T. Membership in the Communist Party.

Reference: Education Code 44010, 44011, 45122, 45123, 45124, 45303
Government Code 1028
Penal Code 667.5, 1192.7

4.2.2 Appeal from Disqualification

An applicant, candidates or eligible disqualified under Rule 4.2, shall be notified in writing indicating the reason (s) for disqualification and advising the individual that an appeal from disqualification may be made to the Personnel Director within five (5) working days.

- A. A person appealing a disqualification shall conditionally be allowed to take the examination pending a decision on the appeal.
- B. The appeal may be based on any of the following reasons:
 - 1. Discrimination because of religious affiliations, origins, race, color, sex, age, or marital status.

2. Inconsistency of the reasons given for the rejection with the facts.
- C. Upon receipt of an appeal, the Personnel Director shall investigate the matter and render a decision. If the decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. If the decision is to deny the appeal, the appellant may appeal to the Commission within five (5) working days after being notified.
 - D. The Commission, upon receipt of an appeal, shall consider all evidence pertaining to the appeal and make a decision regarding the appeal. If the Commission determines that insufficient evidence to make a decision has been presented it may request further evidence or schedule a hearing on the matter.
 - E. If the Commission's decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. The decision of the Commission is final.
 - F. If an eligibility list has been established, appointments may be made from available eligibles pending the final decision on the appeal. Appointments made from an eligibility list while an appeal is pending shall not be invalidated even when the outcome is in the appellant's favor.

Reference: Education Code 45111, 45122, 45123, 45124, 45134, 45303

4.2.3 Proof of Veteran's Credit

An applicant who claims veteran's credit must submit Form DD-214 not later than the final closing date for the examination. Failure to submit Form DD-214 may result in denial of veteran's credit.

Reference: Education Code 45294, 45295, 45296

Personnel Commission Approved: 11/12/08

RULE 5

RECRUITMENT AND EXAMINATIONS

5.1 RECRUITMENT

5.1.1 Announcement of Examinations

The Commission shall direct and administer the holding of examinations to create eligibility lists for filling classified positions.

- A. No employment opportunity bulletin may be distributed and no part of any examination held until the Board has designated the duties for a class and the Commission has completed classification, including the setting of salary for new classifications and the establishment of employment standards.
- B. Whenever it is necessary to fill an existing or anticipated vacancy in the classified service and an appropriate eligibility list does not exist, the Commission shall announce an examination on an employment opportunity bulletin.
- C. The employment opportunity bulletin shall be placed on the Anaheim Union High School District AUHSD website, school site bulletin board, and for at least fifteen (15) working days' prior to the last day to file applications. The Personnel Director shall determine the appropriate recruitment strategy which may include advertisements in newspapers, trade and businesses journals or other media. The Personnel Director shall ensure that community agencies and organizations dealing with groups protected by law are notified of examinations.
- D. The employment opportunity bulletin shall contain the title of the class and may include the following:
 - 1. Information concerning the location of employment, the expected number of vacancies, and other conditions of employment;
 - 2. Description of the scope of duties and responsibilities of the position and the class;
 - 3. The qualifications and employment standards for the class;
 - 4. Salary, benefits and other compensation;
 - 5. The closing date for filing applications;
 - 6. The general nature of the subjects in the examination and the types of exams to be given; and

7. Such other information as will assist the interested persons in understanding the nature of the position and procedures necessary to participate in the examination.

Reference: Education Code 45109, 45272, 45278

5.1.2 Insufficient Applications

In the event that the Commission receives insufficient applications or less than three ranks of eligible results from an examination, the Personnel Director shall review records to ensure that adequate recruitment efforts have been made. The following actions may be taken by the Personnel Director.

- A. Extension of the posting period may be ordered.
- B. The field of competition may be changed to increase recruitment opportunities.
- C. Both A and B above may be ordered concurrently.

5.2 EXAMINATIONS

5.2.1 Determination of Examinations

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

- A. Promotional
- B. Promotional and Open Competitive
- C. Open and Continuous
- D. Senior Management

Reference: Education Code 45272, 45284

5.2.2 Promotional Examinations

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

- A. Promotional examinations shall be restricted to permanent employees of the District and former employees on a valid reemployment list who meet the qualifications of the class. Probationary employees may be allowed to test but shall not be certified from a promotional eligibility list until permanent status is gained.

- B. Performance evaluations and employee development appraisals prepared by the immediate supervisor and reviewed by the employee may be considered in evaluating an employee's general fitness for promotion.
- C. Written notices concerning promotional examination shall be distributed to all locations where classified employees work for at least fifteen working days prior to the last day to file an application.
- D. During periods when school is not in session or during periods of approved paid or unpaid leave of absence, regular classified employees shall be notified via e-mail or by U.S. mail of examinations, which they have designated, providing a written request (job interest form) has been filed with the Personnel Commission office. The notice will be mailed to the mailing address listed in the request by the employee.

Reference: Education Code 45103, 45272, 45284

5.2.3 Promotional and Open Competitive Examinations

Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, an open competitive recruitment shall be authorized by the Commission.

- A. Applicants shall be considered as a group in determining qualifications and passing scores on the examination.
- B. The resulting eligibility list shall consist of promotional and open competitive eligibles merged onto one list after granting service credit and veterans' preference points.

Reference: Education Code 45103, 45272, 45282, 45284

5.2.4 Open and Continuous Examinations

The Commission may designate examinations for specified classes as open and continuous. Applications will be accepted each working day and tests shall be given as the need arises.

- A. If a qualifications appraisal interview is required, the interview panel may consist of two (2) persons who may be employees of the District or Commission, as determined by the Personnel Director.
- B. A candidate may not retake a test for the same or similar written test for a classification for a period of one hundred twenty (120) calendar days unless an equivalent test form is available or the Personnel Director determines it is in the best interest of the District or is in fairness to the candidate (s).

Reference: Education Code 45273

5.2.5 Senior Management Examinations

Examinations for positions designated as senior management by the Board of Trustees shall be developed and administered by the commission. An eligibility list resulting from a Senior Management examination shall include eligibles successful in the examination and the list shall be unranked. Names of the successful eligibles shall be placed on the list in alphabetical order.

Reference: Education Code 45256.5

5.2.6 Types of Examinations

All exam parts shall be prepared under the direction of the Personnel Director who shall assign relative weights to each part and determine passing scores. Examinations shall be administered objectively and shall consist of exam parts that relate to the job. Exam parts shall include any professionally accepted psychometric assessment, including:

- A. Written exam.
- B. Structured Interview.
- C. Practical demonstration of skill and ability.
- D. Other exams of fitness as determined by the Personnel Director.

Reference: Education Code 45273

5.2.7 Written Exams

A written exam for a class may cover any subject matter related to the duties of the positions within the class. The exam may include an assessment of skills, knowledge, abilities, and/or personal characteristics/competencies that are necessary for successful job performance in the class for which the examination is being administered.

Reference: Education Code 45273

5.2.8 Interview Panel Exams

If an examination includes an interview panel, the Personnel Director shall ensure the following:

- A. The panel shall consist of at least two (2) raters who are knowledgeable of the competencies being evaluated. Raters may serve on only one (1) exam part.
- B. An employee of the District or Commission may serve on an interview panel if not at the first or second level of supervision over a vacant position in the class for which the examination is being held.

- C. Unless specifically directed to evaluate candidates' technical knowledge and skills, the interview panel shall confine itself to evaluating general fitness for employment in the class.
- D. When the interview panel is directed to evaluate technical knowledge and skills, at least two (2) members of the panel shall be technically qualified in the specified occupational areas being evaluated.
- E. Members of the Board of Trustees or Personnel Commission shall not serve on an interview panel.
- F. Interviews shall be electronically recorded.
- G. Scores achieved on other exam parts shall not be made available to the interview panel.
- H. Interview panel members shall not be provided with confidential references or performance evaluations of candidates.
- I. If the examination part is so structured that a rater judgment is minimal, such as in a training and experience assessment, one (1) rater may be used.

5.2.9 Evaluation of Training and Experience

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

5.2.10 Admission to the Examination

Each applicant, whose application has been approved, shall be notified a reasonable time in advance of the time, date, and place of the examination. The notice shall be the applicant's authorization to take the examination. Candidates shall not be admitted to any examination without this authorization or other approved evidence of having filed an acceptable application. Each candidate must provide personal identification at the exam site in order to be admitted to the exam.

5.2.11 Examination Procedures

Competitors must follow the exam procedures prescribed by the Personnel Director. Procedures for written exams are:

- A. Competitors/Candidates in any written exam must take the exam on the prescribed date, unless approved by the Personnel Director or the Commission.

- B. Copies of the questions in an exam shall not be made by competitors/candidates or other unauthorized persons.
- C. Where written exams are required, they shall be so managed that none of the exam papers will disclose the identity of a candidate to the person establishing the pass point for the exam.

Reference: Education Code 45273

5.2.12 Seniority Credits – Promotional Examinations

In promotional examinations, seniority credit shall be added to the final passing scores of candidates in the amount of $\frac{1}{2}$ of one point for each year of service, not to exceed a total of ten points. Credit shall be granted for time spent in regular status in the classified service and on leave from the classified service while otherwise employed in this district. 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, and fractions of a year shall not be counted.

5.2.13 Veterans' Preference

A veteran, as defined in this Rule, shall mean an individual who has served United States Army, Navy, Marine Corps, Air Force, or Coast Guard within the dates listed below:

World War II: December 7, 1941 to December 31, 1946

Korea: June 27, 1950 to May 7, 1975

Vietnam: August 4, 1964 to May 7, 1975

Service in the Coast Guard between December 7, 1941 and January 1, 1946, is also credited.

During the Gulf War from August 2, 1990, through January 2, 1992; or for more than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom.

- A. Veterans shall have an additional five (5) points added to their final passing score in entry-level examinations.
- B. Disabled veterans shall have an additional ten (10) points added to their final passing score in entry-level examinations. A disabled veteran is a veteran as defined in this Rule and classified by the U.S. Veterans Administration to be ten (10%) percent or more disabled as a result of service in the armed forces.

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

Reference: Education Code 45294, 45295, 45296

5.2.14 Examination For Business Manager

Examinations held for Business Manager or any position at or above that level shall be held as promotional and open competitive. All permanent employees of the District, both classified and certificated, shall be eligible to compete as promotional candidates, providing they meet the established employment standards. Service credit granted shall be applied equally to both classified and certificated promotional candidates.

Reference: Education Code 45280

5.3 PROTEST AND REVIEW OF EXAMINATIONS

5.3.1 Protest of an Examination

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

Reference: Education Code 45274

5.3.2 Failure to File Protest

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

Reference: Education Code 45274

5.3.3 Personnel Director Shall Review All Protests

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

Reference: Education Code 45274

5.3.4 Protest Review By The Commission

If the Personnel Director rules against the protest, that decision may be reviewed by the Commission. Filing a request for review by the Commission shall not stop or otherwise delay the examination process unless so directed by the Commission.

- A. Requests for review of a protest by the Commission shall be submitted in writing to the Commission Office within three (3) working days of receipt of the Personnel Director's decision.
- B. The Commission shall review all written materials regarding the protest and may render a decision. If the commission requires more information, they may review additional materials or hear oral information from the person protesting or other persons as determined by the Commission. The Commission shall render a decision in the matter as soon as practicable. The decision of the Commission is final.

Reference: Education Code 45274

5.3.5 Disposition of Protests Prior To Appointment

No appointment shall be made from an eligibility list until all protests have been resolved. Resolution may be that the candidate or eligible is satisfied with the Personnel Director or Commission's response, a protest is not timely filed and/or the Commission has made a final determination. The District shall be notified when a protest results in a delay of an appointment.

Reference: Education Code 45274

5.3.6 Request For Review Of Test

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

Reference: Education Code 45274

5.4 RETENTION OF RECORDS

5.4.1 Retention of Examination Records

Examination records, including, but not limited to, exam answer sheets, tape recordings of interviews, and the rating sheets of each member of a structured interview panel shall be retained for a period of one (1) year.

Reference: Education Code 45274

5.4.2 Examination Records To Be Confidential

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

Reference: Education Code 45274

5.4.3 Records Available For Review

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

Reference: Education Code 45274

Personnel Commission Approved: 12/09/08

RULE 6

ELIGIBILITY FOR EMPLOYMENT

6.1 ELIGIBILITY LISTS

6.1.1 Establishment and Life of Eligibility Lists

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

- A. Unless specifically authorized in these Rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on an eligibility list. The Personnel Director shall be responsible for establishing lists as a result of examinations authorized by these Rules.
- B. After an examination, the names of successful competitors for positions designated Senior Management shall be arranged in an unranked alphabetical list. The list shall be submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by the Commission. Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.

Reference: Education Code 45272, 45300

6.1.2 Contents of Eligibility List

An eligibility list shall contain:

- A. The type of eligibility list: promotional or open competitive.
- B. The dates of each part of the examination and the weight assigned to the part.
- C. The signature of the Personnel Director attesting to the accuracy of the information on the eligibility list.
- D. The date the list was approved by the Personnel Director.

6.1.3 Certification of Eligibility Lists

All eligibility lists shall be certified by the Personnel Director and ratified by the Commission.

- A. The Personnel Director shall submit eligibility lists for ratification and approval by the Commission subsequent to the certification of eligibles from the list. Appointments may be made from

available eligibles pending the final decision on a protest and shall not be changed even if the outcome is in the candidate's favor, unless the commission has ordered it otherwise.

6.1.4 Types of Eligibility

Appointments to positions shall be made from:

A. Eligibility lists (In order of preference):

1. Reemployment: A list of persons who have been laid off from permanent positions due to lack of work, lack of funds or exhaustion of benefits. These eligibles shall take precedence over all other persons eligible for appointment.
2. Promotional: A list of eligibles resulting from an examination limited to qualified permanent employees only.
3. Open competitive and Merged Promotional: One list of eligibles resulting from a single examination including service credit and/or veteran's preference for all eligibles.

B. Requests-Other methods of filling positions:

1. Transfer: Employees who have requested appointment to a vacant position in the same or related classification.
2. Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status.
3. Demotion: Employees who have requested assignment to a vacant position in a lower classification.

6.1.5 Duration of Eligibility Lists

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

- A. The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment bulletin for the examination.
- B. When fewer than three (3) ranks of available eligibles remain on an eligibility list and the appointing authority has requested certification of additional eligibles, the list may be terminated by the Personnel Director.

