

PERSONNEL COMMISSION

RULES and REGULATIONS

for the

CLASSIFIED SERVICE

Poway Unified School District

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PREFACE

In May of 1969, the classified employees of this District voted, according to the provisions of the California Education Code, to make the Merit System (civil service) applicable in the Poway Unified School District. On June 20, 1969, the Personnel Commissioners were officially appointed and the Merit System became effective for the District.

The Personnel Commission is established and governed by the provisions of the California Education Code, Title 2, Part 25, Chapter 5, Article 6, Sections 45240 through 45320 (included as a part of these Rules). Two of the most significant portions of the Merit System Article are Sections 45260 and 45261 which read:

“The Commission shall prescribe and amend ... such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.”

and

“The Rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, service ratings, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.”

The Board of Trustees of the District is charged by the Education Code to “fix and prescribe the duties to be performed by all persons in the classified service (Section 45109) and to “employ, pay and otherwise control the services of persons in positions not requiring certification...”. A body of Board policies has been developed to describe the details of these Board responsibilities. The distinction between “policies” and “rules” is that “policies” are statements of the plans and intended courses of action that guide the administration of the School District. These policies are the exclusive responsibility of the Board of Education. “Rules” are statements of the procedures and regulations that must be followed in order to implement the Merit System as prescribed in the California Education Code. The Rules are the exclusive responsibility of the Personnel Commission.

A copy of these Rules and Regulations shall be made available to all employees at each work site, school, or department.

The purpose of the Rules is to “ensure the efficiency of the classified service” to protect the individual rights of the classified employees and satisfy the Commission’s responsibility to the community.

CHAPTER 10

GENERAL PROVISION, DEFINITIONS

10.100 DEFINITIONS OF TERMS

The following words and terms, when used in these rules, shall have the meaning indicated below, unless the context or prevailing law clearly indicates otherwise.

The use of the masculine gender shall be construed as to include the feminine gender. The use of the singular noun shall be construed to include the plural, unless in conflict with reasonable applied logic.

ACT or THE ACT:	Refers to Article VI, Chapter 5, Division 3, Sections 45240-45320 and applicable provision of Sections 45100-45432 of the Education Code of the State of California and means the ACT and Sections applying to the Merit System for classified employees.
ALLOCATE or ALLOCATION:	The placement of a position in a given classification. Also, the assignment of a classification to a particular range on the salary schedule.
ANNIVERSARY DATE:	The date upon which an employee is granted an earned salary increment.
APPLICANT:	A person who has filed an official application to take a Merit System examination.
APPOINTING AUTHORITY:	The Poway Unified School District Board of Education or its designee.
APPOINTMENT:	The official act of the appointing authority in approving the employment of a person.
BOARD:	The Poway Unified School District Board of Education.
CANDIDATE:	A person who has successfully completed one or more portions of the examination.
CAUSE:	Those specific activities, behaviors, or events which are designated by these rules as reasons for disciplinary action.

CERTIFICATION:	Submitting names of eligible candidates from an appropriate eligibility list to an appointing authority by the Commission; Or The approval of an eligibility list by the Commission.
CLASS/ CLASSIFICATION (synonymous with job):	A group of positions sufficiently similar in duties and responsibilities. The same descriptive title may be used to designate each position assigned to the class, and substantially the same requirements of education, experience, knowledge, and ability are demanded.
CLASSIFY:	The act of assigning a position to a class, whether new or existing, based upon the position's maximum qualifications, duties and responsibilities. The position is given a title and salary range placement.
CLASS SPECIFICATION:	A written statement of the duties and responsibilities of the positions in a class illustrated by examples of typical tasks and of the qualification requirements of the positions in the class.
CLASS TITLE:	A descriptive title or name applied to a class and to all positions of the class (even though there may be only one). The class title should be as descriptive as possible of the duties assigned to positions in the class.
CLASSIFIED EMPLOYEE:	A person who is legally an incumbent of a position or who is on an authorized leave-of absence.
CLASSIFIED SERVICE:	All positions in the District's service to which the Act applies and which are not exempted by the Act.
COMMISSION:	The Personnel Commission of the Poway Unified School District.
DEMOTION:	A change of assignment of an employee from a position in one class to a position in another class, which is allocated to a salary range with a lower maximum salary rate.
DISCHARGE OR DISMISSAL:	Involuntary separation from the service for cause.
DISPLACEMENT RIGHTS (Bumping):	Rights when actually facing a layoff to displace employees with less seniority in any equal or lower class in which the employee who is facing layoff formerly held probationary or permanent status.
DISTRICT:	The Poway Unified School District

DUAL CERTIFICATION:	A special procedure providing for certification in specified cases from an open list, while a promotional list exists.
ELIGIBLE (Adjective): (Noun):	Legally qualified to be appointed. A person whose name appears on an eligibility list.
EMERGENCY APPOINTMENT:	An appointment for a period not to exceed fifteen working days to prevent the interruption of public business. Emergency appointments need not be made from eligibility lists.
EMPLOYMENT LIST:	A list of names from which certification may be made; includes eligibility lists, reemployment lists and lists of persons who wished to be transferred, demoted or in any manner be employed subject to the rules of the Commission.
EVALUATIONS:	(See Performance Evaluation)
EXAMINATION:	The process of testing and evaluating the fitness qualifications of the candidates.
FULL-TIME EMPLOYEE:	An employee whose work hours are 8 hours per day/40 hours per week.
IMMEDIATE FAMILY:	The mother, father, grandmother, grandfather, or grandchild of the employee or of the spouse of the employee, and a spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.
INCUMBENT:	An employee assigned to a particular position within a class.
LAYOFF:	Separation from a permanent position because of lack of work, lack of funds, or abolishment of position without fault on the part of the employee.
LIMITED TERM:	Used in the Education Code to designate employment for a fixed period not to exceed six months (synonymous with temporary.)
LIMITED TERM EMPLOYEE:	An employee who is serving as a substitute for a regular member of the Classified Service or in a position established for a limited and specified period of time, not to exceed six months.
OPEN EXAMINATION:	A competitive examination in which any qualified person may participate whether or not that person is currently an employee.
PART-TIME EMPLOYEE:	An employee whose work hours are less than 8 hours per day or 40 hours per week.

PERMANENT EMPLOYEE:	An employee who has completed a probationary period in the class to which assigned or who entered the class by transfer, demotion, or reinstatement/reemployment without serving a probationary period.
PERMANENT POSITION:	A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months.
PERSONNEL DIRECTOR:	The Personnel Director employed by the Commission.
POSITION:	A combination of duties and responsibilities regularly assigned to be performed by one person on a permanent or limited term basis. A position may only be established by action of the Board or by the Commission or a member of its staff.
PROBATIONARY EMPLOYEE:	An employee serving a probationary period.
PROBATIONARY PERIOD:	A trial period of six months (or 130 working days, whichever is longer) or one year (as determined by the Commission) before being advanced into permanent status in the District. Immediately following an original or promotional appointment to a permanent position from an eligibility list. All leaves, paid or unpaid, are excluded from the probationary period.
PROMOTION:	A change of assignment of an employee from a position in one class to a position in another class which is allocated to a salary range with a higher maximum salary rate.
PROMOTIONAL LIST:	An eligibility list resulting from a promotional examination limited to qualified employees of the District only.
PROVISIONAL APPOINTMENT:	The temporary appointment of a qualified person to fill a position for which no appropriate eligibility list exists pending an examination. Provisional appointments may not exceed 90 working days except as specified by law.
PROVISIONAL EMPLOYEE:	An employee filling a temporary appointment, not to exceed 90 working days.
REASSIGNMENT:	A District initiated change of employee work location from an employee's current position to another position in the same classification (or other classification judged to be equivalent with the same maximum salary rate) in another school or department.

REEMPLOYMENT LIST:	A list of names of persons who have voluntarily resigned from their employment or who have been laid off from their permanent positions and who are eligible for reemployment without examination in their former class arranged in order of their right to reemployment.
REINSTATEMENT:	A reappointment after resignation in regular or limited term status without examination to a position in the employee's former class or in a lower related class.
RESTORATION:	Includes "reemployment" (see above). Also the reassignment of a demoted employee to his former class or to a related class or the reassignment after reduction from permanent to limited term status.
SALARY RANGE:	A series of consecutive salary steps that comprise the rates of pay for a classification.
SALARY SCHEDULE:	The complete list of ranges, steps, and rates of pay established for the Classified Service.
SALARY STEP:	A specific rate in a salary range.
SENIORITY: (Length of Service)	Length of service is based on initial hire date.
SEPARATION:	The termination of employment of an employee. Includes resignation, dismissal, layoff, retirement, etc.
STATUS:	The condition of an employee's present appointment; such as provisional, part-time, probationary, limited term, permanent or full time.
SUBSTITUTE EMPLOYEE:	An employee temporarily occupying a permanent position during the absence of the incumbent.
SUSPENSION:	An involuntary absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.
TRANSFER:	A voluntary, employee-initiated change of assignment without examination from one position to another position in the same classification (or other classification judged to be equivalent with the same maximum salary rate) in another school or department.
WAIVER:	The voluntary relinquishment by an individual of any right to consideration for appointment from an eligibility list.
Y-RATE:	A salary step, range and/or rate placement which is different from that to which the employee would otherwise be entitled (unusual circumstances).