6.1.6 Merger of Eligibility Lists

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

- A. 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, except when the earlier list is extended.
- B. All eligibles on a terminated eligibility list shall be notified when a new examination is scheduled for the class. Candidates may retake the examination if ninety (90) days have elapsed since they last took the examination. Notification is not required when an eligibility list expires.

6.1.7 Reemployment Lists

There shall be established for each class, a reemployment list which shall take precedence over all other employment lists in filling vacant positions. This list shall contain the names of all classified employees who have been laid off or demoted from any position because of lack of work, or lack of funds.

- A. Any employee who requires a leaves of absence for military reasons or 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 the other names on the reemployment list in the class which they leave.
- B. The life of the reemployment list for persons laid off shall be thirty-nine (39) months. Employees returning from military service shall be eligible for reemployment for a period not to exceed six (6) months after discharge.
- C. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall retain eligibility for reemployment for an additional period of twenty-four (24) months, provided the same tests of fitness under which they qualified for appointment, as determined by the Personnel Director, still apply.
- D. Upon the expiration of a reemployment list, employees who took a voluntary demotion or voluntary reduction in assignment time in lieu of layoff, at the option of the employee, shall be returned to a position in their former class or to a position with increased

assigned time as vacancies become available, without limitation of time.

Reference: Education Code 45298
Military and Veterans Code 395.1, 395.3

6.1.8 Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by Personnel Director and ratified by the Commission.
- B. An eligibility list is automatically terminated when no eligibles remain on the list.
- C. An eligibility list may be terminated by the Personnel Director when no eligible is available for appointment to a specific regular position in a class or when there are fewer than three (3) ranks of eligibles remaining on the list. Eligibles on a list shall be notified when the list is terminated.

6.1.9 Changes or Continuance in Eligibility

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

Reference: Education Code 45278, 45286, 45300

6.1.10 Waivers of Certification

An eligible may make themselves unavailable for consideration, to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a written notice in the personnel commission office.

- A. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailable in writing.
- B. An available eligible may waive certification twice without penalty. At the time a third waiver is made by an eligible, they will be informed that upon filing the third waiver, their name will be removed from the eligibility list, per Rule 6.1.11.
- C. An available eligible who fails to return a waiver form within five (5) working days after being notified via certified mail shall be removed from the eligibility list pursuant to Rule 6.1 11.

Reference: Education code 45300

6.1.11 Removal of Names from the Eligibility Lists

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

- A. A written request by the eligible for removal.
- B. Failure to respond within five (5) working days following an inquiry by certified mail regarding availability for employment.
- C. Three waivers of certification during the length of the eligibility list, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this Rule.
- D. Any of the causes listed in Rule 4.2.1.
- E. Failure to respond for a scheduled interview after certification.
- F. Termination of regular employment for promotional only eligibility lists.
- G. Refusing an offer of employment after being properly certified as eligible and available for appointment.

Reference: Education Code 45300

6.1.12 Disqualification from Consideration for Employment

- A. An eligible removed from an eligibility list may be disqualified from consideration for employment by the Personnel Director, subject to ratification by the Personnel Commission.
- B. When an eligible is to be disqualified from consideration for employment, the Personnel Director shall consider:
 - 1. Nature of the classification.
 - 2. The relevance of the cause (s) for removal.
 - 3. The seriousness of the cause (s) for removal.
 - 4. Mitigating circumstances.
 - 5. Prior work history.
- C. When an eligible is disqualified from consideration from employment, the disqualification period shall be specified for an appropriate period from the life of the eligibility list to permanent disqualification and the eligible shall be given an opportunity to have an administrative review.

Reference: Education Code 45300

6.1.13 Notification to Eligible of Removal From List

Notice shall be given to an eligible of his removal from an eligibility list, the reason therefore, and any period of disqualification. An eligible may request an administrative review of the removal or disqualification decision to the Personnel Director within five (5) working days. The decision of the Personnel Director shall be final unless the decision is appealed to the Commission. The Director's decision must be appealed within five (5) working days of the receipt. The decision of the Commission shall be final.

Reference: Education Code 45300

6.2 CERTIFICATION FROM EMPLOYMENT LISTS

6.2.1 Appointing Authority

The appointing authority shall be the Board of Trustees and its designated staff, except that the Commission shall be the appointing authority for its staff.

6.2.2 Order of Precedent in Filling Vacancies

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

- A. Reemployment list: Persons previously laid-off because of lack of work, lack of funds or exhaustion of medical leaves or benefits shall be assigned to vacant positions in order of seniority.
- B. Reinstatement/Transfer/Voluntary Demotion/Change of Assignment all qualified persons requesting increase or decrease in hours, voluntary demotion, transfer or reinstatement, shall be certified, at the same time, in addition to eligibles from lists established by competitive examination.
- C. Promotional eligibility list: When the vacancy is not filled through the procedure listed above, the top three (3) ranks of available eligibles shall be certified.
- D. Open eligibility list: When the vacancy cannot be filled from the promotional list, the top three ranks of available eligibles on the merged promotional and open competitive list shall be certified.

Reference: Education Code 45171

6.2.3 Rule of Three (3) Ranks

Eligibles shall be placed on eligibility lists in rank order according to their score in the examination process. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same score shall be placed in the same rank.

Certification from the list shall be the first three (3) ranks of eligibles that are ready and willing to accept the positions to be filled.

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

Reference: Education Code 45260, 45261, 45272

6.2.4 Certification and Appointment From Eligibility Lists

When a vacant or new position is to be filled, the appointing authority shall notify the Personnel Director. The employment request shall include the class title, hours, months, location of employment, and other pertinent information to fill the position.

- A. When a vacancy occurs in an established position, a written request shall be completed and forwarded to the Human Resources office.
- B. The Personnel Director shall determine the availability of eligibles and shall certify the names of eligibles. Certification of eligibles shall be in accordance with Rule 6.2.2 and 6.2.3.
- C. The administrator conducting the interviews shall, within three (3) working days of the final interview, make his/her selection from the eligibles presented and shall notify the Human Resources, who shall see that the necessary employment procedures are carried out.
- D. If a candidate who was certified eligible for appointment to a position fails to keep an interview or declines appointment, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of eligibles in accordance with Rule 6.2.6.
- E. In the event there is more than one (1) position in the class to be filled, the Personnel Director may certify additional ranks of eligibles to allow two (2) more ranks of eligibles than the number of vacancies to fill.
- F. No promotional or initial assignment shall be effective unless it bears the certification of the Personnel Director that the person has been employed pursuant to these Rules.

Reference: Education Code 45272, 45277, 45310

6.2.5 Procedure When Fewer Than Three (3) Ranks Remain

- A. When fewer than three (3) ranks of eligibles are available for certification from an eligibility list, the available eligibles shall not be considered, or interviewed, unless the appointing

authority decides to use these remaining eligibles for appointment as part of three total ranks when they are merged onto a list resulting from a new examination. It is the intent of this rule that no more than three ranks be considered if two eligibility lists for the same classification are used.

- B. When fewer than three eligibles are available for certification, the eligibility list may be terminated by the Commission (Rule 6.1.8). The remaining eligibles shall be notified in writing, prior to termination of the eligibility list, that they may have the opportunity to either retest for improvement of their exam score, or they may stand concluded, the remaining eligibles shall be merged onto the new eligibility list.

Reference: Education Code 45272, 45277

6.2.6 Certification of Additional Eligibles

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

- A. Certify additional eligibles as provided by these Rules.
- B. Remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list.
- C. Investigate removals at their discretion to determine if an appointment refusal is in fact voluntary.
- D. Request authorization from the Commission to refuse additional certification, should the investigation determine that the refusal of appointment was in fact not voluntary.

Reference: Education Code 45272 45277

6.2.7 Withholding Names from Certification

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

- A. Expresses unwillingness or inability to accept appointment. Persons requesting to be withheld from certification in accordance with this provision shall not be considered further until they notify Human Resources and provide medical release to work, if such is required, prior to employment.
- B. Fails to respond within five (5) business days following the mailing of written inquiry regarding availability.
- C. Fails to present himself/herself for duty at the time agreed upon after having accepted an appointment.

- D. Cannot be reached in time for appointment when immediate employment is required, providing a "No Contact" letter is sent by certified mail within 24 hours of the attempted telephone contact.
- E. Fails to present the license, registration, certificate, or any other credential required.
- F. For any reason listed in Rule 4.2.1.

Reference: Education Code 45272, 45277

6.2.8 Failure to Make Appointments

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

Reference: Education Code 45272, 45277

6.2.9 Restoration to Certification and Eligibility

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

- A. When the withholding or removal was due to a waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to their availability, to appear for interview, or to report for duty, and the applicant presents a good and valid reason and certifies that they are now willing and able to accept appointment. Applicants certifying that they have been unable to respond to a direct inquiry regarding availability shall provide evidence within ten (10) working days of their inability to respond at the time of their request for restoration to eligibility or certification.
- B. When the withholding or removal was for a reason stated in Rule 4.2.1 and the defect or reason for ineligibility has since been corrected.

Reference: Education Code 45272

6.2.10 Certification From List for Another Class

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or higher salary. Certification may be made if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Director finds, subject to approval by the Commission, that the use of the list is in the best interest of the district and that the necessary skills and knowledge's were adequately tested in the examination.

Reference: Education Code 45272

6.2.11 Duties of Eligible

It shall be the duty of every eligible to respond promptly to Human Resources department after receiving the notice of certification. An eligible will be expected to respond within five (5) working days from the date the notification is received. Failure to respond within the above stated time may result in removal from the eligibility list. If a notice is mailed, the working day following the postmark date of the notice shall be considered the date of receipt.

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

1. The date of the offer of appointment shall be the date on which the eligible is notified by the Human Resources office of selection.
 2. Notification may be made by telephone, telegram, fax, or registered or certified mail.
 3. The appointing power may allow a reasonable period longer than two weeks or one (1) month at its discretion.
- A. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing, file with the Human Resources department their current mailing address, place of residence and telephone numbers where they can be reached to schedule employment interviews. This address shall be the place to which the commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, they shall promptly notify the Human Resources office of the Commission, stating their new mailing address, place of residence and telephone numbers where they can be reached. Failure to keep the Commission or Human Resources informed

may results in the eligible being bypassed on the eligibility list as unreachable. In that event, Human Resources shall send a letter inquiring as to continued availability and interest. Failure to respond pursuant to these rules will result in removal from the eligibility list.

6.2.12 Selective Certification

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

Reference: Education Code 45272, 45277

6.2.13 Confidentiality of Lists and Test Scores

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

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

Reference: Education Code 45272, 45274

Personnel Commission Approved: 1/13/09

RULE 7

APPOINTMENT TO CLASSIFIED POSITIONS

7.1 Procedures for Appointment

7.1.1 Procedures for Selection

The appointing authority shall interview eligibles certified from appropriate employment or eligibility lists. A selection shall be required when three (3) ranks of eligibles have been certified for a vacancy from an eligibility list. When two (2) or fewer ranks and/or only eligibles from position transfer, lateral transfer, voluntary demotion or reinstatement lists have been certified, the decision to make a selection shall be at the discretion of the appointing authority.

Reference: Education Code 45272

7.1.2. Appointment

Upon selection, each person to be employed or promoted shall be given an offer of employment by Human Resources, Classified. The offer shall include the work location, time and date to report for duty and the salary at the time of hire. Eligibles not selected shall be promptly notified of their status within ten (10) working days by Human Resources. Appointment to a position shall be subject to the Personnel Director certifying that the employee was hired pursuant to these Rules and ratification by the Board of Trustees as the employer.

- A. The prospective employee shall be allowed at least two (2) weeks to report for duty after an offer of employment to a regular position has been made or one (1) month in the case of management classes. Should the prospective employee be unable or unwilling to report for duty within the required period, the appointing authority may request additional ranks be certified. The date to report may be extended or reduced by mutual agreement.
- B. No applicant or eligible certified for appointment shall be discriminated against because of his political or religious opinions or affiliations, race, color, national origin or ancestry, gender, marital status, employee organization membership or legal activities related thereto, physical or mental handicap. No questions shall be asked relating to these matters during the selection or employment process.

Reference: Education Code 45293

7.1.3 Nepotism

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

- A. No employee shall be transferred, assigned to or remain at a work location in any position which is directly supervised by a supervisor or administrator who is a member of the employee's immediate family.
- B. For purposes of this Rule, immediate family means a relative as defined in Rule 1.2 definitions or any person living in the supervisor's household.
- C. District managers, supervisors, administrators and other public officials shall make every effort to prevent hiring situations which may be considered nepotism. This includes the advocacy of hiring or promoting a relative, whether or not that relative is in the direct line of supervision of that person. Advocacy, for the purpose of this rule shall mean using one's official capacity to exhort, encourage, recommend or demand the hiring of a relative.

Reference: Government Code 1091.5

7.2 PROVISIONAL APPOINTMENTS

7.2.1. Reasons for Provisional Appointment

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

No eligibility lists exists for the class or;

An eligibility list exists, but there are an insufficient number of available eligibles and the appointing authority requests three (3) ranks to interview.

Reference: Education Code 45287, 45288, 45289

7.2.2 Length of Provisional Appointment

A provisional appointment may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall elapse before the person is again eligible to serve in any full-time provisional assignment. In no case may a person be employed in any full-time provisional assignments for a total of more than one hundred twenty-six (126) working days in a fiscal year.

Reference: Education Code 45287, 45288, 45289.1

7.2.3 Extension of Provisional Appointment

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

- A. An examination for the class was completed during the initial 90 work days of the employee's provisional appointment.
- B. There is satisfactory evidence that an adequate recruitment effort has been and is being made, and extension of the provisional assignment is necessary to carry on vital functions of the district and the position cannot be satisfactorily filled by use of other employment lists.

Reference: Education Code 45287, 45288, 45289

7.2.4 Successive Ninety (90) Day Appointments

In the absence of an appropriate eligibility list, successive ninety (90) working day provisional appointments may be made to a position for a period exceeding the one hundred twenty-six (126) working day limitation when:

- A. Continuous examination procedures have been authorized by the Commission or:
- B. The position is less than twenty (20) hours per week.
- C. Such appointment shall continue only until certification from an appropriate list can be made.

Reference: Education Code 45287, 45288, 45289

7.2.5 Qualifications of Conditional Provisional Appointees

Insofar as possible, provisional appointees must meet the minimum qualifications for the classification as stated in the class specification.

Reference: Education Code 45287, 45288, 45289

7.2.6 Status of Provisional Employees

To be eligible for appointment to a regular position, the provisional appointee must qualify by competitive examination and be selected from the eligibility list.

- A. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class.

Reference: Education Code 45287, 45288, 45289

7.2.7 Terminating Provisional Appointments

The services of a provisional appointee shall be terminated within 20 calendar days after the date on which an eligibility list has been established, provided that this 20 day period does not extend beyond the 90-working day provisional assignment. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

Reference: Education Code 45287, 45288, 45289

7.3 SPECIAL APPOINTMENTS

7.3.1 Emergency Appointments

If it should become necessary, in time of a declared emergency as declared by the Board of Trustees, to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees, through its authorized management representatives, may appoint persons to positions, without reference to eligibility lists, for a period not to exceed 15 working days.

When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and nature of the emergency justifying such appointments and any other information requested by the Personnel Director necessary to justify the emergency appointment.

Reference: Education Code 45290

7.3.2 Summer and other recess period appointments

The Board of Trustees may establish temporary positions during a recess period between the regular school year. These positions shall be offered to regular employees of the District not regularly employed during the recess. Appointment to these positions shall be made first among employees who have requested recess period work and are working, or have worked, in the classification needed.

Second, appointment shall be made among qualified employees working in other classifications, and finally among qualified persons not currently employed by the District.

Reference: Education Code 45102

7.4 LIMITED TERM AND LIMITED-TERM ON-CALL APPOINTMENTS

7.4.1 Positions Defined

Positions established to perform duties which are not expected to exceed six (6) months shall be designated limited term.

Positions established to replace temporarily absent employees shall be designated limited-term-on-call.

Reference: Education Code 45286

7.4.2 Establishment of Limited-Term and Limited-Term-On-Call Positions

When a limited-term position is established, the appointing authority shall designate the number of hours, starting date and length of the assignment. Establishment of limited-term positions shall be subject to classification approval of the Personnel Director and ratification by the Commission and Board of Trustees.

A limited-term appointment may not exceed six (6) months. Limited-term positions shall be subject to classification by the Personnel Director and ratification by the Commission.

A limited-term-on-call assignment may not exceed the duration of the absence of the regular employee. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class.

Reference: Education Code 45286

7.4.3 Eligibility for Appointment

Limited-term and limited-term-on-call appointments shall be made from eligibility and/or employment lists.

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

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

Reference: Education Code 45286

7.4.4 Compensation for Limited-Term and Substitute Assignments

When a regular employee is given a limited-term appointment in a second higher class in lieu of all or part of his regular assignment, the rate of pay in the second class shall be the rate of the higher class which is next above his regular rate, if any, and which will provide at least a four (4) percent salary increase, but not greater than the highest rate for the class.

Former employees who accept a limited-term or limited-term-on-call assignment in their previous class shall be placed on the step of the salary range closest to their last regular rate of pay. Former employees who accept a limited-term or limited-term-on-call assignment in other classifications shall be placed on the first step of the salary range for that class.

All other limited-term and limited-term-on-call appointments shall be compensated at the first step of the appropriate salary range for that class.

Reference: Education Code 45286, 45287, 45288, 45289, 45290, 45309

7.4.5 Rights and Benefits During Limited-Term Assignments

Regular employees serving in limited-term assignments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee. No credit toward completion of probation shall accrue from service in a limited-term or limited-term-on-call assignment.

Reference: Education Code 45286, 45287, 45288, 45289, 45309

7.4.6 Termination of Limited-Term and Limited-Term-On-Call Appointments

A limited-term or limited-term-on-call appointment may be terminated at the end of an assignment shift at the discretion of the appointing authority.

Reference: Education Code 45135
Government Code 21220 et. seq.

7.5 EMPLOYMENT OF PERS RETIREES

7.5.1 General Policy

Any person receiving a retirement allowance from the Public Employees' Retirement Systems (PERS) may be employed only in a limited-term or limited-term-on-call position up to nine-hundred and sixty (960) hours per calendar year. The retired person must be informed that temporary employment is restricted to nine-hundred and sixty (960) hours in any calendar year with the District and continuous employment is at the discretion of the District. Any person receiving a retirement allowance from PERS is not allowed to work in a permanent position.

Reference: Education Code 45135
Government Code 21220 et. seq.
PERS publication Employment After Retirement-December 2006 (PUB-33)

RULE 8

EMPLOYEE CLEARANCES

8.1 HEALTH EXAMINATIONS

8.1.1 T.B. Examinations

All new employees shall present evidence of having submitted to an examination within the past sixty (60) days to determine that they are free of active tuberculosis. This examination shall consist of an approved intradermal tuberculin test (Mantoux), or if this test is positive the employee shall submit to an x-ray of the lungs. A new employee transferring employment from another school or school district shall be deemed to meet this requirement if that person can provide a certificate which shows they were examined within the past four (4) years and found to be free of communicable tuberculosis. This requirement can also be met if it is verified by the school or school district previously employing the new employee that it has such a certificate on file and a copy of the certificate is forwarded to this District. For new employees, evidence of compliance with the requirement of this section must be presented to the District prior to the first day of work.

Subsequent to employment, employees are required to undergo the above examination at least once each four (4) years, or more often if directed by the Board of Trustees upon recommendation of the local health offices.

The District may exempt, for a period not to exceed sixty (60) days following termination of a pregnancy, a pregnant employee.

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

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

Reference: Education Code 45122, 49406

8.1.2 Medical Examinations

Candidates for appointment to positions with the District may be required to submit to a job related physical examination prior to initial appointment. Promotional eligibles that have been offered employment in a classification possessing different physical requirements may also be required to undergo a medical examination as determined by the District. The examination shall be administered after a conditional offer of employment but prior to actual appointment.

The examination shall be administered by a physician chosen by the District. The kind and extent of the examination shall be determined by the District. Costs associated by this physical shall be borne by the District.

- A. The District's physician shall determine the ability of the applicant, candidate or eligible to perform the prescribed duties of the class and shall report the medical findings to the District.
- B. If the District's physician proposes to disqualify an individual, the doctor shall provide the District with a statement describing the specific condition and the limitations that have resulted in the individual's disqualification.
- C. If reasonable accommodation is requested, Human Resources, in consultation with the physician, shall make a determination if reasonable accommodation can be made for the individual. If reasonable accommodation can be made, the individual shall be appointed. If reasonable accommodation is not possible, the individual will be so notified by Human Resources.

Reference: Education Code 45122

8.1.3 Unscheduled Exams and Return to Work

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

Reference: Education Code 45122

8.1.4 School Bus Driver Medical Examinations

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

8.2 CRIMINAL RECORDS

8.2.1 Fingerprinting

Every candidate to be employed shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The District will notify each such candidate where and when to report for fingerprinting, which shall take place prior to employment. The cost of pre-employment fingerprinting shall be borne by the candidate.

Reference: Education Code 45125, 45125.1, 45125.5, 45126

8.2.2 Review of Criminal Records

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

The criminal records report from the California Bureau of Criminal Identification and/or the Federal Bureau of Investigation will be reviewed together with the application form prior to employment. If there is a criminal record which was undisclosed, the conditional offer of employment may be withdrawn.

If an eligible is denied employment based on information disclosed on the criminal records report, they shall be removed from the eligibility list for that classification and they may be removed from all eligibility lists.

Reference: Education Code 45125, 45311

8.3 OTHER EMPLOYMENT REQUIREMENTS

8.3.1 Income Tax Withholding Form

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

8.3.2 Retirement Application

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

8.3.3 Social Security Numbers

New employees shall present their Social Security card to the District at the time of employment.

8.3.4 Oath of Allegiance

All new employees must sign an oath of allegiance as required by Article XX, Section 3, of the California State Constitution and the Education Code. Refusal to sign the oath of allegiance shall cause the employment offer to be withdrawn.

Reference: Education Code 60
California State Constitution: Article XX, Section 3

8.3.5 Right to Work Verification

All persons employed are required to provide proof of their right to work in the United States. An individual's right to work is a minimum qualification for employment with the District.

Proof of right to work is required when an initial offer of employment has been made by the District. All new employees are required to provide this verification.

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

Any person unable to provide verification of the right to work in this country and for the District pursuant to this Rule, shall be removed from all eligibility lists and shall not be employed by the District.

8.3.6 Required Notice of Status Change

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

8.3.7 Required Licenses or Certificates

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

RULE 9

EMPLOYMENT STATUS

9.1 Certification of Payrolls

9.1.1 Official Roster

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

9.1.2 Payroll Audit

- A. All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Act shall be submitted to the Personnel Director, who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon are employed in accordance with law.
- B. If, upon examination of a payroll or claim, the names, titles, periods for which payments are to be made, and rates of pay of the persons to be paid are all found to be in accordance with the provisions of the Act and the rules and regulations prescribed there under and all statutes relating to any manner to employment, certification of the fact shall be made upon such payroll or claim by the Personnel Director or his/her authorized representative.
- C. If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report and such notice shall serve as official notification of the Governing Board and the County offices that the drawing, signing or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful.

9.2 Employee Assignment

9.2.1 Assignment Data

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

- A. The employee shall be provided one (1) copy of: the class specification for the position; the notice of salary, including length of pay period, hourly, daily, monthly, annual, overtime

and differential rates of pay; prescribed duty hours, work week, work year and work location; and the terms and conditions of the probationary period, including performance evaluation procedures.

Reference: Education Code 45169

9.2.2 Change in Working Hours

The District shall have the right to assign and reassign daily hours of work and shifts consistent with any negotiated labor agreement, to meet the operational needs of the District. Written notice of a change in working hours shall be provided to an employee five (5) work days prior to the effective date of the change.

9.2.3 Orientation of New Employees

Each employee shall be advised by his/her immediate supervisor of information relating to the employee's position, including but not limited to: specific duty hours, break times, lunch period, work rules, department regulations procedure for reporting absences, payroll reporting and the procedures for performance evaluation.

9.3. Probationary Status

9.3.1 Initial Probationary Period

Each new employee appointed from an eligibility list shall serve an initial probationary period of six (6) months or one hundred thirty (130) days of paid regular service, whichever is longer, in a classification before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six (6) months (130 days) in the higher class before attaining permanency in that classification. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.

For those classes designated by the commission as executive or administrative, the probationary period shall be one (1) year (260 working days).

Reference: Education Code 45301

9.3.2 Completion of Initial Probation

Each probationary employee shall be evaluated at least by the end of the third month and the fifth month. In addition, employees with one (1) year probation shall be evaluated at least by the end of the ninth month and the end of the eleventh month.

A probationary employee who resigns in good standing during his/her initial 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.

When a probationary employee is suspended or dismissed during his/her probationary period, the immediate supervisor shall prepare a written recommendation for dismissal to the Human Resources department. The written recommendation from Human Resources for dismissal shall be given to the probationary employee prior to the end of probation. A probationary employee shall not have the right to appeal.

Should the work for which a probationary employee has been appointed prove temporary instead of permanent, as certified, and should the employee be laid off without fault or delinquency on the employee's part before the employee's probationary period is completed, his/her name shall be restored to the eligibility list and the time the employee has served shall be credited to their probationary period.

9.3.3 Subsequent Probation for Permanent Employees

A permanent classified employee who has been promoted shall serve a new probationary period in the new classification before attaining permanency in that classification.

A permanent classified employee who has been promoted, may be involuntarily returned, during the probationary period, to his/her former class. He/she shall be notified in writing of the action and the charges against him/her, and shall have the right to appeal.

A permanent employee in a probationary status shall retain full rights to appeal.

RULE 10

HOURS OF EMPLOYMENT AND OVERTIME

10.1 Work Schedules

10.1.1 Workweek

The workweek of classified employees shall consist of eight (8) hours per day and forty (40) hours per week. These Rules shall not be construed to restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

The District may establish a workday of less than eight (8) hours per day for some or all of its classified positions.

When the District determines that a classified employee is to be assigned a workweek which includes Saturday or Sunday, the district shall notify the employee in writing.

Reference: Education Code 45127

10.1.2 Ten-Hour, Forty Hour per Week Schedule

The District may establish a ten (10) hour per day, forty (40) hour, four (4) consecutive day workweek for all, or certain classes of its employees, or for employees within a class. This schedule may be adopted by reason of work location and if duties are not required for a workweek of five (5) consecutive days. This provision may be implemented if establishment of such a workweek has the concurrence of the employee organization, or in the absence of an employee organization, the concerned employee and the employee's department or division manager.

Reference: Education Code 45132

10.1.3 Nine-Hour, Eighty-Hour, Per Two-Week Schedule

The District may establish a nine (9) hour per day, eighty (80) hour per two (2) week work schedule. This schedule may be implemented if establishment of such a workweek has the concurrence of the employee organization, or in the absence of an employee organization, the concerned employee and the employee's department or division manager.

Reference: Education Code 45132

10.1.4 Work Day

The length of the workday shall be designated by the District for each classified assignment in accordance with the provisions set forth in these

rules. Each classified employee shall be assigned a fixed number of hours per day, days per week and months per year.

10.1.5 Adjustment of Assigned Time

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

If a part-time employee's average paid time, excluding overtime, for a part-time assignment exceeds the average assigned time by fifty (50) minutes or more per working day in any quarter, the hours paid per day for compensable leaves and holidays in the succeeding quarter shall be equivalent to the average paid per working day in the preceding quarter.

Reference: Education Code 45137

10.1.6 Decreases in Assigned Time

A District initiated decrease in the assigned hours per day, hours per week, days per year or months per year of a classified employee shall be considered a layoff for lack of work or lack of funds. All district initiated decreases in assigned time shall be in accordance with the layoff procedures in these Rules.

10.1.7 Benefits for Assignments of Less than 8 Hours/12 Months

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

Reference: Education Code 45136

10.1.8 Meal Periods

All employees assigned to work more than five (5) consecutive hours per day shall be provided an unpaid, uninterrupted meal period of at least thirty (30) minutes. When an assignment of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the District and employee. For full-time employees, the meal period shall be provided at or about the midpoint of the work shift.