HISTORY:

**Date of Adoption by Personnel
Commission**

**Adopted: January, 1979
Revised: January 8, 1980
Revised: April, 1997**

REFERENCES:

**Education Code 45260
45261
45262**

Government Code 3540

10.200 GENERAL PROVISIONS**10.200.1 Statutory Authority for These Rules**

The rules contained herein are established pursuant to the authority mandated to the Commission in Sections 45260, 45261, 45262 and other provisions of the State Education Code related to the establishment and regulation of the Merit System. The Commission retains the statutory authority to interpret the rules contained herein.

10.200.2 Procedures for Adopting or Amending Rules

- A. Proposals for new rules or amendments to existing rules shall be submitted to the Commission for consideration at a regular meeting of the Commission. The Personnel Director shall after research, place such proposals on the Commission's agenda for a "first reading." No action to adopt or amend shall be taken until the next regular meeting.
- B. A rule that is deemed to be "substantive" in nature, as opposed to "procedural", shall not become effective until it has also been approved by the Board.
- C. Where there is reasonable doubt as to whether a proposed rule is "substantive" or "procedural", the practice shall be to deem the rule "substantive".

10.200.3 Printing and Distribution of Rules

The rules of the Commission shall be printed by the Commission and made available to each work site.

10.200.4 Judicial Review

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

10.200.5 Status of Addenda to Rules

The class specifications, Board policies, and any other written material contained in the addendum to these rules are to be interpreted as having the same force and effect as Commission Rules.

HISTORY:

**Date of Adoption by Personnel
Commission:**

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

**Education Code: 45260
45261
45262**

Government Code: 3540

20.100 APPOINTMENT OF COMMISSIONERS**20.100.1 Appointing Authorities**

- A. One member of the Commission shall be appointed by the Board.
- B. One member of the Commission shall be selected by the employee organization representing the greatest number of classified employees, who shall then be appointed by the Board.
- C. One member of the Commission shall be appointed by the other two Commissioners.
- D. In the case of a disagreement under the provisions of paragraph C, the appointment shall be made by the Superintendent of Public Instruction.
- E. In the event of an inability to fill a Commission vacancy, the Board, at the request of the Personnel Director, shall declare that an emergency exists and shall make an interim appointment not to exceed 60 days.

20.100.2 Qualifications and Restrictions

- A. To be eligible for appointment or reappointment to the Commission, a candidate must have the following qualifications:
 - 1. Must be a registered voter.
 - 2. Must be a resident of the school district.
 - 3. Must be a known adherent to the principle of the Merit System.
- B. A Personnel Commissioner may **not** be:
 - 1. An employee of the school district.
 - 2. A member of a school district board, or a county board of education.
- C. A "known adherent to the principle of the Merit System: shall mean a person who, by the nature of prior public or private service, has given evidence of supporting the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, it shall also mean a Commissioner who has clearly demonstrated support of the Merit System and its operation through meeting attendance and action.

20.100.3 Terms of Office

- A. The term of each Commissioner shall be for three years, commencing at noon, December 1.

- B. The terms of the Commissioners shall be staggered so that one term expires each year.
- C. Should a vacancy exist prior to the expiration of the term, the new Commissioner shall be appointed by the original appointing authority to fill the unexpired term.

20.100.4 Appointing Procedure

- A. Appointee of the Board – When the term of the Board’s appointee expires on December 1, the Board shall:
 - 1. Publicly announce the name of the person it intends to appoint prior to September 30.
 - 2. Between 30 and 45 days after the date of the public announcement, the Board, in open hearing, shall provide the public, employees, and any employee organization an opportunity to express their views on the qualifications of the Commission candidate.
 - 3. The Board, at the hearing, may make a substitute appointment without further notification or public hearing.
- B. Appointee of the Classified Employees – When the term of the classified employees’ appointee expires on December 1, the employees shall present the name of their recommended candidate to the Board prior to October 31.
 - 1. The Board shall appoint the employees’ recommended candidate at its next regular meeting subsequent to being notified of the recommendation.
- C. Appointee of the Commissioners – When the term of the Commissioners’ appointee expires on December 1, the Commission shall:
 - 1. Present and discuss the name of its intended appointee at a regular meeting of the Commission to be held in September.
 - 2. In the event agreement is not reached by the Commissioners on the recommended appointee, the Executive Officer of the State Personnel Board shall make the appointment.
- D. When a vacancy occurs other than at the regular expiration of a term, the procedures set forth above shall be followed, allowing a minimum of 30 days between the announcement of a recommended candidate and the actual appointment date.

HISTORY:

Date of Adoption by Personnel Commission:
Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45247

20.200 ORGANIZATION OF COMMISSION

20.200.1 Officers and Terms

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

20.200.2 Quorum and Majority

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

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45247

20.300 MEETINGS

20.300.1 Regular Meetings, Notices

- A. The Commission shall meet regularly each month unless there is proper notice of cancellation. The time of the meeting shall be so designated by the Commission as to afford maximum participation by the Commissioners, Classified Employees, and District Administrators.
- B. The Commission shall not meet on a school holiday.
- C. Public notice of a regular meeting, along with a copy of the meeting agenda, shall be posted at least 72 hours prior to the meeting.

20.300.2 Special Meetings

- A. A special meeting shall be called upon the written request of any two Commissioners.
- B. A special meeting may also be called at any time by the Commission Chairperson.
- C. Public notice of a special meeting and a copy of the meeting agenda shall be posted at least 24 hours prior to the meeting.

- D. Written notice of a special meeting shall be delivered personally to each Commissioner at least 24 hours prior to the meeting.
- E. No business shall be considered by the Commission other than that which appears on the posted notice and agenda.

20.300.3 Closed Sessions

- A. The Commission may hold closed sessions to consider the appointment, employment, evaluation of performance, or dismissal of a classified employee, or to hear complaints or charges brought against an employee unless the employee requests a public hearing.
- B. The Commission may, during the examination of a witness, exclude from a closed session any or all other witnesses in the matter being investigated.
- C. The Commission may also in closed session discuss with its legal counsel matters related to pending litigation.

20.300.4 Minutes

- A. The Commission secretary shall have recorded in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and, when requested, a Commissioner's dissent or approval and the reasons therefore.
- B. The minutes shall be written and presented for correction and approval at the next regular meeting.
- C. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to those who request them.

20.300.5 Agenda Items, Public Participation

- A. Requests for inclusion of matters as agenda items for the Commission meetings shall be made in writing, at least five (5) working days prior to the announced meeting date.
 - 1. The subject matter of agenda items must be within the jurisdiction of the Commission. Should a request be denied for agenda inclusion for being outside of the Commission jurisdiction, the requestor shall be so notified by the Director and to the reasons why. If an item was denied inclusion on the Commission's agenda, but the requestor still believes the item is appropriate for Commission review, the requestor may address the Commission under Public Comments, Non Agenda-Items. The Personnel Commission will not comment on these items other than determining if the item is appropriate for inclusion on a future agenda.
 - 2. Written request for agenda items must consist of a letter or email that describes the item to be discussed with sufficient detail including the

history of the issue and how it is related to the Personnel Commission. Also to be included is any information or material that the requestor wishes to be reviewed by the Commission regarding the issue.

3. The Commission Chair and/or Director shall decide whether an agenda item should be discussed in open or closed session, and whether the item should be an action item, information item, or agenda item under Public Comment.
 4. Items submitted less than five (5) working days before the scheduled meeting date may be postponed to a later meeting date to allow sufficient time for consideration and research of the issue.
- B. Individual employees, employee organization representatives, other interested parties of the District Administration or the public shall be encouraged to respond to proposals and to express their views orally at public meetings of the Commission.

20.300.6 Compensation of Commissioners

- A. The Board may authorize payment to members of the Commission in an amount not to exceed \$50 per meeting or to exceed \$100 per month.
- B. Such compensation for Commissioners shall be included in the Commission's annual budget.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45250

Government Code: 45950-54962

20.400 COMMISSION EMPLOYEES

20.400.1 General Provisions and Status

- A. The Commission shall employ, order paid, fix the duties of, and otherwise control the services of such employees, in addition to the Personnel Director, as it deems necessary to carry out the provisions of the Merit System.
- B. All employees of the Commission shall be selected from eligibility lists established pursuant to these rules.
- C. Commission employees shall be classified employees of the school district and shall be accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the District.

20.400.2 Duties of Personnel Director

- A. The Personnel Director shall be responsible to the Commission for carrying out all procedures in the administration of classified personnel in conformity with the Merit System and the rules of the Commission.
- B. The Personnel Director shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law necessary to the proper functioning of the Commission office and staff.
- C. The Personnel Director shall conduct classification, rules, wage and salary studies, and shall make such other investigations as directed by the Commission.
- D. The Personnel Director shall certify that the assignment or reassignment of each classified employee is appropriate pursuant to the Merit System law and rules of the Commission prior to the payment of any salary or wage to the employee.
- E. The Personnel Director shall be free of prejudice or bias in order to insure the impartiality of the Commission.