10.1.9 Rest Periods

Employees shall be assigned one (1) paid rest period during each consecutive four (4) hour work period as specified below:

Employees who work six (6) to eight (8) hours per day shall be assigned two (2) fifteen (15) minute rest periods. Rest periods shall be scheduled approximately at the midpoint of each work period, before and after the meal period. Rest periods shall be assigned by the immediate supervisor.

Employees working fewer than six (6) but four (4) or more hours per day shall be provided one (1) fifteen (15) minute paid rest period.

Employees shall remain at their assigned work sites during a paid rest period unless authorization to leave the work site has been given by the immediate supervisor. Immediate supervisors are encouraged not to unreasonably withhold authorization to leave the work site during rest periods.

10.2 Overtime and Related Matters

10.2.1 Overtime

All overtime hours as defined in these Rules shall be compensated at a rate of pay equal to time and one-half (1-1/2) the regular rate of pay of the employee. Overtime is defined to include any time in excess of eight (8) hours in any one day or in excess of forty (40) hours in any calendar week. No one shall order or authorize overtime unless it is approved in advance by the Superintendent or his/her designated representative.

- A. Employees having an average work day of four (4) or more hours shall receive overtime compensation for any authorized work performed on the sixth or seventh consecutive day of work.
- B. Employees having an average work day of less than four (4) hours per day shall receive overtime compensation for any authorized work performed on the seventh consecutive day of work.
- C. All hours worked by an employee on any holiday designated by these Rules, law or the Board shall be compensated at the overtime rate of pay in addition to regular pay received for the holiday. This provision shall apply to employees excluded from other overtime provisions of these Rules.
- D. When a ten (10) hour per day, forty (40) hour per week schedule has been approved, the overtime rate shall be paid for all hours worked in excess of ten (10) hours per day or forty (40) hours per week.
- E. When a nine (9) hour, eighty (80) hour per two (2) week schedule has been approved, the overtime rate shall be paid for all hours worked in excess of nine (9) hours per day or eighty (80) hours in the two-week period.
- F. The regular rate of pay for overtime purposes shall be the employee's hourly rate of pay plus any differential rate, premium rate or longevity rate paid on a monthly basis.

- G. The number of hours worked for overtime purposes shall include all time during which an employee is excused from work because of holidays, sick leave, vacation, compensation time off or other paid leave of absence.

Reference: Education Code 45128, 45130, 45131, 45132, 45133, 45203

10.2.2 Compensatory Time Off

Overtime may be compensated as compensatory time off.

- A. A record of compensatory time worked and taken shall be maintained in the department or school site.
- B. Compensatory time may be taken in lieu of any other authorized leave.
- C. Compensatory leave shall be approved by the immediate supervisor before it is taken.
- D. An employee shall use earned compensatory time within the twelve (12) calendar months following the date on which the time was earned.
- E. Compensatory time is earned at the regular or overtime rate as established in these Rules.

10.2.3 Assignment of Overtime

Overtime work shall be equitably assigned among all qualified classified employees who are in the same class, the same organizational unit and the same work location. In assigning overtime, the immediate supervisor may consider:

- A. Special skills and/or training required to perform the work.
- B. The availability of regular part-time classified employees to perform the work.

10.2.4 Call-Back Time

Whenever an employee is called back to duty by a supervisor or designee, after the conclusion of the normal work shift, the employee shall receive a minimum of two (2) hours pay or pay for the actual hours worked at the appropriate salary rate, whichever is greater.

10.2.5 Call-In Time

Whenever an employee is called to work by a supervisor or designee on a day which is not a regularly scheduled work day, the employee shall

receive a minimum of two (2) hours pay or pay for the actual hours worked at the appropriate salary rate, whichever is greater.

10.2.6 Exemption from Overtime

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

Reference: Education Code 45130, 45203

Personnel Commission Approved: 5/12/09

RULE 11

TRANSFER OF EMPLOYEES

11.1 Transfer

11.1.1 Definition of Transfer

For purposes of this Rule, a vacancy shall occur when a new position is created or an existing position becomes vacant.

- A. A position transfer means the relocation of an employee between job sites or between departments, within the same classification.
- B. A lateral transfer is the transfer of an employee to a position in a similar or related class with the same salary range.

11.1.2 Position Transfer

A position may be initiated by the District or at the request of the employee. An employee may request a position transfer if the employee has permanent status. District initiated position transfers may be made at any time for the good of the classified service with the approval of the Personnel Director. Transfers shall be governed by the following:

- A. An employee who is to be transferred shall be notified in writing by the District at least five (5) working days prior to the effective date of the transfer.
- B. When a transfer is initiated by the District the employee may request a conference or written statement regarding the reasons for the transfer. Upon such request, the District shall provide a written statement of the reasons for the transfer or meet with the employee and provide the reasons prior to the effective date of the transfer. The reasons for the transfer shall be clearly stated to the employee in ordinarily and concise language understandable by the employee.
- C. Employees shall not be transferred for punitive or disciplinary reasons except as provided under the disciplinary provisions of these Rules.
- D. Employees may appeal a transfer on grounds that the District did not comply with the procedures set forth in these Rules.

11.1.3 Submission of Request for Transfer

An employee may request a transfer by submitting a completed "Request to Transfer" to Human Resources. Consideration shall be

given to properly submitted requests for transfer. Transfer requests will be held on file for transfer consideration until the following June 30.

When vacancies occur, employees who have current "Request to Transfer" on file with the Human Resources Office will be notified of the vacancy and given the opportunity to interview for the position.

The Human Resources Office shall notify those individuals interviewed for a specific vacant position of the hiring supervisor's recommendation.

11.1.4 Lateral Transfer

Lateral transfers shall first be approved by the Human Resources Director and ratified by the Commission. Determination of whether classes are sufficiently related to permit transfer between them shall be based on the similarity of duties, minimum qualifications, examination content and other related factors. Lateral transfer candidates shall be certified for a vacant position in addition to all other eligibles for interview.

11.1.5 No Adverse Effect from Transfer

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

11.1.6 Seniority Credit upon Transfer

Transfers shall have the following effect on seniority:

- A. There shall be no effect upon seniority when both positions are in the same class.
- B. When the transfer is to a position in another class, seniority in the new class shall commence with the employee's first day of paid service in the new class. The employee shall retain seniority in the former class as well as total seniority with the District.

11.2 Demotions

11.2.1 Voluntary Demotions

A permanent employee may request a voluntary demotion to a vacant position in a class with a lower salary rate, provided that the employee has previous permanent status in that class or the Human Resources Director has determined that the classes are sufficiently related to permit a demotion based on similarity of duties, minimum qualifications, examination content and other related factors and the request for demotion is to a related class in the same occupational

group. All demotion requests shall require the approval of the Human Resources Director. Demotion candidates shall be certified for a vacant position in addition to all other eligibles for interview.

- A. A permanent employee may take a voluntary demotion to remain in a current position rather than being reassigned.
- B. A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited-term position or a summer assignment.
- C. A voluntary demotion is available to a probationary employee, who does not hold permanent status in the District, only in lieu of layoff and according to this Rule.
- D. Employee who demotes to a where permanent status has not been held shall complete the appropriate-probationary period in the new class.
- E. Salary placement for employees who demote to a class with a lower maximum salary rate shall be in accord with these Rules.

Reference: Education Code 45272

11.2.2 Involuntary Demotion

Involuntary demotion is a disciplinary action for cause and is subject to the disciplinary procedures in these Rules.

11.2.3 Reinstatement of Former Employees

A former permanent employee who resigned in good standing may be reinstated to a vacant position in a former class and status within thirty-nine (39) months of the last date of paid service. In addition, the former employee may be reinstated to a vacant position in a lower related class if approved by the Human Resources Director. The determination of whether the class is sufficiently related to permit reinstatement shall be based on the similarity of duties, minimum qualifications, examination content and other related factors. Reinstatement actions are discretionary with the District.

11.2.4 Restorations

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

A former employee reinstated to a position in a former class shall be placed at the same salary step as when the person left the District, and on the current salary range for the classification. If reinstated in a lower related class, the employee is placed at the rate closest to that of the step to

which he/she would be assigned if he/she were reinstated in his/her former class.

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

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

A reinstated former employee receives restoration of the former anniversary date, deducting the time away from the District and without step advancement credit for the break in service.

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

Reference: Education Code 45309

Personnel Commission Approved: 6/09/09

RULE 12

PERSONNEL FILES

12.1 Personnel Files

12.1.1 Maintenance of File

The District shall maintain an official employee personnel file for each employee.

Reference: Education Code 44031

12.1.2 Inspection of Personnel File by Employee

An employee shall have the right to inspect their personnel file upon request. Such inspection shall take place during regular business hours at a time when the employee is not working or the employee may be released by their supervisor for this purpose. An employee shall have access to all materials that may affect their employment status in the personnel file, except that such materials subject to inspection shall not include confidential ratings, reports or records which were:

Obtained prior to the person's employment.

Prepared by identifiable examination committee members.

Obtained in connection with a promotional examination.

Reference: Education Code 44031
Government Code 6254

12.1.3 Inspection of Personnel File by Others

The employee personnel file shall be available for inspection by authorized Human Resources staff and the immediate supervisor of the employee. An employee may authorize inspection of the personnel file by another person if written permission is provided.

12.1.4 Personnel File Log

Human Resources shall maintain a log indicating the persons who have examined a personnel file as well as the date such examinations were made. Such log shall be made available to the employee or the employee's representative (with written permission). Human Resources employees who need access to personnel files in the normal course of their duties shall not be required to log the use of files.

12.1.5 Derogatory Information

Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee. The affected employee shall be furnished with a copy of the proposed material ten (10) working

days prior to it being placed in the personnel file. An employee shall have the right to enter, and have attached to any derogatory material, their own statements.

12.1.6 Signature/Date Required

Any person who places derogatory written material or drafts written material for placement in an employee personnel file shall sign the material and identify the date the material was prepared. Any written material placed in a personnel file shall indicate the date placed in the file.

12.1.7 Appeal of Placement of Material in File

An employee may appeal the placement of derogatory material in the personnel file through the commission grievance procedure. The time line for appeal shall be within the ten (10) working day inspection period prescribed by this Rule or within ten (10) working days of when the employee found out the derogatory material was in the file. The only cause for appeal shall be a claim that a Rule of the Commission has been violated.

12.1.8 Removal of Derogatory Material

If the Commission sustains a grievance, the Commission shall recommend to the District that the derogatory material be removed from the employee's personnel file. At the point that the grievance is not sustained by the Commission or the time period for filing a grievance related to derogatory information has passed without the filing of a grievance, the derogatory material shall be considered a classified permanent record, and shall not be removed.

RULE 13

PERFORMANCE EVALUATION

13.1 General Policy

13.1.1 Policy Statement

The employee performance evaluation report serves as an important tool for both supervisors and employees to ensure efficient work performance. Performance evaluations are designed and intended to provide an objective determination of employee skills, ability performance and work behavior.

13.1.2 Administration of Performance Evaluation System

Human Resources shall administer a performance evaluation for classified employees. Human Resources shall be responsible for ensuring that evaluations are properly completed, submitted and place in employee personnel files.

13.1.3 When Evaluations Are to be Made

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

- A. Probationary employees shall be evaluated at least by the end of the third and fifth months of service. Employees with a one (1) year probationary period shall be evaluated at least by the end of the eighth and eleventh months of service.
- B. Permanent employees shall be evaluated at least every year; no later than May 15.
- C. Special evaluations may be given at any time during the year if deemed necessary by the immediate supervisor. A special evaluation for unsatisfactory performance shall be made not later than thirty (30) calendar days after the immediate supervisor becomes aware that the unsatisfactory performance has taken place.

13.1.4 Evaluation Rater

Employees are to be evaluated by their immediate supervisor. The immediate supervisor is an employee in a higher classification, designated as supervisory or management who assigns, checks and supervises the majority of the employee's work.

- A. Evaluations shall be made in a meeting between the employee and immediate supervisor. The inability or refusal of an employee to attend a meeting on reasonable notice shall not invalidate the performance evaluation.

- B. In cases where an employee is assigned to more than one (1) department, site and/or classification, the employee shall receive a joint evaluation.
- C. Only designated supervisory or management employees may rate and sign the evaluation form. Supervisors may receive input from employees having a lead function over the employee to be evaluated.

13.1.5 Evaluation Forms

Performance evaluations shall be made on forms adopted by the District and Unions.

13.1.6 Evaluation Meeting

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

13.1.7 Documentation

Evaluations which contain ratings of outstanding or unsatisfactory regarding the employee's performance shall include substantiating comments or documentary evidence.

13.1.8 Recommendations for Improvement

Evaluations of unsatisfactory shall include specific recommendations for improvement. Unsatisfactory evaluations shall include a written improvement plan. The written improvement plan shall include specific comments or documentary evidence of the unsatisfactory performance or behavior. The improvement plan shall provide written guidance to assist the employee in correcting any deficiencies and improving performance. The improvement plan shall also include steps the supervisor will take to assist the employee with the improvement plan.

13.1.9 Signature on Form

The completed evaluation form shall be signed by the evaluator and the employee being evaluated. The employee signature indicates that the evaluation has been seen, discussed with the employee and a copy has been received.

The employee signature shall not be construed to mean that the employee necessarily agrees with the content of the evaluation.

13.1.10 Distribution of Evaluation

The completed performance evaluation shall be distributed as follows:

- A. The original shall be sent to Human Resources, for inclusion in the employee personnel file.
- B. The second copy shall be given to the employee being evaluated.
- C. The third copy is retained by the evaluator.

13.1.11 Employee Attachments

The employee shall have ten (10) working days from the date of the evaluation meeting to submit to Human Services written comments and/or documentary evidence to refute or rebut any rating or comment in the evaluation. Employee submissions shall be attached to the evaluation form prior to placement in the employee's personnel file. A copy of the attachment shall then be forwarded to the evaluator.

13.1.12 Appeal Process

An employee may use the grievance procedure in these Rules only on the grounds that the evaluation procedures have been violated in the preparation or completion of the performance evaluation form.

Personnel Commission Approved: 8/11/09

RULE 14

VACATION

14.1 VACATION

14.1.1 Vacation/Confidential and Management Employees

Classified confidential and management personnel, will earn vacation in each fiscal year computed as follows:

12 month work year	23 days
11 month work year	22 days
10 month work year	21 days
9 month work year	20 days

Confidential and management employees working less than 12 months will have their additional vacation days added to their base vacation amount on a prorated basis. Upon employment, classified confidential and management employees will earn vacation for that fiscal year on a prorated basis.