20.400.3 In-Service Training

The Commission may expend funds for the orientation, training, retraining, and development of its employees, or for any purpose prescribed by the Merit System regulations.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45109
45255
45264
45266
45310

20.500 ANNUAL BUDGET

- A. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for each fiscal year. The initial proposed budget shall be submitted no later than the first regular Commission meeting in March.
- B. The budget shall be prepared for a public hearing by the Commission to be held not later than April 30 of each year, or at a date agreed upon between the Board and the Personnel Commission to coincide with the process of adoption of the District budget. The Commission shall forward a copy of its proposed budget to the Board indicating the time, date and place for the public hearing of the budget and shall invite the Board and District administration representatives to attend and present their views.

- C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions, and efforts shall be made to resolve any differences that may exist between the Commission and the Board.
- D. When approved by the Commission and the Board, the budget shall then be forwarded to the County Superintendent of Schools in accordance with the provisions of Education Code Section 45253.
- E. At least once every three months, the Personnel Director shall give a budget/expenditure report to the Commission at a regular meeting.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code: 45253
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20.600

ANNUAL REPORT

- A. The Personnel Director shall prepare an annual report of Commission activities during the fiscal year.
- B. The Annual Report shall be prepared each fiscal year prior to September 1.
- C. When approved by the Commission for publication, copies shall be distributed to the Board and other interested parties.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code: 45253 45266
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CHAPTER 30

POSITION CLASSIFICATION

30.100 GENERAL PROVISIONS

30.100.1 Statutory Authority

- A. The Commission shall be responsible for classifying all employees and positions within the jurisdiction of the Board or of the Commission except those which are exempt under the provisions of Sections 45256, 45257, and 45258 of the Education Code.
- B. The employees and positions shall be known as the Classified Service.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45256
45257
45258
45261
45285

30.200 THE CLASSIFIED SERVICE

30.200.1 Positions Included – General

- A. All persons whose contribution consists solely of the rendition of individual personal services not requiring certification qualifications shall be considered a part of the Classified Service and shall only be employed according to the provisions of these rules, except for the exemptions shown in paragraph B below.
- B. The following shall be exempt from the Classified Service:
1. Positions, which by law, require certification qualifications.
 2. Noon duty aides (part-time playground positions).
 3. Full-time high school students employed part time.
 4. Professional experts as designated by the Commission under the provisions of Rule 30.200.4.
 5. Architectural and engineering firms employed on a temporary basis for a specific project as designated by the Commission.
 6. Senior Classified Management as defined by Education Code

30.200.2 Positions Included – Specific

A. Business Manager

1. A person employed in the position of Business Manager, or any such reasonably related position shall be considered part of the Classified Service unless the position is properly designated as a Senior Classified Management position.
2. No title assignment, work or duty statement, educational or other requirements of applicants, or any other device may be construed to require a teaching credential.

B. State or Federally Funded Positions

All positions created by the Board under any federal, state, or special funding (not exempted by Rule 30.200.1) shall be a part of the Classified Service.

30.200.3 Professional Experts

- A. Positions established by the Board for the temporary employment of professionals for consulting purposes shall be designated by the Commission as “professional expert”. Such positions shall be considered exempt from the classified service for all purposes.
- B. A professional expert position requires the employee to possess appropriate specialized knowledge or skills, license or certificate not normally required of any other regular classified employee.

30.200.4 Limited Term Positions, Employees

- A. Whenever the appointing authority shall require the appointment of a person to a limited term position in lieu of an employee on an approved leave as defined in Chapter 65, the appointing authority shall so notify the Commission office and indicate the probable duration of the appointment.
- B. Whenever the appointing authority shall require the appointment of a person to a limited term position, the duration of which is not to exceed six months, the Commission shall be so notified, and informed of the duration of the appointment.
- C. All appointments to substitute or limited-term positions shall be made from appropriate eligibility lists. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited-term employees.
- D. Limited-term employees shall not earn seniority credit, nor be granted benefits regularly given to the Classified Service, with the following exceptions:

1. Limited-term (substitute) employees who work continuously for more than six months shall be granted sick leave benefits as defined in Section 45191 of the Education Code.
2. Limited-term (substitute) employees whose assignment is for more than six months shall be paid for those holidays occurring during their assignment period.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: March 7, 1981
	Revised: April, 1997

REFERENCES:	Education Code:	44065
		44066
		44069
		45101
		45105.1
		45256
		45258
		45259
		45263

30.300 GENERAL CLASSIFICATION RULES

30.300.1 Assignment of Duties

The Board shall prescribe the duties and responsibilities of all positions in the Classified Service except those on the Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to that employee classification the Director shall report the facts to the responsible administrator in order that appropriate action may be taken. (See Rule 30.300.7)

The Board of Education may designate the Superintendent to act on its behalf to prescribe the duties and responsibilities of all positions in the classified service except those on Personnel Commission staff.

Whenever the Superintendent or a designated representative, such as a division or department head proposes to establish a new position, or to revise the duties of an existing position, a statement of proposed duties and the basis for request shall be presented in writing to the Director of the Personnel Commission.

The Board shall fix position duties by taking action to establish (fund) said classified position(s) after the Commission acts to classify position duties pursuant to these rules.

30.300.2 General Nature of the Classification Plan

The Commission shall establish and maintain a plan of classification for all positions in the Classified Service. Classes will be placed into groups according

to general occupational nature. Within groups, they shall be listed in series by specific occupation.

30.300.3 Class Descriptions

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

- A. The official class title;
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
- C. A statement of typical tasks to be performed by persons holding positions allocated to the class;
- D. An indication of essential job functions.
- E. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics.
- F. Where a related class or classes exist, a statement of distinguishing characteristics which differentiates the class from other related or similar classes.
- G. A statement of license or other requirements for the class.
- H. A statement of working conditions for the class, which includes the working environment and the abilities required of the class, and hazardous conditions that may be encountered in the class.
- I. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
- J. Minimum qualifications may never require a teaching, administrative or other credential, nor may they require work experience, which essentially would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

30.300.4 Interpretation of Class Descriptions

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

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, 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 does not exclude others, not mentioned, which are similar in nature kind and/or quality as determined by the Commission.

- B. In determining the class to which any position shall be allocated, the description 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 descriptions, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition, freedom from disabling defects, citizenship (see Labor Code Section 1940 et seq. for exceptions) honesty, sobriety, and industry, even though not specifically mentioned in the descriptions, are implied in the qualification requirements.
- D. The statement of qualification requirements, when considered with other parts of the description, 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 to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

30.300.5 Allocation of Positions to Classes

Positions with substantially similar duties and responsibilities and qualification requirements shall be allocated to the same class.

30.300.6 Changes in Duties of Positions

Substantial changes in the duties shall be promptly reported in writing by the appointing authority to the Director, who shall review them and determine whether the positions should be allocated to different classes.

30.300.7 Working Out of Classification

An employee is not expected to work out of classification. However, if this should occur, the fact shall be reported to the Director, who shall immediately investigate and report to the Commission. After review, the Commission shall take such action as necessary based upon the facts. This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

30.300.8 Review of Positions

The Director shall review the duties and responsibilities of positions as necessary to determine their proper classification. If the Director finds that a position or positions should be reclassified, the Director shall advise the administration of the findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report the findings and recommendations to the Commission. The Director shall also report the findings in cases where the review indicates that no change in classification is necessary.

30.300.9 Creation of New Positions

When the Board creates a new position, it shall submit to the Personnel Director, in writing, the duties officially assigned to the position. The Board may recommend minimum educational and work experience requirements for the position. The Personnel Director shall present recommendations to the Commission which shall:

- A. Classify the position and determine whether the new position shall be allocated to an existing class or to a new class.
- B. If a new class is recommended the Director shall set forth the minimum qualifications recommended and those recommended by the Board, if any. The minimum qualifications approved by the Commission must reasonably relate to the duties assigned the position by the Board.
- C. Recommend the proper salary placement, if a new class is established.
- D. Designate the salary schedule (management, supervisory, or represented) to which the new class is assigned.
- E. Notify the Board of its action.

30.300.10 Positions Requiring Multiple Languages

- A. The Board may, with the approval of the Commission, designate positions within a class which required the holder of the position to speak, read and write a language in addition to English.
- B. The Board must clearly set forth valid reasons for placing language requirements on a position.
- C. An announcement calling for an examination for a class with position(s) containing language requirements will be given preference over other successful candidates, as authorized in Rule 50.200.13, but only as to those specific positions.
- D. When a vacancy occurs in a position, which has approved language requirements, the Board will notify the Commission that the need for language requirements continues to be a part of the position.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997
Revised: October 27, 2014

REFERENCES:

Education Code: 45276
45277
45285

30.300.11 Maintenance of the Classification Plan

The Director shall develop a plan for the review of each classification and position. The plan shall include consideration of the following: revision of class descriptions and titles; placement of positions within classes; recommendation for new classes and deletion of classes.

30.400 GENERAL CLASSIFICATION RULES

30.400.1 Requests for Study

- A. Requests for classification study shall be presented to the Director together with a statement of the reasons for requesting study. Requests for study may be initiated by the administration, with the approval of the Superintendent (or designee), by employee, or by employee organization. Requests initiated by the administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes.
- B. Individuals may submit a request for review of a classification between October 1 and December 31. The Director shall complete an initial assessment of the request. Requests for review will be accepted based on the following:
 - a. The classification has not been reviewed in the past two years; and,
 - b. The classification is not scheduled for review in the next two years; or,
 - c. The request demonstrates significant changes to the duties of the position in relationship to the class description.
- C. The Director shall inform the Cabinet Level Administrator of the request for study and the initial findings. If the Director determines that duties are being performed outside the scope of the classification, the duties will be reported to Cabinet. The Cabinet Level Administrator will indicate on behalf of the Board whether the additional duties are necessary to the operations of the District, or if the duties will be removed from the subject employee(s).
- D. Results of classification studies will be reported to the Personnel Commission.

- E. If the Personnel Commission approves the reclassification to an existing classification, the action will be reported to the Board as a Personnel Action item.
- F. If the Personnel Commission approves the reclassification to a new classification, the action will be reported to the Board to establish (fund) the position.

30.400.2 Effective Date of Reclassification

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

30.400.3 Effects on Incumbents

- A. For an employee to be reclassified upward with his position, the reclassification must have been occasioned by a gradual accretion of duties and not by a sudden change resulting from reorganization or duty changes by the Board. The Commission shall decide, at the time the reclassification occurs whether the reclassification meets this rule.
 - 1. An incumbent of a position which is reclassified, who is eligible for automatic reclassification with the position as detailed in A. above, shall be placed at the same salary step for the higher level classification that the incumbent occupied for the lower level classification.
- B. When all of the positions in a class are reclassified upward, those incumbents with 2 or more years of service in the class shall be automatically reclassified with the positions.
- C. When a portion of the positions in a class are reclassified upward, those incumbents with 2 or more years of service in one or more of the positions being reclassified shall be reclassified with their position(s). (Note: The Commission may require a qualifying examination or other evidence of qualification.)
- D. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until at least 2 years has elapsed from the last upward reclassification.
- E. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:
 - 1. The right to bump the employee in the same class with the lowest seniority in the class, provided the incumbent has greater seniority in the class;
 - 2. The right to displace the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that the incumbent had greater seniority in that class;

3. The right to be demoted or to transfer, without examination, to the class to which the position is reclassified.
4. The employee may choose to transfer, demote, or exercise displacement rights at the employee's option, and such choice shall not affect the employee's right under Rule 30.400.4 below.

30.400.4 Reemployment List for Displaced Incumbents

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

40.100 APPLICATION FOR EMPLOYMENT**40.100.1 Filing of Application**

- A. Unless otherwise indicated in the recruitment announcement, applications for employment shall be made on official forms furnished by the Commission Office and filed in the manner specified in the announcement.
- B. An application submitted in reference to a specific announcement of employment opportunity and examination thereof must be filed during business hours on or before the filing deadline specified in the announcement.
- C. A separate application may be required for each position – for example: if a person were to apply for secretary, custodian, and groundskeeper.

40.100.2 Basic Qualifications of Applicants

- A. In accordance with the legal requirement that persons shall be selected on the basis of merit and fitness (Education Code 45260), all applicants shall:
 - 1. Be mentally and physically competent to perform the tasks outlined for the position(s) for which they apply.
 - 2. Possess the minimum skills and abilities required to perform the tasks outlined for the position(s) for which they apply.

40.100.3 Elimination of Unfit Applicants, Candidates & Eligibles

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

- A. Failure to meet the general qualifications of Rule 40.100.2.
- B. Membership in the Communist Party and/or failure to execute the oath of allegiance required by the State of California.
- 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 of or pleading guilty in court to a narcotics offense, or a charge of moral turpitude, or any sex offense, or mistreatment of children.

- E. Criminal, infamous, dishonest, immoral, or disgraceful conduct.
- F. Making a false statement or omitting a statement as to any material fact on the application form.
- G. Practicing any deception or fraud in connection with an examination or to secure employment.
- H. Narcotics offense, illegal drug use, and/or use of intoxicating beverage to excess.
- I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- J. Previous dismissal from this District unless the District waives this subsection.
- K. A record of unsatisfactory service with this District even though separation has not occurred.
- L. Unsatisfactory health conditions.
- M. Dishonorable discharge from the armed forces of the United States.
- N. Failure to report for duty after an assignment has been offered and accepted.
- O. Failure, after due notice, to report promptly for review of any of the above causes for rejection.

40.100.4 Rejection and Appeal of Rejection

- A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 40.100.3 shall be notified in writing by the Personnel Director. The notification shall state:
 - 1. The reason(s) for rejection.
 - 2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.
 - 3. That, within seven calendar days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
- B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:
 - 1. Given the written notice outlining the reason(s) for sustaining the rejection, and
 - 2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days,

to the Personnel Commission. The appeal may be based on any of the following reasons:

- I. Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin or ancestry.
 - II. Abuse of discretion.
 - III. Inconsistency of the reasons given for the rejection with the facts.
 - IV. Unjustifiable conclusions from past events – for example, conclusions based on employment history.
- C. Upon receipt of an appeal the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

40.100.5 Action When Rejection Is Not Sustained

If a rejection is not sustained by the Director or the Commission, the Director shall institute immediate action to ensure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

40.100.6 Retention of Applications

- A. All applications shall be considered confidential records.
- B. Applications of unsuccessful applicants shall be destroyed after six months from the date of application.
- C. Applications of those persons whose names are on an eligibility list shall be retained for three months from the date of expiration of the eligibility list.
- D. Applications of persons who are appointed shall be retained for the period of employment, and subsequently destroyed in accordance with District policy.

40.100.7 Applicants' Names Not Made Public

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

HISTORY:

Date of Adoption by Personnel Commission:
Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45303

40.200 EXAMINATIONS

40.200.1 Examination Board

No examination announcement may be made and no part of any examination may be held until the Board has properly approved (if a reclassification) or designated (if a new classification) the position duties, and the Commission has completed the position classification including the establishment of minimum knowledge, skill and ability requirements.

40.200.2 Promotional Examinations

Examinations may, as determined by the Commission, be limited to promotional applicants. When an insufficient promotional field of competition exists, the Director may order an open examination or simultaneous open and promotional examination. Promotional examinations shall be restricted to permanent classified or certificated employees of the District who meet the prescribed qualifications for the class.

40.200.3 Notice of Examination

Whenever it is necessary to fill existing or anticipated vacancies in the Classified Service and an appropriate eligibility list does not exist as determined by the Commission, the Commission shall direct the holding of an examination to provide eligibles. Public announcement of such examinations shall be given for at least 15 calendar days prior to the filing deadline and must include a minimum of five (5) non recess days. The announcement shall contain the following facts:

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

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

40.200.4 Who May Compete

Competitive examinations for positions in the classified services shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 40.100.4. Some examinations may be restricted to promotional candidates at the discretion of the Commission.

Candidates may not reapply for the same classification for the period of ninety (90) calendar days from the closing date of the previous recruitment.

Candidates who have previously been unsuccessful in an examination may not retake the examination for the same classification for a period of ninety (90) calendar days from the date of the previous examination.

40.200.5 Admission to Examination

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

40.200.6 Character of Examination

A. Examinations may be comprised of written, oral, a form of practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, test of technical knowledge, manual skill, or physical and mental fitness.

- 1. Prior to each examination, the Director shall review each examination component including written test items to insure their current validity and usefulness in measuring appropriate knowledge, skill and/or ability.

40.200.7 Examination Process

A. Competitors in any written test must take the test on the prescribed date. Exceptions may be made to honor requests from candidates, providing the following conditions are met:

- 1. The request for a change in test time must be made in person or in writing to the Director of the Commission.
- 2. The Director deems the request justified based on reasons such as, but not limited to, personal illness, personal emergencies, civil commitments.

3. The time period will not delay the progress of the examination procedures.
- B. Copies of test questions shall only be made by authorized persons.
 - C. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated.
 - D. Any competitor in any examination who places any identifying mark upon his test papers (other than identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his papers prior to the completion of the examination shall be disqualified.
 - E. The Commission may designate examinations for specified classes as continuous examinations. When so designated, the examination shall be administered as sufficient applicants are available, and applications shall be accepted on every working day. Procedures for review of written tests shall be suspended. The Qualifications Appraisals Board may consist of one person who may be an employee of the District or the Commission.

40.200.8 Examination Weightings

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

40.200.9 Rating Required

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

40.200.10 Examination Papers

All examination papers submitted by competitors are the property of the District and are confidential records.

40.200.11 Qualifications Appraisal Interview (Oral Examination)

- A. If an examination includes a Qualifications Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practical date after conclusion and rating of the earlier test(s).
- B.
 1. When an oral examination is required, the Oral Examination Board must consist of at least two members.