14.1.2 Vacation Carry-Over

Classified confidential and management personnel may accumulate vacation credit to a total 29 days from previous years. Vacation to be carried-over in excess of the vacation entitlement requires approval of the Superintendent or designee. When a confidential or management employee is not permitted to take their full annual vacation, the amount not taken shall accumulate for use in the next year or be paid for, in cash, at the option of the Superintendent or designee.

14.1.3 Vacation Scheduling

Vacation shall be taken only at times as scheduled and approved by the supervisor.

14.1.4 Vacation upon Termination of Employment

Classified confidential and management personnel who resign, retire or are terminated and have taken vacation not yet earned, will have a prorated amount deducted from their final paycheck. On separation from service, the confidential and management employee shall be entitled to lump sum compensation for all earned and unused vacation at the rate of pay applicable to their last regular assignment.

14.1.5 Interruption of Vacation

A vacation, once having commenced, shall be terminated only by the employee returning to work, being laid off, being terminated from employment, hospitalization of the employee, or death of a member of the immediate family. Members of the immediate family are defined in these Rules.

14.1.6 Vacation Scheduling for Probationary Employees

Probationary employees may take vacation as approved by their supervisor. During the probation period, vacation may only be taken after days have been earned unless approved by supervisor. Confidential and management employees shall accumulate vacation from their date of hire at the regular rate of pay earned at the time the vacation is commended.

14.1.7 Earned Vacation

Classified employees shall earn vacation at all times while in a paid status including paid holidays and all paid leaves of absence, the vacation time does not include overtime.

Reference: Education Code 45190, 45197

Personnel Commission Approved: 9/08/09

RULE 15

HOLIDAYS

15.1 HOLIDAYS

15.1.1 Holidays for Classified Employees

Regular classified employees shall be entitled to paid holidays which occur during their assigned work year, subject to the eligibility provisions of this Rule.

Authorized holidays are:

- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Day Before or After Christmas Day
- New Year's Day
- Day Before or After New Year's Day
- Martin Luther King, Jr. Day
- Lincoln Day
- Washington Day
- Friday of Spring Break
- Memorial Day

15.1.2 President/Governor Declared Holidays

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

15.1.3 Holiday Pay

Any day defined as a holiday by these Rules shall be paid at the regular rate of pay the employee would have received had the employee worked that day.

15.1.4 Pay for Working on a Holiday

Regular classified employees required to work on a holiday shall be paid their regular pay for the holiday, plus one and one-half times their regular rate of pay for all hours worked on the holiday. Compensatory time off may be earned at the same rate.

15.1.5 Eligibility

All regular classified employees shall be entitled to paid holidays under this Rule, provided they were in a paid status during any portion of their scheduled work day either immediately preceding or succeeding the holiday. A regular classified employee who is not normally assigned to work during student recess periods within the regular school term shall be paid for any holiday that falls within the recess, provided they were in a paid status during any portion of their scheduled work day either immediately preceding or succeeding the recess period.

15.1.6 Weekend Holidays

When a holiday falls on Saturday, the holiday shall be observed on the preceding work day. When a holiday falls on Sunday, the holiday shall be observed on the succeeding work day.

Reference: Education Code 45203

Personnel Commission Approved: 9/08/09

RULE 16

LEAVES OF ABSENCE

16.1 GENERAL PROVISIONS

16.1.1 Definition of Leave of Absence

A leave of absence is when a regular employee is absent from duty with or without pay for a specific period of time and approved by the District

16.1.2 Right to Position Upon Return

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

16.1.3 Right to Position for Leaves Over Six (6) Months

An employee granted a paid or unpaid leave of absence of more than six (6) months shall have the right to return to a position of equal hours, months and pay in the same classification held at the time the leave was granted.

16.1.4 Authorized Leave Is Not A Break In Service

Approved leaves that are paid shall not constitute a break in service.

16.1.5 Continuation of Benefits During Paid Leave

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

16.1.6 Health Coverage During Leave

An employee, who is otherwise eligible for health insurance, shall continue to receive such benefits during all periods of paid leave. An employee absent on an approved unpaid leave may be allowed to maintain health coverage benefits through COBRA for a designated time period, by remitting monies to the District to cover the cost of such insurance.

16.1.7 Cancellation of Voluntary Leave

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

16.1.8 Failure to Report for Duty after a Leave Is Cancelled

Failure to report for duty within three (3) working days after a leave has been canceled shall be considered abandonment of position and the employee may be terminated by the Board of Trustees. Termination for abandonment shall be for cause and treated as a disciplinary action.

16.1.9 Licenses/Certificates Maintained

Any employee required to hold a license or certificate at the time a leave is granted may not return to employment after the leave without a valid license or certificate.

16.1.10 Employment While on Leave

An employee, while on leave other than vacation, may not accept other gainful employment, except ordered military service or Peace Corps service.

16.1.11 Absence Forms and Reports

Reports and forms of absence required by the District shall be submitted with the employee's time report.

16.1.12 Holidays During Paid Leave

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

Reference: Education Code 45190, 45191, 45203

16.2 SICK LEAVE

16.2.1 Definition of Sick Leave

Sick leave is the authorized absence of a regular employee when the absence is due to:

- A. Physical or mental inability to perform the usual and customary duties of the position due to illness, injury or legally established quarantine.
- B. A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation or therapy related to illness, injury or legally established quarantine.

16.2.2 Number of Sick Leave Days Earned

Regular classified employees shall earn:

- A. One (1) day of sick leave for each month of paid service.
- B. A regular employee must be in paid status for one-half (1/2) or more of the working days in the month to earn sick leave for the month.
- C. Employees assigned to a work year of less than twelve (12) months or less than forty (40) hours per week shall accrue sick leave credit prorated in the proportion of the number of hours worked per week compared to forty (40).
- D. Classified confidential and management employees (probationary and permanent) shall earn paid sick leave in accordance with the provisions of Education Code Section 45191.
- E. Sick leave for 12 month Classified Confidential and Management employees shall be earned, for salary computation purposes, at the rate of one and two-tenths (1.2) days for each full calendar month of paid service. with an annual maximum of fourteen and four-tenths (14.4) days. Classified Confidential and Management employees working less than 12 months are entitled to sick leave benefits on the following prorated basis:

11 month employees	11 days
10 month employees	10 days
9 month employees	9 days

Part-time employees shall earn sick leave pay on a prorated basis.

16.2.3 Pay Rate For Sick Leave

Pay for sick leave shall be the same pay the employee would have received had they worked that day.

16.2.4 Sick Leave Carry-Over

Sick leave accrued, but not used, shall carry over from one fiscal year to another without limited accumulation.

16.2.5 Probationary Employees' Use of Sick Leave

Employees may not use more than six (6) days of paid sick leave during their initial probationary period. This rule shall not apply to permanent classified employees in probationary status.

16.2.6 Sick Leave Advanced

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

16.2.7 Notification of Absence

In order to receive compensation for sick leave, an employee must notify the District in accordance with procedures established by the employee's supervisor or the District. If no procedure has been established, the employee shall notify their immediate supervisor prior to the start of their work day if possible, but not later than the first working hour of each day of absence. Swing shift personnel must personally notify the immediate supervisor of the absence no later than 10:00 a.m. of each day absent. If conditions make notification impossible, the burden establishing the impossibility of notification shall be upon the employee.

All requests for leave, with or without pay, shall be made on forms provided by Human Resources and shall state specifically the reasons for the request, the date desired to begin the leave, and the probable date of return. The request shall be submitted to the Personnel Director in advance of the requested starting date.

16.2.8 Notification of Return to Work

In order to allow the District the opportunity to make arrangements for the return of an absent employee, the employee shall notify their immediate supervisor of their pending return as soon as possible, but not later than 3:00 p.m. of the work day preceding the employee's return. If an employee fails to notify their immediate supervisor and a substitute has been assigned to work the day the employee returns the employee may be sent home for that day without pay.

16.2.9 Doctor's Note May Be Required

If the District has reason to question an employee's absence from duty, regardless of the duration of the absence, the District may require the employee to present a statement from a state-licensed physician or other source acceptable to the District, verifying the nature and/or duration of the illness by the end of the ensuing pay period.

An employee absent five (5) consecutive working days shall provide the District with a doctor's statement verifying medical necessity and duration of the illness, as well as the start date and expected return to work date. The medical certification should not include any confidential medical information. Failure to submit a medical

certification for the period of sick leave may result in an unexcused leave without pay.

16.2.10 General Right to Require Medical Exam

The District shall have the right to have an employee examined by a state-licensed physician, at District expense, whenever there is a reasonable question as to the employee's physical, mental or emotional ability to perform the duties of their position.

16.2.11 No Sick Leave Payoff

When an employee leaves employment with the District, accumulated sick leave shall not be paid.

16.2.12 Revocation of Leave

A leave of absence may be revoked by the Personnel Director upon evidence that the cause for granting it was misrepresented or has ceased to exist; but before any revocation is ordered, the employee shall be so notified and shall have the right to request a hearing before the Personnel Commission.

Reference: Education Code 45122, 45136, 45137, 45191, 45196.5, 45190

16.3 EXTENDED SICK LEAVE

16.3.1 Extended Sick Leave

All permanent classified employees who have exhausted all accrued and advanced sick leave shall receive extended sick leave benefits paid at the rate of 50% of their daily rate of pay subject to the following conditions:

- A. Extended sick leave shall not exceed 100 working days in any one fiscal year.
- B. When a regular classified employee has exhausted all accrued, advanced or other paid leave, and continues to be unable to resume the duties of their position due to illness or injury, the employee will be placed on extended sick leave.
- C. Accrued and advanced sick leave, accrued authorized compensatory time off and accrued vacation days may be used before the employee can receive extended leave pay. The extended sick leave described above shall be granted to all classified employees on July 1 of each year.

16.3.2 Extended Sick Leave and Next Fiscal Year

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

16.3.3 Verification of Illness

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

16.3.4 Termination of Sick Leave

If at the conclusion of all sick leave and additional leave, paid or unpaid, granted under this rule the employee is still unable to assume their duties, they will be placed on a reemployment list for a period of 39 months in the same manner as if he/she were laid off for lack of work or lack of funds.

In the event of an absence of a permanent classified employee because of personal illness, work incurred injury, or off-the job injury which occurs or continues after all entitled sick leave, vacation, and any other paid leave-of-absence benefits have been exhausted, the following policy shall apply:

- A. If the employee is not medically able to assume the duties of their position, they shall be placed on a reemployment list for a period of 39 months. When medically able during the 39 month period, they shall be employed in a vacant position in the class of their previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case they shall be listed in accordance with appropriate seniority regulations.
- B. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment within a period of seven days after written notification shall be dismissed.
- C. An employee will be taken off the 39-month reemployment list if they have not been placed in a vacant position within 39 months.

Reference: Education Code 45136, 45190, 45191, 45195, 45196, 45196.5

16.4 INDUSTRIAL ACCIDENT /ILLNESS LEAVE

16.4.1 Sixty (60) Working Days of Full Paid Leave

All regular classified employees shall be entitled to this leave. A classified employee who is absent from duty for causes which are District related such as an industrial accident, illness or injury shall be entitled to not more than sixty (60) working days for each industrial injury, accident or illness. If the full sixty (60) working days overlap into the ensuing fiscal year, the employee shall be entitled only to the remainder of the sixty (60) working days not used. This leave is non-cumulative and may be taken only during those periods when the employee would normally have been in paid status.

16.4.2 Reporting of Injury

In the case of an industrial accident or injury, the employee must report the incident to their supervisor on the same day whenever possible. Injuries not reported the same day require justification for the delay. When an employee is absent from duty due to an industrial accident or illness, they shall notify their supervisor within the first day of absence that the injury is industrial.

16.4.3 Leave Commences on First Day

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

16.4.4 Workers' Compensation Check Endorsed To District

During all paid leaves resulting from an industrial accident or illness, the employee shall endorse to the District any temporary disability indemnity checks received on account of their industrial accident or illness. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary and/or leave benefits and shall deduct normal retirement and other authorized contributions.

16.4.5 Use of Sick Leave After Exhaustion of Sixty (60) Days

Upon exhaustion of industrial accident/ illness leave, the employee shall be entitled to use accumulated sick leave. If the employee continues to receive temporary disability indemnity, sick leave will be reduced only in the amount necessary to provide not more than the employee's full salary.

16.4.6 Use of Other Leaves After Exhaustion of Sick Leave

After all accumulated sick leave has been exhausted, an employee will be paid accumulated compensatory time and accrued vacation, and then the employee will be placed on extended illness leave.

16.4.7 Placement on Reemployment List/Exhaustion of Leave

When all available paid or unpaid leaves have been exhausted, and the employee is unable to return to work, they shall be placed on a reemployment list for thirty-nine (39) months. When the employee is medically able to return to work, they shall be reemployed in a vacant position in the class according to their seniority on the list

16.4.8 Abolishment of Previous Classification

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

Reference: Education Code 44043, 45190, 45192

16.5 TRANSFER OF SICK LEAVE

16.5.1 Transfer of Sick Leave from another District

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

16.6 UNPAID ILLNESS LEAVE

16.6.1 Six (6) Month Unpaid Leave

An employee, who has exhausted all paid leaves and who continues to be absent due to illness or injury, may be granted an additional six (6) month unpaid leave by the Board of Trustees.

16.6.2 Right to Return to Classification

Granting an unpaid leave under this Rule shall guarantee the employee the right to return to a position in their former class.

Reference: Education Code 45195

16.7 BEREAVEMENT LEAVE

16.7.1 Three (3) to Five (5) Days of Paid Leave

In the event of the death of a member of the immediate family, an employee shall be granted necessary leave of absence, not to exceed three (3) days, and an additional two (2) days for necessary one way travel beyond 300 miles of the District. Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave in these Rules. Employees granted bereavement leave under this Rule shall suffer no deduction from their salary, nor shall such leave be deducted from leave granted by other sections of these Rules or the Education Code.