2. Unless the Oral Examination Board is specifically required to evaluate candidates' technical knowledge and skills, it must confine its examination to the evaluation of general fitness of candidates.
3. Commissioners or Board members, in the District giving the exam, may not serve as oral examiners. District employees who are at the first or second level of supervision in the class being examined may not serve as oral examiners; other District employees may serve.
4. Oral examiners will not be provided confidential references on District employees competing in a promotional exam nor shall examiners be provided scores achieved by candidates in other parts of the examination.
5. All examination records are to be confidential and unavailable to anybody for any purpose not directly connected with the exam. Reasonable accommodation shall be made for the review by a candidate or a representative of the candidate's examination papers.

40.200.12 Veteran's Preference Credits

- A. In entry-level examinations, veterans (as defined below) who achieve passing scores shall have an additional five points added to their final composite score.
- B. Disabled veterans shall have, in addition to those points described in Paragraph A, another five points added to their final composite score.
- C. "Entry-level examinations" shall mean any written or oral selection process by which a candidate who is not an employee of the District at the time of the examination competes for a vacancy in the Classified Service.
- D. A "veteran" is defined as:
 1. Any person who has served at least 30 days of active duty in the time of war or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the commission at the time of the examination, **or**
 2. Any person who has served in active duty in the US Armed Forces for at least 181 consecutive calendar days after January 31, 1955, **or**
 3. A widow or widower of a veteran who meets either of the two previous criteria.

Periods of war are defined as:

December 7, 1941 to December 31, 1946 (World War II)
June 27, 1950 to January 31, 1955 (Korean War)
August 7, 1964 to April 30, 1975 (Vietnam)
August 2, 1990 to February 28, 1991 (Gulf War)
September 11, 2001 to Present (Global War on Terrorism)

- E. "Disabled veteran" is defined as any person meeting the qualifications of Paragraph D and who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the U.S. Veterans Administration.

40.200.13 Seniority Credit

In any exam, seniority credit shall be added to the final passing scores of a candidate in the amount of $\frac{1}{4}$ of one point for each year of service, not to exceed a total of five points. Credits shall be granted for time spent in regular status (see definition) 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 not be awarded for units of less than one half year.

40.200.14 Determination of Ranks

Final composite examination scores shall be rounded to the nearest whole percent. The resulting scores shall serve as the basis for ranking candidates on the eligibility list. All eligibles with the same percentage score shall be considered to have the same rank.

40.200.15 Inclusion of Eligible Candidates in Multiple Eligibility Lists

A person who tests for a classification that is part of a particular job family or series, which has lower or laterally related classifications, is eligible for placement in lower or lateral class eligibility lists in that series upon testing successfully for the higher class. The lower or lateral classifications must be related to the higher class and require similar, though equal or lesser knowledges, skills and abilities, as determined by the Personnel Commission. Personnel Commission staff shall identify and announce prior to recruitment and testing activities which related classifications will be affected by the examination and which eligibility lists candidates may be included in upon successful completion of the examination. Implementation of this rule shall not limit employees' opportunities to periodically apply or test for lower classifications in particular job families or series.

Ranking on related lower or lateral level lists is based on the overall score on the higher level list. The expiration date of the original list will apply to each lower or lateral requested classification ranking.

Persons who have successfully tested for any classification covered by this section prior to the establishment of this rule may request to be included in all applicable lower or lateral lists during the life of the list for which they tested.

40.200.16 Notice of Final Score

- A. Each competitor shall be notified of his or her final composite score for the examination and his or her standing on the eligibility list, if qualified, at the time the list is established by the Commission.
- B. Subsequent to the establishment of the eligibility list and during its duration, competitors shall be informed of their standing on the list upon request.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: Sept. 27, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45273
45274
45281
45292
45294
45295
45296

50.100 ELIGIBILITY LISTS**50.100.1 Establishment of Life of Eligibility Lists**

- A. After an examination, the names of successful competitors shall be arranged on a list in the order of examination score (plus additional points where applicable). The list shall be presented for approval or ratification of the Commission.
- B. In the event that three or fewer than three qualified candidates make application for an examination, the candidates may be placed on the list without examination. Eligible candidates shall be deemed to have tied for first rank and shown on the eligibility list as "eligible". (Qualified candidates are those who meet the minimum qualifications stated in the examination announcement.)
- C. After approval, an eligibility list shall be in effect for one year (or six months if so designated), unless exhausted, and may be extended for not to exceed one additional year at the discretion of the Commission.
 - 1. Names of successful competitors may be added to eligibility lists resulting from continuous examinations & subsequently ratified by the Commission.
 - 2. Open competitive and promotional eligibility lists may be established for a period of six months as long as the six month duration is noted in the examination announcement.

50.100.2 Reemployment Lists

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

50.100.3 Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one year (or six months) from the date of its approval unless previously extended by the Commission.
- B. An eligibility list is automatically terminated when no eligible candidates remain on the list.

- C. An eligibility list may be terminated by the Commission when no eligible candidate is available for appointment to a specific permanent position in a class or when there are fewer than three eligible candidates remaining on the list.
- D. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established.

50.100.4 Consolidation of Eligibility Lists

- A. If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligible candidates. The new list shall then be merged with the existing list with eligible candidates ranked in the order of examination score (plus additional points where applicable). Promotional lists shall be merged only with promotional lists, except that, where “dual certification” applies, open and promotional lists shall be merged for certification.
- B. When lists are consolidated under this rule, the earlier list shall be terminated one year after its establishment, and those eligible candidate’s names shall be removed from the consolidated list.

50.100.5 Eligibility After Appointment

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

50.100.6 Removal of Names from Eligibility Lists

- A. The name of an eligible candidate may be removed from an eligibility list by action of the Commission for any of the following reasons:
 - 1. A written request by the eligible candidate for removal.
 - 2. Failure to respond within a reasonable time to an inquiry regarding availability for employment.
 - 3. Any of the causes listed in Rule 40.100.3 above.
 - 4. (Promotional Eligibility List) – Termination of employment.
 - 5. Failure to respond without good cause for an interview after certification.
- B. The name of an eligible candidate may be removed from an eligibility list by the Director, subject to ratification of an appeal to the Commission for restoration under Rule 40.100.4, for any for the following reasons:
 - 1. One waiver of certification during the life of the eligibility list, except that waivers relating to part-time or limited-term

appointments shall not be counted for the purpose of this sub-rule.

2. Refusing an employment offer after having been properly certified as eligible for appointment.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997
	Revised: April, 2000

REFERENCES:	Education Code:	45291
		45293
		45300

50.200 CERTIFICATION FROM EMPLOYMENT LISTS

50.200.1 Order of Precedence

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

- A. Reemployment list (top rank)
- B. Promotional eligibility list (top three ranks)
- C. Open eligibility list (top three ranks)

50.200.2 Dual Certification

When the same examination is held on an open competitive and promotional basis to provide a list of eligible candidates for any class having fewer than three permanent positions or for which the most recent promotional eligibility list failed to provide sufficient available eligible candidates to fill all the vacancies occurring in permanent positions during the first year of life of the eligibility list, the Commission may, prior to the examination, authorize dual certification from the resulting eligibility lists. The three names certified shall be those of open and promotional eligible candidates who have the highest examination scores, without veteran's credit. When all promotional eligibles have been removed from the list, through appointment or otherwise, veterans' credit shall be added to scores of remaining open eligible candidates, and their ranks shall be adjusted accordingly. (See also Rule 40.200.2.)

50.200.3 Procedure When Fewer Than Three Names Remain

- A. When fewer than three eligible candidates are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three eligible candidates.
- B. When fewer than three eligible candidates are available for certification, the available eligible candidates may be certified; however, the appointing authority may choose not to appoint any of the eligible candidates and may request a new examination.

50.200.4 Other Sources of Eligibility

In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement or reemployment (after resignation), restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists.

50.200.5 Waivers of Certification

- A. An eligible candidate may, without penalty, make himself unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing an availability questionnaire in the Commission office.
- B. Eligible candidates who have made themselves unavailable shall not be certified. Eligible candidates may revise or withdraw their waiver in writing.
- C. An available eligible candidate may waive certification once without penalty. At the time a second waiver is to be signed, the eligible candidate will be informed that, upon signing the second waiver, the candidate's name will be removed from the eligibility list per Rule 50.100.6.
- D. At the time an eligibility list is established, each eligible candidate shall be informed of the provisions of rules 50.100.6 and 50.200.5.

50.200.6 Procedure of Certification and Appointment From Eligibility Lists

- A. When a position is to be filled, the appointing authority shall notify the Director of the fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Director.
- B. The Director shall ascertain the availability of eligible candidates and shall certify three ranks to the appointing authority in accordance with these rules. The appropriate transfer and reinstatement requests shall also be certified to the appointing authority.

- C. The appointing authority shall make its selection from the eligible candidates certified and shall notify the Director of the final selection.
- D. If a candidate who has been certified as eligible for appointment to a position fails to keep his/her interview appointment or, at the interview declines the position, the appointing authority may fill the vacancy from the remaining certified eligible candidates or may request additional certification in accordance with Rule 50.200.7.
 - 1. The request for certification of additional eligible candidates shall specify the number of added eligibles required as well as the circumstances necessitating the request.

50.200.7 Certification of Additional Eligible Candidates

- A. Upon receipt of a request to certify additional eligibles, the Director shall determine that an appointment refusal was voluntary on the part of the concerned eligible candidate(s):
 - 1. If the Director finds the request to be valid:
 - A. Certify additional eligible candidates from the eligibility list, as may be required. Additional transfer or reinstatement candidates, and candidates inactive at the time of the original certification will not be certified.
 - B. Remove from the eligibility list, at the Director's discretion, the names of eligible candidates who failed to report for interview or who refused appointment and notify the eligible candidates of the action and their right of appeal to the Commission.
 - C. Notify the Commission of the action taken.
 - 2. If the Director finds that a refusal of appointment was not voluntary and free of any type of duress, the Director shall:
 - A. Notify the appointing authority of the findings and refuse to certify additional eligible candidates, citing the provisions of this Rule.
 - B. Refer the matter to the Commission together with the findings and recommendations which may include suggested action under Education Code Section 4531F.
 - C. Advise the appointing authority of the date of the report to this Commission in order to enable appropriate representation.

50.200.8 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 a higher salary level if the duties and qualifications of the class for which the examination was given

include substantially all of the duties of the position to be filled. This action may be taken provided the Commission finds that the use of the list is in the best interest of the District and that the necessary skills, knowledges, and abilities were adequately tested in the examination.

50.200.9 Withholding Names from Certification

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

- A. The candidate expresses unwillingness or inability to accept appointment.
- B. The candidate fails to respond within three business days next following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.
- C. The candidate fails to report for duty at the time agreed upon after having accepted an appointment.
- D. The candidate cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment).
- E. For any reason listed in Rule 40.100.3.

50.200.10 Restoration to Certification

- A. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, that name may be placed on such list or restored thereto by the Director, subject to ratification by the Commission at its next meeting, under the following circumstances:
 - 1. When the withholding or removal was because of the waiver or inability of the eligible candidate to accept employment, or failure to respond to inquiry as to the candidate's availability to appear for interview, or to report for duty, and the applicant presents a valid reason and certifies to the Commission that the candidate is willing and able to accept appointment.
 - 2. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the defect has since been corrected.
- B. Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.
- C. As provided in Rule 50.200.9E.

50.200.11 Duties of Eligible Candidate

- A. It shall be the duty of every eligible candidate to respond promptly after receiving the notice of certification (within three days plus the normal time required for the communication to be transmitted by mail to the eligible candidate's place of residence and for the answer to be returned by mail.) Failure of an eligible candidate to respond within the stated time will be deemed an automatic waiver of certification, and the Director may certify an additional name in lieu of the name of such eligible candidate.

- B. An eligible candidate who has been certified shall be allowed two weeks (one month in the case of administrative and executive classes) to report for duty after an offer of appointment to a permanent position has been made. If the candidate is unable or unwilling to report by the end of two weeks (one month in the case of administrative and executive classes), the candidate may be considered to have refused the appointment; and the appointing power may request certification of another name from the eligibility or reemployment list.
 - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Director of the selection.
 - 2. Notification may be made by telephone, registered or certified mail.
 - 3. The District may allow a period longer than two weeks at its discretion.
 - 4. When appointment is to a limited-term position, the eligible candidate must be available on the date specified by the appointing authority.

- C. Every eligible candidate who has been placed on an eligibility list or reemployment list shall promptly and in writing file with the Commission the correct mailing address and place of residence. This address shall be the place to which the Commission and the Director shall direct all notices necessary in carrying out the provisions of these rules. Whenever such candidate shall have any change in mailing address or place of residence, the office of the Commission shall be promptly notified, stating the list or lists upon which the candidate's name appears, together with the new mailing address and place of residence. Failure or neglect on the part of any such candidate to file such information may, at the discretion of the Commission, operate as a waiver of the candidate's order of certification and/or appointment from any such list or lists.

50.200.12 Subjects Regarding Which No Questions Shall Be Asked

No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, or marital status shall be asked of any applicant or any eligible candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

50.200.13 Certification of Eligible Candidates for Positions with Language Requirements

- A. If a position has multiple language requirements, as provided for in Rule 30.200.10, the appointing authority shall so indicate to the Director when calling for certification of eligible candidates to fill the vacancy.
- B. In such an instance, the Rule of Three is suspended. The Director shall determine which eligible candidates possess the required language skill and shall certify the names of three qualified eligible candidates, in the order of their relative standing of the list, who are willing to accept the position.
- C. If there is an insufficient number of eligible candidates who meet the language requirements and who are ready and willing to accept the position, the Director shall certify for appointment the top eligible candidate(s) plus those possessing the language requirements who are ready and willing to accept the position provided that the total number certified shall not exceed three.

50.200.14 Reduction in Eligibility

A reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall be placed at the bottom of the eligibility list for the lower class. When no eligibility list exists for the lower class, reduction in eligibility may be granted only in accordance with Rule 50.200.8.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45277

50.300

PROVISIONAL APPOINTMENTS

50.300.1 Restrictions

- A. The appointing authority may make a provisional appointment when the Director certifies that:
 - 1. No eligibility list exists for the class, or
 - 2. An eligibility list exists, but there is an insufficient number of available eligible candidates (i.e. less than three and the appointing authority refuses to appoint an available eligible candidate).
- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar-day interval shall elapse during which the employee shall be ineligible to serve in any full-time provisional capacity.
- C. No person shall be employed in provisional status for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Education Code Section 45266. Successive 90-working-day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.
- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specifications.
- E. Notwithstanding Rules A and B above, the Commission may extend the 90-working-day provisional appointment for a period not to exceed 36 additional working days provided:
 - 1. An examination for the class was completed during the initial 90 work days of the employee's provisional assignment.
 - 2. Satisfactory evidence is presented indicating:
 - A. Adequate recruitment effort has been and is being made.
 - B. Extension of this provisional assignment is necessary to carry on vital functions of the District.
 - C. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.

50.300.2 Terminating Provisional Appointments

- A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90-working-day provisional assignment or the additional 36 working days if authorized by Rule 50.300.1E.
- B. A provisional appointment may be terminated at any time at the discretion of the appointing authority.

50.300.3 Emergency Appointments

- A. If it should become necessary in time of emergency to fill a position in the classified service to prevent the stoppage of public business, the Board, through its authorized department administrators, may make emergency appointments without reference to eligibility lists for a period not to exceed 15 working days.
- B. When such emergency appointments are made, it shall be the duty of the Board to notify the Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45287
45288
45289

60.100 PROBATION**60.100.1 Length of Probation**

- A. A new employee duly appointed from an eligibility list (except for those classes listed below) shall serve a probationary period of six months or 130 days of paid service, whichever is longer, in the classification before being advanced to permanent status in the Classified Service of the District. All leaves of absence, paid or unpaid, are excluded from the 130 day probationary period.
- B. An employee who is promoted (except into those classes listed below) shall serve a probationary period of six months or 130 days of paid service whichever is longer, in the higher classification before attaining permanence in that class.
- C. Time worked by an employee in a “limited term” or “provisional” assignment shall not be credited towards the completion of the probationary period.
- D. Time worked by an employee in a “restricted” position shall not be credited towards the completion of the probationary period for entry into the permanent Classified Service, until such time as the employee satisfactorily completes the qualifying examination for the class as described under the rules of “restricted” positions.
- E. An employee who is appointed to a management or supervisory position shall be required to serve a probationary period of one year or 260 days of paid service, whichever is longer, before attaining permanency in the classification or any other position designated by the Commission as “executive,” “administrative,” or “police” for the purpose of this rule.

60.100.2 Rights of Probationary Employees

- A. A new employee who resigns in good standing during the initial probationary period shall, upon request, be restored in proper rank to the eligibility list.
- B. A new employee who is suspended or dismissed from the Classified Service during the initial probationary period shall be notified by the Director of the action taken and the reason. A new employee serving an initial probationary period shall not have the right to appeal the suspension or dismissal.
- C. An employee with permanent status in the Classified Service who has been promoted may be demoted voluntarily or involuntarily for any

reason during the probationary period to a position in the employee's former classification. The employee shall be notified by the Director of the action and the reasons. A permanent employee in probationary status shall not have the right to an appeal or hearing on a demotion to the employee's former class, unless the demotion would result in the separation of the employee from the permanent Classified Service.

- D. Should a permanent employee serving a probationary period in a higher classification be demoted because the new assignment was temporary or the position abolished for whatever reason, the employee so affected shall also be restored to the eligibility list for the higher classification and the time served shall be credited towards any future probationary period for that same class.
- E. A permanent employee who is suspended or dismissed during a probationary period shall have full rights of appeal under the provisions of this chapter.
- F. A permanent employee who is demoted to a lower class other than the former classification during a probationary period shall have full rights of appeal under the provisions of this chapter.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: October 5, 1976
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code:	45105
		45108
		45270
		45305
		45301
		45302

Board Policy: Article V, 5.2

60.200 CHANGES IN POSITION, CLASS OR ASSIGNED TIME

60.200.1 Transfer

- A. An employee becomes eligible for transfer after having served six months or more in the current assignment.
- B. Employees desiring to transfer shall submit a transfer request form specifying the work locations and schedules which the employee requests. Transfer requests shall be maintained for a period of six months and may be reactivated for an additional six months at the request of the employee.