16.7.2 Immediate Family

Members of the immediate family are:

Mother (Stepmother)	Sister (Step-Sister)
Mother-In-Law	Sister-In-Law
Father (Stepfather)	Brother (Step-Brother)
Father-In-Law	Brother-In-Law
Husband	Grandfather
Wife	Grandmother
Son (Stepson)	Son-In-Law of employee
Daughter (Stepdaughter)	Daughter-In-Law of employee
Grandchild of employee	Legal Guardian of relative in home
Aunt	Uncle
Niece	Nephew
Foster children	Domestic Partner

16.7.3 Discretionary Bereavement Leave

The Superintendent or their designee shall have the discretion to grant bereavement leave to an employee for persons other than immediate family when unusual circumstances exist.

16.8 PERSONAL NECESSITY LEAVE

16.8.1 Use Up To Seven (7) Days

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

- A. Death of a member of the immediate family when additional time is needed beyond the bereavement allowance.
- B. Accident involving the employee's person or property, or that of a member of their immediate family, of such a nature that the immediate presence of the employee is required during their work hours.
- C. Any other situations of urgency acceptable to the District, for the purpose of conducting personal business which is

impossible to transact other than during work hours. Such leave may not be used for seeking other employment, rendering paid services, for recreational activities or for withholding services.

16.8.2 Notification of Leave Usage

Classified employees shall make a request to their immediate supervisor or site administrator and file the "Employee Absence Report" form. Requests shall be made in advance of the anticipated absence, except in emergencies or unexpected situations. In such cases the employee shall request leave as soon as possible.

16.8.3 Personal Necessity Not Cumulative

Personal necessity leave is non-cumulative and shall not exceed seven (7) days in a fiscal year.

16.8.4 Tragedy Personal Necessity Leave

A long term personal necessity leave of absence not to exceed ninety (90) days may be provided to an employee who experiences a serious tragedy (life threatening illness/accident) within his/her immediate family. For purposes of this section, "immediate family" has been previously defined in 16.7. An employee's compensation during such leave shall be equivalent to the employee's regular salary and fringe benefits minus the amount necessary to pay a substitute whether or not a substitute is employed to replace the unit member while on leave.

16.9 MATERNITY LEAVE

16.9.1 Entitlement to Sick Leave

Regular classified female employees who must be absent from their duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled. Leave for maternity purposes may be taken in one of the following three ways:

Whichever option is chosen by the employee the following rules shall apply:

- a. A leave of absence for maternity purposes (Pregnancy Disability Leave).
- b. Sick leave for maternity purposes.
- c. Combining maternity leave and sick leave for maternity purposes.

16.9.2 Medically Certified Absence

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

16.9.3 Last Day Able To Work

An employee requesting maternity leave shall submit a physician's statement and a request for leave form to their immediate supervisor or site administrator. The request for leave and physician's statement should be submitted, if possible, thirty (30) days prior to the anticipated leave.

16.9.4 Return To Work

Prior to returning to work, the employee shall submit to the District, a release to return to work from the treating physician. The release must be provided at least three (3) calendar days prior to the expiration of the leave certifying that they are medically released to work.

Reference: Education Code 45193

16.10 UNPAID CHILD CARE LEAVE

16.10.1 Eligibility and Time Lines for Leave

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

16.10.2 Beginning and Ending Dates

The employee shall establish a beginning and ending date for the child care leave as far in advance as possible of the start of the leave. The employee shall file a written request for leave of absence with the site administrator or division/department head using a District leave of absence form. The request form will be forwarded to Human Resources for review, recommended action, and presentation to the Superintendent and Board of Trustees.

16.10.3 Employee May Return Earlier

An employee must make a written request at least three (3) calendar days prior to the expiration of the leave and that they will be returning to active service. At the discretion of the Personnel Director this time may be reduced.

16.11 JURY DUTY LEAVE

16.11.1 Leave for Jury Duty

Regular classified employees who are called to serve on a jury shall be entitled to be absent from duty without loss of pay for the period of the jury service.

16.11.2 Notification of Jury Leave

A request for jury duty leave shall be made by presenting the court summons to the site Administrator or division/departments head. A copy of the court summons shall be attached to the employee's time report and verification of their time served from the court.

16.11.3 Return from Jury Leave

An employee shall return to work from jury duty if they can complete at least one-half (1/2) of their regular assignment. At no time shall an employee be expected to put in more time, when combining jury duty hours and regular work hours than the employee's regular assignment or eight (8) hours. An employee whose regular assignment commences at 2:00 p.m. or after, and who has served all or any part of the day on jury duty shall be relieved from work with pay for that day.

16.12 WITNESS LEAVE

16.12.1 Witness Leave of Absence

A leave of absence to serve as a witness in a court case, administrative hearing or tribunal, or to respond to an official order from another governmental jurisdiction for reasons not brought about by the employee being the defendant or plaintiff, shall be granted to all regular classified employees without loss of pay.

16.12.2 Notification of Witness Leave

A request for witness leave shall be made to the site administrator or division/departments head by presenting the summons, subpoena or official orders. A copy of the summons, subpoena or official order shall be attached to the employee's time report.

16.12.3 Return from Witness Leave

An employee shall return to work from witness leave if they can complete at least one-half (1/2) of their regular assignment. At no time shall an employee be expected to put in more time, when combining witness hours and regular work hours, than the employee's regular assignment or eight (8) hours. An employee whose regular assignment commences at 2:00 p.m. or after, or who has served all or part of the day on witness leave shall be released from work with pay for that day.

16.13 ABSENCE FOR EXAMINATION/INTERVIEW

16.13.1 Absence for Examination

Any classified employee shall be permitted release time to take any examination given by the Commission during their regular working hours without deduction of pay or other penalty. The employee

shall provided at least two (2) working days notice to their immediate supervisor.

16.13.2 Absence for Interview

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

16.13.3 Attendance at Commission Meeting

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

16.14 MILITARY LEAVE

16.14.1 Military Leave Granted

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

16.14.2 Reserve Service

Regular classified employees who are members of an authorized reserve corps, and who must be temporarily absent due to active duty training or exercises shall be granted a temporary military leave of absence. A temporary military leave shall not exceed six (6) months.

16.14.3 Thirty (30) Days Leave with Pay

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

16.14.4 Official Orders

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

16.14.5 Return from Military Leave

Upon return from military leave, the employee shall be reinstated to their same regular position or an equivalent position in the same class.

Sick leave credits accumulated prior to entry into military service shall be immediately available to reinstated employees.

Any classified employee who has been employed not less than six (6) months immediately preceding the date of entry into military service shall be entitled to earned vacation.

A probationary period employee who enters military service before completion of their probationary period shall be required, upon their return to school district service following release from military service, to complete the six (6) month probationary period.

16.14.6 Peace Corps

A regular classified employee who has completed three full years of service in the District may be granted a leave-of-absence for Peace Corps service. The leave will be granted for one full school year with the provision that it will be extended for a second year if the employee continues in Peace Corps service. When such a leave is granted, the employee will be transferred to an unassigned status wherever possible, and upon return will be entitled to a position in the classification he/she held upon leaving, but not necessarily the same position. Year-for-year salary credit will be granted for such experience if it is properly verified to be primarily a job classification similar to that which the employee returns.

References: California Military and Veterans Code: 389, 395, 395.01 to 395.06, 395.1 to 395.4

16.15 LEAVE TO SERVE IN EXEMPT/TEMPORARY/LIMITED TERM POSITION

16.15.1 Exempt/Temporary/Limited Term Leave

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

16.15.2 Return to Regular Position

The employee may, with the approval of the appointing authority, voluntarily return to their position or a position in the class of their permanent status prior to the completion of service in an exempt, temporary or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action.

16.16 LEAVE WITHOUT PAY

16.16.1 When Granted

Leaves of absence may be granted to a classified employee upon written request of the employee and the approval of the Superintendent or their designee, subject to the provisions of this Rule.

16.16.2 Length of Leave

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

16.16.3 Reasons

A leave of absence without pay may be granted to an employee provided they meet the requirements set forth in this Rule, and for:

A. An employee who desires to attend an educational institution or to enter training to improve quality of service.

B. Reasons enumerated in this Rule.

C. Reasons deemed satisfactory to the District.

16.16.4 Right to Return

Granting a leave of absence without pay gives the employee the right to return to their position at the end of their leave of absence. Leave without pay is granted only to employees who desire to return to the District. Upon the expiration of a leave of absence, an employee shall be reinstated in their former position.

16.16.5 Cancellation of Leave Without Pay

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

16.16.6 Vacancy Due to Leave Without Pay

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

16.16.7 Notice of Return

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

16.16.8 Failure to Return

Failure to report for duty within three (3) working days after the date to return from a leave shall be considered abandonment of position. The employee is subject to disciplinary action up to and including termination.

16.16.9 Unpaid Leave of Five (5) Days or Less

An unpaid leave without pay may be granted by Human Resources for a period of five (5) working days or less. The unpaid leave must be reported on the employee's time report.

16.16.10 Unpaid Illness Leave

A regular classified employee may be granted an unpaid leave for health reasons. The employee must present a doctor's medical certificate. If granted, this leave will be not longer than six (6) calendar months. If, at the conclusion of six (6) months, the employee is unable to return to duty, they may be granted one (1) additional six (6) calendar month leave. If the employee is still unable to return to duty after these leaves they will be asked to resign in order to be protected for the thirty-nine (39) month reinstatement period. Failure to resign will result in termination and loss of reinstatement rights.

16.16.11 Health/Welfare Benefits While on Leave

An employee on a Board approved leave of absence without pay, may continue their benefits through the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA).

16.16.12 Catastrophic Event

In the event a school district facility to which a classified employee has been assigned for duty is closed on a day on which the employee would otherwise have been required to perform assigned duties due to a catastrophe and the employee is thus prevented from performing their assigned duties at the location, they may be reassigned to perform duties at another location during the emergency and shall be paid their full pay unless they fail or refuse to perform their duties at the new location.

16.17 FAMILY SCHOOL PARTNERSHIP LEAVE

16.17.1 Length of Leave

A regular classified employee shall be permitted, with district approval, to take up to forty (40) hours off each fiscal year, not to exceed eight (8) hours in a calendar month, to participate in their child's school activities.

- A. The employee must be a parent, guardian or grandparent with custody of the child.

- B. The child must be enrolled in kindergarten through grade twelve (12) or attending a licensed child day care facility.
- C. Employees shall utilize vacation, personal necessity, compensatory time or time off without pay. Absences shall be taken in units of at least two (2) hours.
- D. An employee shall give reasonable advance notice to their immediate supervisor and complete the appropriate leave forms.

Reference: Labor Code 230.8

16.18 FAMILY MEDICAL LEAVE

16.18.1 Family Medical Leave

All regular classified employees are entitled to leave in compliance with state and federal law regarding family and medical care leaves. A letter from a medical doctor substantiating the cause for leave shall accompany the request for leave. Health benefits shall be paid for up to a maximum of twelve (12) weeks. Family Medical Leave shall run concurrently with all other applicable leaves.

Personnel Commission Approved: 3/09/10, revised 8/10/10

RULE 17

COMPENSATION AND PAY PRACTICES

17.1 Determination of Salary Schedules/Pay Rates

17.1.1 Fixing Annual Salary Schedules

The Board of Trustees shall fix and order paid the compensation of all classified employees and other employees not requiring certification qualifications employed by the District unless otherwise prescribed by law. The fixing of annual salaries means that the Board of Trustees shall adopt a salary schedule or matrix with specific dollar amounts for each range and step.

Reference: Education Code 45160, 45162

17.1.2 Board Must Employ/Pay in Accordance with Merit System

The Board of Trustees shall employ, pay and otherwise control the services of classified employees in accordance with the provisions of Title 2, Division 3, Part 25, Chapter 5, Article 6 of the California Education Code.

Reference: Education Code 45241

17.1.3 Commission Shall Recommend Salary Schedules

The Human Resource Director shall prepare recommendations for the allocation of classes to salary ranges for approval by the Commission. The Commission's recommended salary schedule may take into account the following:

- A. The wages and salaries paid for similar work in the recruitment area.
- B. The principle of like pay for like work within the classified service.
- C. Appropriate salary differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.
- D. Such other information as the Commission may require.

Reference: Education Code 45256, 45268

17.1.4 Board's Action on Salary Recommendations

The Board of Trustees may approve, amend or reject the salary schedule recommendations of the Commission, but shall not alter the percentage relationship between classes as established by the Commission.

17.1.5 Commission Shall Determine Salary Range Placement

The Commission may determine the salary range placement of all positions and classifications within the Classified Service pursuant to its obligation to set reasonable relationship among the various classifications. The Commission may make modifications to the range placement of classifications as part of its statutory salary obligations.

17.2 Application of Salary Schedules

17.2.1 Initial Salary Placement

All new regular classified employees shall be paid in accordance with the salary range established for the class to which assigned. Initial placement will normally be the first step of the salary range. However, a new employee may be provided with advanced step placement upon recommendation of the appointing authority and approval by Human Resources based upon:

- A. Additional qualifying experience beyond that required for entry into the class.
- B. Additional education at the college level when related to the position, beyond the established educational requirements for entry into the class.
- C. Difficulty experienced in the recruitment of candidates to meet the vacancy needs in the class.
- D. Additional skills or qualifications of the candidate that make them especially qualified for the position.
- E. Evidence of currently receiving a salary greater than the first step of the salary for the classification.

17.2.2 Salary Placement of Temporary Employees

Salary placement of temporary, substitute and limited term employees will be at the first step of the appropriate salary range. Classified employees and retirees working in a temporary substitute or limited term assignments shall be compensated pursuant to these Rules.

17.2.3 Accelerated Hiring Rate

An accelerated hiring rate may be set, with the approval of the Personnel Commission and Board of Trustees, at any step of the salary range for the classification. If an accelerated hiring rate is approved, all current employees in the classification shall be advanced to that rate and shall begin a new cycle of step advancement. The criteria to be used for recommending an accelerated hiring rate shall be either

demonstrable consistent difficulty indicated when recruiting at the current minimum salary step or salary analysis indicating that a salary step has fallen below the 50th percentile of the average minimum salary step in its respective market.

17.2.4 Salary Step Advancement

When a probationary or permanent employee accepts a regular position on the first step of the salary range, salary advancement shall be granted upon completion of one (1) year in the position or if the employee actually renders service at least seventy-five (75) percent of the number of days of the employee's regular work year. If completion of this period is after the fifteenth of the month, step advancement shall be the first of the following month. Salary step advancement shall be annually thereafter.