- C. Transfer candidates shall be certified prior to the top three ranks of eligible candidates from the appropriate eligibility lists for consideration by the appointing authority for vacant positions.
- D. Transfer of an employee from a position in one class to a vacant position in another related classification, voluntary or otherwise, must be first approved by the Director.
- E. Upon request, the Director is authorized to determine if the classifications are sufficiently related to permit a transfer. The Director shall consider the following in making the determination:
 - 1. equal placement on the salary schedules.
 - 2. similarity of the types of duties required for each classification.
 - 3. minimum qualifications required for each class.
- F. The provisions of this section shall not be deemed to preempt or supersede any related provision which is included in a negotiated collective agreement between the school employer and an appropriate unit of represented employees.

60.200.2 Reassignment

- A. The Administration may reassign an employee from one position to an equivalent assignment in another work location at its discretion.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: October 5, 1976
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45261
 45278

Government Code: 3453.2

Board Policy: Article V, 5.2

60.200.3 Demotion

- A. A permanent employee may be involuntarily demoted to a lower classification only for cause in accordance with the procedures described in Section 60.500 (disciplinary action).
- B. A probationary or permanent employee may request voluntary demotion to a vacancy in a lower related classification. Such requests shall be submitted to the Commission and the employee's name will be certified for appointment with the other eligible candidates. The Director shall

determine whether the classifications are sufficiently related to permit a voluntary demotion.

1. Employees who requested voluntary demotion for personal preference may be certified, upon their request, along with other eligible candidates for a vacant position in their former classification for a period of 39 months.
2. Employees who are reinstated to a position in their former classification shall have restored all of their rights, benefits, and burdens in the classification to which they have been reinstated.
3. Employees reinstated following voluntary demotion shall be placed on the appropriate salary schedule according to the provisions of Chapter 70.

60.200.4 Decreases in Assigned Time

1. The reduction of a position in assigned time per day, week, month, or year, constitutes a layoff. Employees affected by an involuntary reduction in assigned time shall be granted the same notice of displacement and re-employment rights as persons laid off under the provisions of Section 60.300.
2. Rule 60.200.4 shall not be deemed to preempt or supersede any related provisions as part of a negotiated collective agreement between the school employer and an appropriate unit of represented employees.
3. Notwithstanding any of the provisions of paragraphs 1 and 2, the work assignment of a school bus driver may be reduced by up to fifteen (15) minutes per day provided that only one such reduction in time is made during the periods between the October and February route biddings. An employee whose assignment in time is reduced under the provisions of this paragraph shall receive an appropriate written notice at least five working days prior to the effective day of the time reduction.

60.200.5 Change in Assignment Due to Reclassification

- A. When a portion of all of the positions in a class are reclassified in accordance with the provisions of Section 30.300 (Reclassification) to a higher class, the incumbents who have been in the class for two or more years may be reclassified without competitive examinations within their positions by the Commission.
- B. Permanent employees in positions affected by reclassification who have been in the class for less than two years shall be given the appropriate examinations for the higher classification. If the employee satisfactorily completes the qualifying examination, the employee shall be placed on the eligibility list for the higher class in accordance with the score achieved in the examination.
- C. Any employee displaced by the effects of a reclassification of a position or positions within the classification shall be granted all rights as those persons laid off in accordance with the procedures of Section 60.300.

60.200.6 Effect of Reorganization upon Incumbents

- A. When a position is changed due to reorganization or the assignment of completely new duties and responsibilities, the Board shall take the appropriate action to abolish the former position and create an appropriate position description of the new duties and responsibilities.
- B. Incumbents in positions abolished under this rule may be reassigned or laid off in accordance with their seniority rights. Incumbents who are laid off under this rule shall be granted all corresponding rights in accordance with the procedures of Section 60.300.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: October 5, 1976
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45285
45298
45302
45308

60.300 LAYOFF

60.300.1 General Regulations

- A. Classified employees shall be subject to layoff by action of the Board for lack of work or lack of funds.
 - 1. "Lack of work" shall be defined as a reduction or elimination of the services being provided by any department.
 - 2. "Lack of funds" shall be deemed to exist when the salaries of classified employees have been paid from specially funded programs which have expired or are to be terminated.

60.300.2 Seniority (Order of Layoff)

- A. In the event of layoff, the order of layoff shall be determined by the length of service. The employee who has been employed the shortest time in the class plus higher classes shall be laid off first.
 - 1. "Length of service" shall be determined by the initial hire date in regular classified employee status. Length of service credit shall be granted for time spent on military leave, illness and industrial accident leave.
 - 2. Displacement rights will be determined by length of service in the classification, length of service with the District as a regular classified employee, and then by lottery.

3. Should an employee voluntarily separate from service and subsequently be re-employed within 39 months from the date of such separation, length of service credit earned prior to separation shall be reinstated.
4. An employee transferred from one classification to another shall retain seniority in the former classification; seniority in the new classification shall begin accruing on the date of the transfer.
5. A probationary or permanent employee serving in one class and holding a provisional or limited-term appointment to a position in another classification continues to earn length of service credit in the regular class.
6. No regular employee shall be laid off from any position while employees serving under limited-term appointments are retained in positions of the same classification unless the regular employee declines the limited-term position.
7. A limited-term employee may be laid off at the completion of the assignment without regard to the procedures set forth in these rules.

60.300.3 Displacement Rights

- A. Permanent classified employees who are to be laid off may exercise displacement rights in their class, in any equal or lower class in which they hold seniority credit (by virtue of their service in that class as restricted, probationary and/or permanent status employee) greater than an incumbent. In the event of an employee having the option of exercising their displacement rights the following displacement procedure will be applied. The steps will be taken in numerical order.
 1. An employee whose position is eliminated or reduced shall first be placed in a vacant position with an equal assignment in the same classification when compared with the employee's current position.
 2. If the previous option is unavailable, the employee shall be placed in a vacant position that has additional assigned time in the same Classification when compared with the employee's current position.
 3. If the previous option is unavailable, the employee shall have the right to displace the least senior employee in the same classification whose assignment is equal in hours per day and days per work year.
 4. If the previous option is unavailable, the employee shall have the right to displace the least senior of the less senior employees in their classification whose assignment most closely approximates the employees own hours per day and days per work year. This assignment may hold more hours or fewer hours than the employee's current position. In regards to Option 4, if there are two positions whose hours equally approximate the employee's

current position, one with more hours and one with less, the employee will have the right to the position held by the least senior employee regardless of the number of hours of the position.

5. If the previous option results in the elimination of the employees current Health and Welfare benefits, as an alternative, the employee shall also have the option of bumping into an equal or lower classification which they previously held as a classified employee, for the purpose of non elimination of Health and Welfare benefits. The employee will repeat the sequence of options 1 – 4, outlined in this rule for equal or lower classification(s).

60.300.4 Notice of Layoff

- A. Employees laid off by action of the Board due to a reduction in services (lack of work) or lack of funds shall be so notified in writing by the Director not less than 60 calendar days prior to the effective day of layoff.
 1. Notice shall be delivered by personal service or U. S. Certified Mail (Return Receipt Requested).
 2. Notice shall inform employees of their displacement rights, if any, their re-employment rights and the effective date of layoff.
- B. Employees to be laid off at the end of a school year due to the expiration of a specially funded program shall be so notified in writing by the Director of the layoff by no later than May 29. If the termination date of the specially funded program is other than June 30, such notice shall be given not less than 30 days prior to the effective date of layoff.
- C. Employees laid off by action of the Board in an actual emergency situation resulting from causes not foreseeable or preventable by the Board may be laid off without the required notices described in paragraphs A and B of this rule.
- D. A re-employment list for each classification subject to layoff will be established and maintained for at least 39 months or until exhausted, whichever is sooner. The names of employees laid off will be placed on the re-employment list in accordance with length of service in the class plus higher classes.