17.2.5 Salary Range Changes

Unless otherwise provided by the Commission, when the salary range for a class is reallocated to a higher range, the salary of each incumbent in the class shall be adjusted to the higher range with the same step as the lower range. When the salary range for a class is reallocated to a lower range, the salary placement of each incumbent shall be made pursuant to Rule 3.

17.2.6 Salary Upon Promotion

The salary for an employee who is promoted shall be:

When an employee is promoted the employee shall receive at least the equivalent of a one step salary increase, but not less than the first step of the new salary range.

If the salary increase resulting from the promotion is less than one (1) salary step above the prior salary, the employee shall be placed on the next higher step but not higher than the highest step on that range.

The promoted employee shall serve the required probationary period in the new class pursuant to these Rules. Additional advancement will occur on the first of the month following completion of six (6) months of service, regardless of step placement, and at one-year intervals thereafter until the maximum is achieved. For the purpose of this rule, appointment of an employee to a class with a salary range equal to or below his current range shall not be considered a promotion and shall not warrant a salary increase. In such cases, placement will be made on the same rate formerly earned by the employee, not to exceed the maximum of the range of the class to which he/she is appointed.

17.2.7 Salary Placement After Unpaid

Upon return from an unpaid leave of absence, an employee shall be placed on the same step of the range for the class achieved prior to the leave, including any changes (s) in rate or range for the class. Step advancement within the range will be adjusted according to the number of days of unpaid leave.

17.2.8 Salary Placement on Demotion

An employee who selects a voluntary demotion or is involuntarily demoted shall be placed on the same step of the range of the lower as that achieved in the higher class. The demoted employee shall retain the anniversary date established in the higher class.

17.2.9 Salary Placement When Reemployed or Reinstated

When a former permanent employee is reemployed or reinstated within thirty-nine (39) months following a resignation or layoff, the employee shall be placed on the same step of the range for the class achieved by the employee prior to resignation or layoff, including any changes in rate or range to the class. Step advancement shall be granted as follows:

- A. When the employee has rendered service for at least seventy-five (75) percent of the number of days of the employee's regular work year. An adjustment to the employee's anniversary date shall be made upon reemployment or reinstatement.

Reference: Education Code 45298, 45309

17.3 Differential Pay

17.3.1 Differential Compensation

The Commission shall, insofar as possible, determine the practices relating to shift differentials in the private employment fields in which it must compete for employees and shall consider the advisability of providing comparable differentials for the classified staff.

- A. The District may provide differential compensation to classified employees who perform duties which are distasteful, dangerous or unique nature, when the Board of Trustees determines such compensation is reasonably justified. Such differential compensation shall be based on findings and recommendations of the Commission and shall not be applied in a manner contrary to the principle of like pay for like work.
- B. No employee assigned to work in a position entitled to differential compensation shall be demoted in class or grade for the purpose of nullifying the effect of differential compensation required under this Rule.

17.3.2 Temporary Assignment

An employee receiving differential compensation shall not lose such compensation if the employee is temporarily, for twenty (20) working days or less, assigned to a position not entitled to such compensation.

Reference: Education Code 45181, 45182, 45184

17.3.3 Shift Differential

Employees with an assignment where a majority of the assignment is worked after 6:00 p.m. shall work seven and one-half (7 ½) hours and be paid for eight (8) hours.

Reference: Education Code 45180 - 45186

17.4 Other Pay Practices

17.4.1 Payroll Errors

Any payroll error resulting in the underpayment of a classified employee shall be corrected and supplemental payment made within five (5) working days after determination of an error has occurred. Equitable arrangements will be made for repayment when an employee has been overpaid.

17.4.2 Meal and Overnight Expenses

The District shall provide for the payment of the actual and necessary expenses including but not limited to travel and lodging an employee incurs in the course of performing services for the District.

Reference: Education Code 44032

17.4.3 Uniforms

The cost of the purchase, lease or rental of uniforms, equipment, identification badges, emblems and cards required by the District shall be borne by the District.

17.4.4 Safety Equipment

If the District requires the use of any equipment or gear to ensure the safety of an employee or others, the District shall provide such equipment or gear.

Personnel Commission Approved: 1/12/10

RULE 18

PROCEDURES FOR DISCIPLINARY ACTION

18.1 General Provisions for Disciplinary Action

18.1.1. Disciplinary Action only Pursuant To This Rule

A permanent classified employee shall be subject to disciplinary action only for cause as prescribed by these Rules.

Reference: Education Code 45261

18.1.2. Time Limits on Disciplinary Action

Disciplinary action generally will not be taken against any permanent classified employee for any cause which arose prior to the employee becoming permanent, nor for any cause which was more than two (2) years prior to the date of the notice of intent to discipline. Exceptions to this general rule include situations in which the cause was concealed, not disclosed by the employee, or otherwise unknown to the District. Furthermore, the facts need to illustrate a history or pattern of similar misconduct which had prior attempts at remediation that have extended beyond the two-year period. When the District relies on charges for discipline beyond the two-year period the finder of fact shall exercise discretion in determining the weight that should be accorded to evidence of such misconduct.

18.1.3. Definition of Discipline

Disciplinary action includes any action whereby a permanent employee is deprived of any classification or any incident of any classification in which he has permanence, including dismissal, suspension, demotion, or any reassignment without his voluntary consent.

18.1.4. Causes for Disciplinary Action

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

- A. Incompetence or inefficiency related to the performance of duties of the position.
- B. Inattention to or dereliction of duty, insubordination, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public services.
- C. Any persistent violation of the provisions of the Education code or of policies, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission provided that specific instances must be set forth as to any of the causes listed under this heading.
- D. Dishonesty, theft, or stealing of property belonging to visitors, employees, or the organization.
- E. Falsifying information supplied to or withholding any material information from the District including, but not limited to, information on application forms and employment records.

- F. Possession of, use of, public display of an alcoholic beverage or being intoxicated on District property.
- G. The use, possession or being under the influence of any controlled substance while on district property or during working hours other than prescribed by a licensed physician and used in accordance with such prescription. Being under the influence of and/or abuse of prescription drugs while on district property or during working hours are also grounds for discipline.
- H. Arrest and/or being formally charged with a sex offense as defined in Education code Section 44010. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal
- I. Arrest and/or being formally charged with a controlled substance offense as defined in Education Code Section 44011. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- J. Conviction of a violent or serious felony. A violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal code. Conviction of a violent or serious felony shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- K. Threatening, abusive, demeaning and/or hostile verbal conduct toward a student, member of the public or another District employee which has the purpose of effect of negatively impacting the individual's academic or work performance, interferes with the individual's ability to participate or receive the benefits of public programs or services, or may contribute toward creation of an intimidating, hostile or offensive work or educational environment.
- L. Assault, battery or other unjustified use of force or violence against a student, member of the public or another District employee.
- M. Conviction of a crime involving moral turpitude or a record of more than one minor offense indicating that the person is a poor employment risk or unfit to associate with children.
- N. Repeated excused or unexcused absence or tardiness, abuse of leave privileges or absence without notification.
- O. Engaging in political or personal activities during assigned hours of duty.
- P. Abandonment of position. Abandonment is an absence of three (3) consecutive work days without authorization and/or failure to notify the district of a valid or acceptable reason for the absence.
- Q. Failure to return to work following a recess or authorized leave without approval of the district, except in the case of dire emergency.
- R. The inability of an employee to drive a District vehicle due to lack of insurance when such is a requirement of the employee's position. In lieu of demotion or dismissal the District may, with the Commission's approval, reassign the employee to a vacant position in a related class not requiring operation of a motor vehicle.

- S. The suspension, cancellation or revocation of a certificate or license required for a position or the failure to maintain a valid certificate or license.
- T. Dishonesty, theft, willful misuse, destruction or mishandling of that belongs to the District, employees, students or the public.
- U. Conduct which constitutes, or contributes to, unlawful harassment or discrimination in the work setting.
- V. Failure to obey a subpoena issued by the Commission and duly served or any refusal to furnish testimony or documents at or for a hearing or investigation before the Board or Commission.
- W. Knowing membership in the communist party or advocacy to overthrow the federal, state or local government by force, violence or other unlawful means.
- X. Offering anything of value or offering any services in exchange for special treatment in connection with an employee's job or employment or accepting anything of value or any service in exchange for granting any special treatment to an employee or member of the public.
- Y. Failure to report for a review of criminal records or for a health examination after due notice.
- Z. Failure to submit to involuntary or positive drug test results after a confirming second drug test for positions designated safety sensitive by PL 102-143.
- AA. Any action or behavior which is a clear and present danger to the health or of the employee, students, fellow employees or District property.
- BB. Failure to obtain any job related license or certificate or complete required job related training after employment or evident unfitness for duty.
- CC. Any other cause deemed appropriate by the Board or Commission.
- DD. Misuse or removal from school district premises, without proper authorization, any organizational records or release or sharing of confidential information except on a need to know basis, falsification of personnel, student or other records and the unauthorized release of any district record information.

Reference: Education Code 212.5, 230, 44010, 44011, 45302, 45303, 45304, 45113.
 Government Code 1028.
 Penal Code 261, 667.5, 1192.7
 Health & Safety, 11054, 11056, 11357-11361, 11363 -11364, 11377-11382.

18.1.5 Progressive Discipline

The Commission recognizes the value of a system of progressive discipline for correcting employee performance or conduct problems. Progressive discipline is recognized as a system using the least severe form of discipline necessary to correct employee performance or conduct. Progressive discipline often begins with a verbal warning, which may be followed by a written warning if the performance or conduct does not improve. Written warnings or reprimands should state the rule, policy, procedure or behavioral violation and offer a performance improvement plan and reasonable time period during which the employee's performance will be reviewed for improvement or attainment of goals. Written warnings or reprimands may be followed by demotion, suspension or dismissal depending on the seriousness of the offense. There is no inflexible rule that all steps of progressive discipline must be followed before demoting, suspending or dismissing an employee. The circumstances of each case and the Board or Commission's judgment as to the action that is necessary to correct the performance or conduct will help determine which step to use or whether immediate demotion, suspension or dismissal is appropriate. Progressive discipline, or the absence thereof, may be considered by the Commission at hearing when determining whether cause for disciplinary action exists.

18.1.6 Immediate Suspension without Pay

The Superintendent or his designee may suspend an employee without pay and without pre-disciplinary notice for the following causes:

- A. An employee shall be immediately suspended without pay if charged with the Commission of any sex offense, controlled substance offense or a violent or serious felony as defined by Education Code 44010, 44011, 45122.1 or 45304. Such suspension shall continue for not more than ten (10) working days after the date of the court judgment.
- B. Any employee suspended under this Rule shall continue to be paid his regular salary during the period of suspension provided they furnish the District a suitable bond or other security acceptable to the Board, as a guarantee that the employee will repay the District the amount of salary and benefits paid during the suspension in the event the employee is convicted of the charges or does not return to service after the suspension. If the judgment determines that the employee is not guilty of the charges, or if the complaint, information or indictment is dismissed, the District shall reimburse the employee for the cost of the bond.
- C. Notwithstanding the procedures set forth in this Rule, the Superintendent or his designee may suspend, without pay, an employee required to maintain a license or certificate issued by the Department of Motor Vehicles (DMV) to perform assigned duties when the license or certificate is suspended by the DMV or California Highway Patrol (CHP) and the license or certificate is required for the employee's position. The duration of the suspension without pay shall not be greater than the number of days the license or certificate is suspended. The suspension without pay may begin on the first working day the license or certificate is suspended and shall conclude on the last working day of the suspension. If the suspension of the license or certificate is rescinded by the DMV or CHP the employee shall be immediately returned to work status and paid all compensation lost during the suspension. If an employee is suspended under this Rule, the Superintendent or his designee shall immediately notify the employee and the Personnel Director. The Superintendent or his designee shall then comply with the due process disciplinary procedures.

- D. Notwithstanding the procedures set forth in this Rule, the Superintendent or his designee may suspend an employee without pre-disciplinary notice in the event of emergency or under extraordinary circumstances when it is necessary to remove an employee from district property. If an employee is suspended in this manner, the District shall provide a written notice to the Personnel Director of the circumstances which justified its action and shall meet with the employee to explain its actions and to provide an opportunity for the employee to respond before the Board ratifies the suspension. The Personnel Director may act in the same manner regarding employees of the Commission. When the Board or Commission may be asked to consider dismissal, the suspension may be extended until the Board or Commission considers such disciplinary recommendation.

References: Education Code 44010, 44011, 44940, 44940.5, 45122.1, 45123, 45124, 45302, 45304.

18.1.7 Dismissal of Substitute/Limited-Term/Provisional/Probationary Employees

A substitute, limited-term, provisional or other temporary or probationary employee may be released without cause and without regard to the procedures in these Rules at any time during an assignment. Probationary employees must be released prior to completion of the probationary period.

18.1.8 Removal from Employment Lists

Dismissal shall be cause for removing the employee's name from all employment lists.

18.2 Notice of Intent to Discipline

18.2.1 Notice of Intent

A permanent classified employee may be subject to discipline after receipt of a Notice of Intent to Discipline and the employee has had an opportunity to respond to the charges.

18.2.2 Contents of Notice of Intent

The Notice of Intent to Discipline shall contain the following:

- A. The nature of the proposed discipline, such as suspension, demotion or dismissal.
- B. The sections of these Rules that the employee is alleged to have violated.
- C. The specific charges against the employee, which should include dates, locations and a description of the chargeable acts or omissions, when ascertainable.
- D. The proposed effective dates of the disciplinary action.
- E. The employee's right to a pre-disciplinary conference with the Superintendent or designee, which may be scheduled in the Notice of Intent to Discipline.
- F. The employee's right to representation.

G. The employee's right to see and obtain copies of all evidence and documentation of a derogatory nature which the District intends to introduce at hearing in its case against the employee.

H. The employee's right to respond to the charges either orally or in writing.

18.2.3 Notice in Clear, Understandable Language

The charges made in the Notice of Intent to Discipline must be written so that the employee will understand the complaint(s) and charge(s) against them and may be expected to respond to them. Causes or grounds for disciplinary action stated solely in the language of the rule, regulation or statute are deemed insufficient notice. When a regular employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented for approval to the Governing Board.

18.2.4 Notice to Personnel Director

A copy of the Notice of Intent to Discipline shall be delivered to the Commission Office. When formal disciplinary action has been approved by the Governing Board, the action and the charges shall be reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting.

18.2.5 Notice in Writing and Served to Employee

Notice of Intent to Discipline shall be in writing and served to the employee in person or by certified mail with a return receipt requested. This requirement is deemed to have been met if the Notice of Intent to Discipline is sent certified mail to the last known address on file with the District. Failure of the employee to retrieve mail, or respond to notices by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notice or staying the time lines in these Rules. Keeping the District informed of a current home address is the responsibility of the employee. When a notice is mailed, the second working day following the mailing date shall be considered the date of receipt.

Personnel Commission Approved: 4/13/10

RULE 19

APPEALS AND HEARINGS

19.1 Appeals and Hearings

19.1.1 Authority to Conduct Hearings and Appeals

The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to an investigation and may administer oaths. The Commission may, at will, inspect any records of the Board that may be necessary to ensure the Rules and procedures established by the Commission have been complied with. Upon request of a disciplined permanent employee, the Commission shall conduct a hearing. Hearings may be held on any subject to which the Commission's authority may extend.

Reference: Education Code 45305, 45306, 45311

19.1.2 Notice of Right to Appeal

A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) calendar days after receipt of a copy of the written charges from the Personnel Director by filing a written answer to the charges.

A permanent employee who has not completed a subsequent probationary period may be demoted to the class from which promoted without right to an appeal or hearing by the Commission except when the demotion results in separation from the permanent classified service.

19.1.3 Employee Response to Charges

An employee's request for hearing and response to the charges must be in writing and upon one or more of the following grounds:

- A. The charges made do not constitute sufficient cause for the action taken.
- B. The action taken was not in accord with the facts.
- C. The action taken was due to sexual harassment, race, color, national origin, age, marital status, gender, sexual orientation, handicapping condition, ancestry, organizational membership, religious or political beliefs or any unlawful basis.
- D. The notice of appeal must be signed by the employee being disciplined and include a current address where the employee may be contacted. If the employee is represented, the notice of appeal shall also include the name and contact information for the representative.

- E. Failure on the part of the employee to file an appeal within the fourteen (14) calendar day period shall be considered an admission of the truth of the charges against them and the action by the Board is final.

Reference: Education Code 45305 and 45306.

19.1.4 Appointment of Hearing Officer

The Commission may appoint a hearing officer to conduct any hearing or investigation it is authorized to conduct. A hearing officer appointed by the Commission may administer oaths, subpoenas, and require the attendance of witnesses and the production of records and cause the deposition of witnesses to be taken as prescribed for civil cases in the Superior Court. The Commission may instruct the hearing officer to present findings and recommendations. The Commission may accept, reject or amend the findings or recommendations of the hearing officer. Any rejection or amendment of findings or recommendations shall be based on a review of the transcript of the hearing or upon the results of a supplementary hearing or investigation the Commission may order.

Reference: Education Code 45312

19.1.5 Time and Place of Hearing

Upon receipt of an appeal, the Commission shall determine the date, time and place for the hearing. The hearing shall be held within the geographic boundaries of the District and in a place that is conducive to the conduct of a hearing. Disciplinary hearing shall be held in closed session unless an open hearing is requested by the appellant. An appellant that fails to appear at a hearing scheduled by the Commission shall be deemed to have withdrawn the appeal and the action of the Board shall be final.

19.1.6 Hearings to be Recorded

All hearings authorized under these rules shall be electronically recorded in a manner that will allow a written transcript to be produced. Either party to the hearing may request that the hearing be recorded by a Court Reporter. The party making such request shall bear the cost. If both parties request a Court reporter the cost shall be shared equally.

19.1.7 Hearings to Determine Truth

Hearings shall be conducted in a manner most conducive to determining the truth in the matter at hearing. Neither the Commission nor an appointed hearing officer shall be bound by technical rules of evidence and the decision of the Commission shall not be invalidated by any informality in any of the proceedings.

19.1.8 Oral Evidence

Oral evidence shall be taken only on oath or affirmation.

19.1.9 Examination of Evidence

Each party shall have the right to examination of witnesses and evidence as follows:

- A. To call and examine witnesses.
- B. To introduce exhibits.
- C. To cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination.
- D. To attempt to impeach, a witness regardless of which party first called the witness to testify.
- E. To rebut all evidence presented by the opposing party.

19.1.10 Appellant Testimony

An appellant that does not elect to testify on their own behalf may be called to testify and be cross examined as an adverse witness.

19.1.11 Admission of Evidence

The hearing need not be conducted according to the technical rules relating to evidence and the examination of witnesses. Relevant evidence shall be admitted if it is the type of evidence that a responsible person would rely on in the conduct of serious business.

Hearsay evidence may be admitted for the purpose of explaining or providing supplemental evidence but shall not be sufficient in and of itself to support a finding by the Commission or a hearing officer.

The rules of privilege shall be effective to the extent that they are required by statute. Irrelevant or unduly repetitious evidence may be excluded.

19.1.12 Representation

The Board and appellant shall be allowed representation by legal counsel or other designated representatives.

19.1.13 Continuances

The Commission or hearing officer may grant a continuance prior to or during a hearing for reasons important to reaching a fair resolution.

19.1.14 Objections

The Commission or hearing officer shall rule on all objections.

19.1.15 Burden of Proof

The burden of proof shall be on the District. In cases of alleged discrimination the charging party must make a prima facie case to the Commission or hearing officer before the hearing proceeds on that matter.

19.1.16 Findings and Recommendation

The Commission or hearing officer shall determine the relevancy, weight and credibility of the evidence and testimony presented. The findings and recommendation of the Commission or hearing officer shall be based on a preponderance of the evidence.

19.1.17 Order of Presentation

Each side will be permitted an opening statement with the Board going first. The appellant may make an opening statement following the Board or wait until the presentation of their case in chief. The Board shall present their case first followed by the appellant. Closing statements shall be the Board first and appellant last.

19.1.18 Witnesses

Each side shall be allowed to examine and cross examine witnesses. The Commission or hearing officer may exclude witnesses not under examination except the appellant.

19.1.19 Subpoena of Witnesses or Evidence

Upon request, the Commission or hearing officer may issue subpoenas for witnesses and/or the production of records, documents or other material evidence. The Personnel Director shall issue the subpoenas on behalf of the Commission or hearing officer. Subpoenas shall be delivered to the requesting party for service.

19.1.20 Witness List

A list of witnesses to be called by each party that are employees of the District shall be submitted to the Personnel Director at least three (3) working days prior to the date of the hearing. The Personnel Director will secure release time for employee witnesses to provide testimony.

19.1.21 Sworn Affidavits

Witnesses give testimony orally at the hearings. If the Commission or hearing officer determines that a witness has good and sufficient

reason to not be present at the hearing, written testimony will be acceptable as follows:

- A. Written testimony must be by sworn affidavit.
- B. The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness.
- C. The affidavit shall not contain conclusions of the witness, except when the Commission or hearing officer determines that the witness qualifies as an expert within the subject area. Then, the witness may express an opinion based on the facts presented.
- D. Copies of all affidavits must be filed with the Personnel Director or hearing officer at least three (3) working days prior to the date of the hearing. Copies of affidavits filed will be forwarded to the other party for review.
- E. The Commission or hearing officer may reject an affidavit that fails to comply with the foregoing.

19.1.22 Findings and Recommendations of Hearing Officer

The hearing officer shall consider all evidence presented at hearing.

The hearing officer shall submit their report including findings of fact and recommendations, to the Personnel Director within thirty (30) days following the conclusion of the hearing.

The Personnel Director shall place on the agenda a time for the Commission to deliberate the findings of fact and recommendations.

19.1.23 Commission Deliberations

The Commission shall deliberate its decision in closed session. Legal counsel to the Commission and the Personnel Director may be included in deliberations. The Personnel Director shall be excluded from the deliberations if they were a party to the disciplinary action.

Reference: Education Code 45266

19.1.24 Commission Action

The Commission may sustain or reject any or all of the charges against the employee. The Commission may sustain, modify or reject the disciplinary action taken against the employee. The Commission shall not invoke a more stringent discipline against the employee than that taken by the Board.

19.1.25 Decision of the Commission

The Commission shall render its decision within thirty (30) days after conclusion of the hearing or the receipt of findings of fact and

recommendations from the hearing officer. The decision of the Commission shall be in writing and set forth which changes are sustained and the reasons therefore.

The Commission's decision shall contain findings of fact, determinations of the issues presented and any penalty imposed.

If all or any part of the disciplinary action is not sustained the Commission shall order and set forth the effective date and any restoration or reinstatement to the employee's position and/or status. The date of restoration or reinstatement may be set at any time on or after the discipline was invoked.

A true copy of the Commission's decision shall be delivered personally or by other agreed upon means to all parties to the hearing.

Reference: Education Code 45306, 45307

19.1.26 Consideration of Just Settlement

Upon conclusion of the hearing and determination of the facts and findings relative to the disciplinary action taken against the employee, the Commission shall consider such matters as it deems necessary and proper to effect a just settlement of the appeal. These matters may include but are not limited to:

- A. All or part of full compensation from the date of discipline.
- B. Reinstatement to status with the district upon such terms and conditions determined appropriate by the Commission.
- C. Compensation for all or part of the legitimate expenses incurred in pursuit of the appeal.
- D. Seniority credit as deemed appropriate.
- E. Transfer or change of location.
- F. Expunge from the employee's personnel record of disciplinary action, causes and/or charges not sustained by the Commission.

19.1.27 Compliance with Commission Decision

Upon receipt of the Commission's written decision the Board shall forthwith comply with the provisions thereof. The Board shall notify the Commission in writing when it has fully complied with the decision of the Commission.

Reference: Education Code 45307

19.1.28 Hearing Transcript

Any party to a hearing may obtain a transcript under the following conditions:

The cost of the transcript shall be borne by the party making the request.

The request shall be in writing and include a cash deposit in an amount determined by the Personnel Director prior to preparation.

The final cost of the transcript shall be the actual cost of preparation plus the cost of copies as determined by the Personnel Director.

The transcript shall only be released upon payment in full. If the deposit made is greater than the actual cost of the document, the remainder shall be refunded.

19.1.29 Counsel for the Commission

The Commission may seek and appoint legal counsel as part of its appeal and investigatory hearing responsibility. Legal counsel shall not be the same counsel nor within the same legal firm representing the Board or employee. Reasonable costs associated with the use of such legal counsel by the Commission in a hearing or investigation shall constitute a legal charge against the District, whether or not the funds for legal services appear in the Commission budget.

Reference: Education Code 45313

Personnel Commission Approved: 4/13/10

RULE 20

LAYOFF AND REEMPLOYMENT PROCEDURES

20.1 Layoff Procedures

20.1.1 Reason for Layoff

Layoff of classified employees shall be 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.

Reference: Education Code 45308

20.1.2 Order of Layoff

Length of service is the only criteria used to determine the order of layoff within a class. The employee who has been employed the shortest time in the class, plus equal or higher classes, shall be laid off first.

- A. For the purpose of the Rule, length of service is defined as all the time in a paid status in a class, whether during the school year, a holiday, recess or during any period that a school is in session or closed, but excludes any hours compensated solely on an overtime basis, or service performed prior to entering into probationary or permanent status in the classified service, except service in a "restricted" position.
- B. If two or more employees subject to layoff have equal seniority the determination of who shall be laid off shall be made by lot.

Reference: Education Code 45101, 45308

20.1.3 Displacement

A classified employee who is laid off from a class and has achieved permanency in an equal or lower class shall have the right to displace a less senior employee in the equal or lower class.

Reference: Education Code 45308

20.1.4 Voluntary Demotion or Transfer

A permanent classified employee who will suffer a layoff for lack of work or funds despite the exercising of bumping rights in order to avoid layoff may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that he/she is qualified to perform the duties thereof and provided further that the appointing authority approves the voluntary demotion

20.1.5 Substitute or Limited-Term Assignment

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 organizational unit unless the regular employee declines the limited-term position.

A limited-term employee may be laid off at the completion of his/her assignment without regard to the procedure set forth in this rule.

An employee who has been laid off and placed on a reemployment list may be employed as a substitute or limited term employee in any class for which they are qualified and such employment shall in no way affect their status or eligibility for reemployment.

20.1.6 Refusal of Substitute or Limited Term Employment

Refusal of substitute or limited term employment shall in no way affect the status of an employee on a reemployment list.

20.1.7 Notice of Layoff

The District shall notify affected classified employees in writing a minimum of forty-five (45) calendar days prior to the date of any layoff for lack of work or lack of funds. The notice to the employee shall specify the effective date of the layoff and inform the employee of their reemployment rights and displacement rights, if any. Notification shall be made by personal delivery or by certified mail to the last known address of the employee on file in the Human Resources. Failure of the employee to retrieve delivered mail or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notice or staying the timeliness for layoff. For purpose of this Rule, when a notice is mailed, the fifth (5th) working day following the mailing date is considered the date of receipt.

20.2 Reemployment Procedures

20.2.1 Reemployment List

The names of classified employees laid off shall be placed on a reemployment list for the classification. Names on a reemployment list shall be in order of seniority in the class.

Reference: Education Code 45298

20.2.2 Equal Seniority

If two or more employees subject to reemployment have equal class seniority, reemployment shall be by lot.

20.2.3 Reemployment for 39 Months

Laid off employees are eligible for reemployment for thirty-nine (39) months. Reemployment shall be in the reverse order of layoff. Reemployment shall take precedence over employment of new candidates. Employees placed on reemployment lists shall have the right to compete in promotional examinations while on reemployment lists.

Reference: Education Code 45298

20.2.4 Additional 24 Months Reemployment

Classified employees who accept a voluntary demotion or reduction in assignment in lieu of layoff shall be granted an additional twenty-four (24) months of reemployment eligibility.

Reference: Education Code 45298

20.2.5 Establishment and Maintenance of Reemployment List

The Human Resources Department shall establish and maintain the reemployment lists.

20.2.6 Reemployment and Acceptance

Offers of reemployment are made by the Human Resources Department.

- A. A person offered an assignment equivalent or greater than the one held at the time of layoff may accept or refuse the offer. If the person refuses this offer of reemployment, their name is removed from the reemployment list.
- B. A person offered an assignment with fewer hours or months than the one held at the time of layoff, may accept or refuse the offer. If the person refuses the offer of reemployment they shall remain on the reemployment list until the offer meets the requirement above.
- C. Offers of reemployment are to fill vacant positions and may be at a different work location than the one from which the employee was laid off.

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