60.300.5 Re-employment Rights

- A. Employees laid off under the provisions of this rule shall be selected first (in preference to new applicants) in reverse order of layoff for the first openings occurring in a class in which they hold seniority for a period of up to 39 months.
1. When a vacancy occurs in a class for which a re-employment list has been established, the senior employee will be notified and given an opportunity to accept the vacancy. Such employees shall have four (4) working days from receipt of notice to respond to the offer of re-employment. Should the notice of re-employment be undeliverable or the noticed employee not accept the offer of re-employment, the employee's name shall be removed from the re-employment list and it shall be presumed that the employee shall have exhausted his/her re-employment rights.
 2. Employees who accepted voluntary demotions or reductions in assigned time in lieu of layoff shall retain the same rights as persons laid off and shall retain re-employment rights for an additional period of up to 24 months.
 3. Employees who accepted voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available in accordance with their seniority from the appropriate re-employment list.
 4. Employees who elected service retirement in lieu of layoff shall be placed on an appropriate re-employment list and afforded the same opportunities for re-employment as other employees laid off. If such an employee is subsequently subject to re-employment accepts such re-employment in writing, the vacancy shall be maintained until the employee's request for reinstatement from retirement has been properly processed.
 5. When re-employment lists are in effect in accordance with Education Code 45192 and 45195, and persons thereon have served in the class experiencing layoff, they will be placed on the layoff re-employment list according to seniority as if they had been in active service at the time the layoff was effected.
 6. Employees on re-employment list shall be eligible to compete in promotional examinations.
 7. Laid off employees accrue no additional seniority credit while on re-employment lists or in substitute or limited-term assignments.
 8. An employee on a re-employment list may be employed as a substitute or limited-term employee in the original class or any other class for which the employee is qualified and such employment shall have no effect upon the employee's re-employment rights.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997
	Revised: June, 2003
REFERENCES:	Education Code: 45192 45195

60.400 RESIGNATION

- A. An employee who voluntarily chooses to resign from the Classified Service shall present a written statement of resignation to his or her supervisor or department manager at least two weeks prior to the effective date of the resignation. For management and supervisory employees, the resignation shall be presented at least four weeks prior to the effective date. If the resignation has no fixed effective date, the Board may fix the time when the resignation shall take effect.
- B. The supervisor or department manager, upon receiving a letter of resignation, shall immediately:
 - 1. Forward the letter to the Assistant Superintendent, Personnel Support Services, who shall be authorized to accept it on behalf of the Board.
 - 2. Notify the Personnel Office of the employee's letter and effective date of resignation.

HISTORY:	Date of Adoption by Personnel Commission:
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	Revised: January 8, 1980
	Revised: April, 1997
REFERENCES:	Education Code: 45201
	Board Policy: Article V, 5.2

60.500 DISCIPLINARY ACTION AND RIGHTS OF APPEAL

60.500.1 Suspension, Demotion or Dismissal

- A. No disciplinary action shall be taken for any cause which arose prior to the date upon which the employee became permanent nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by the

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

- B. No employee in the Classified Service shall be suspended, demoted, dismissed or in any way discriminated against because of the employee's religious creed, race, color, national origin or ancestry; gender (unless based upon a bona fide occupational qualification); marital status; real or perceived sexual orientation; or age.
- C. A permanent employee shall have the right to appeal to the Commission following formal action by the Board. In the event of a timely appeal by the employee, the employee's position may not be filled on a regular basis until such time as the Commission renders its final judgment.
- D. Provisions for disciplinary action against probationary employees, as well as limited-term and provisional employees, shall be in accordance with the provisions of Rule 60.100 (Probation).
- E. One or more of the following causes shall be considered grounds for suspension without pay, demotion or dismissal of any permanent classified employee:
 - 1. Incompetence or inefficiency in the performance of duties.
 - 2. Inability to perform assigned tasks due to failure to meet job qualifications (including but not limited to failure to possess required licenses, failure to pass required tests or failure to meet District insurability requirements).
 - 3. Insubordination (including but not limited to refusal to do assigned work); inattention to, or dereliction of, duty; disorderly conduct; any willful or persistent violation of the provisions of the Education Code or of the Rules, Regulations, or Procedures of the Board or the Commission.
 - 4. Discourteous, offensive or abusive conduct or language toward other employees, pupils or the public; sexual harassment of other employees; unlawful discrimination against the public or other employees.
 - 5. Dishonesty; examination fraud or any act of dishonesty or theft performed on the job or relating to District employment including unauthorized entry into automated data systems.
 - 6. Consuming alcoholic beverages on the job or reporting for work while under the effects of, and/or legally impaired by alcohol.
 - 7. Possession or use of controlled substances without a legal prescription while on the job; reporting to work while under the influence of a controlled substance(s); abuse of prescription drugs if behavior presents a safety or security risk to the District.
 - 8. Theft or other misappropriation of property belonging to the District, any employee of the District, a student, or a patron of the District.

9. Engaging in political activity during assigned hours of work.
10. Conviction of a crime (either a felony or misdemeanor) while employed, which indicates that the person is a poor employment risk; failure to disclose material facts relating to criminal records.
11. Conviction of a sex offense as defined in Education Code Section 44010 or a narcotics offense as defined in Education Code Section 44011 or California Health and Safety Code Sections 11350-11355 inclusive, 11366, 11368, 11377 to 11382 inclusive, and 11550.
12. Conviction of any crime involving moral turpitude.
13. Selling, distributing or furnishing controlled substances to a minor or other adult; conviction of a narcotics offense, including a plea of "nolo contendere" under Education Code 45123 or other applicable law. Suspension of a classified employee as a result of an arrest or complaint prior to resolution of the charge shall be in accordance with the provisions of Education Code Section 45304.
14. Abuse of leave privileges, including but not limited to, unexcused or excessive absences or tardiness.
15. Failure to disclose material facts, or the making of any false or misleading statements including but not limited to information supplied on application forms, employment records or any other District records.
16. Carelessness or negligence in performance of duty or in the care or use of District property; willful damage to District property or equipment.
17. Persistent violation or refusal to obey safety rules and regulations and/or frequent accidents causing injury to self, others, or property of the District.
18. Any willful conduct tending to injure the public services, including but not limited to any conduct which unreasonably places any member of the public, any student, employee, District representative or official or the employee himself, at risk as to health, safety, or welfare.
19. Conflict of interest including, but not limited to, soliciting or accepting monetary awards or other privileges for services which the employee is paid by the District; active participation by a management or confidential employee in the affairs of an employee organization which is an exclusive representative of unit members; disclosure of confidential information to unauthorized parties or other apparent conflict of interest situation which is detrimental to the interests of the District.
20. Abandonment of position.
21. Advocacy of overthrow of federal, state or local government by force, violence or other unlawful means. (GC 1028)

22. Membership in the Communist Party. (GC 1028)
 23. Physical or mental incapacity including, but not limited to, illness of a disabling nature after the exhaustion of illness leave and other applicable leave and re-employment privileges.
- F. Whenever a classified employee is charged with a mandatory leave of absence for an offense as defined within Education Code section 44940, subdivision (a) or an optional leave of absence offense as defined in subdivision 1(b) of that section, the provisions of Education Code section 45304 shall apply. A leave of absence or suspension in accordance with Education Code section 45304 and related sections shall not be construed as a disciplinary procedure.
- G. When suspension without pay, demotion, or dismissal of a permanent classified employee has been approved by the Board, the action and the charges shall be reported to the Director who shall, within ten (10) calendar days, notify the employee and report the action to the Commission by mail and at its next regular meeting.
1. Notice to the employee shall be delivered in person or by U.S. Certified Mail- Return Receipt Requested, with postage prepaid addressed to the employee at the last known address.
 2. Notice to the employee shall include a copy of the charges and a statement of the right to appeal.

60.500.2 Appeal

- A. A permanent employee who has been suspended without pay, demoted or dismissed may appeal the action within fourteen (14) calendar days after receipt of a copy of the written charges by filing a written answer to the charges with the Commission.
1. The written answer must state clearly that the employee desires to exercise the right to appeal and describes the basis for the appeal.
 2. The appeal can be made only on one or more of the following grounds:
 - a. That the procedure set forth in Rule 60.500.1 was not followed.
 - b. That the demotion, suspension without pay, or dismissal was made because of reasons stated in Section 60.500.1 (B) (Suspension, Demotion or Dismissal).
 - c. That there has been an abuse of discretion by the appointing or recommending authority or that the penalty invoked is excessive.
- B. The Notice to Appeal must be submitted to the Commission and signed by the employee. It must further state the address at which the employee resides and at which the employee may be expected to receive all future correspondence, notices or documents related to the appeal.

- C. A copy of the Notice to Appeal shall be provided to the Assistant Superintendent, Personnel Support Services, by the Commission through its Director or designee as soon as practical following receipt of the appeal.
- D. The employee may be represented by counsel or any other person designated by the employee. The Notice to Appeal should state, if known, the name and address of the employee's representative.

60.500.3 Hearing Procedure

- A. Upon receipt of the Notice to Appeal, the Commission shall determine the date, time and place of the hearing on the appeal. The hearing shall be held within the boundaries of the District and in a place conducive to the proper conduct of the hearing.
- B. The Commission may conduct the hearings of appeals or it may appoint a hearing officer to conduct the hearings and report the findings and/or recommendations to the Commission. The Commission may accept, reject or amend the findings of the hearing officer.
- C. The Commission or its designee, shall deliver or mail a notice of the hearing to all parties at least ten (10) calendar days prior to the hearing. The hearing shall not be held prior to the expiration of the time within which the appellant is entitled to file a notice of appeal.
- D. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The California Administrative Procedures Act shall not be applicable to the hearing process except as required by law.
 - 1. Any relevant information shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the extent applicable within the law. Irrelevant and unduly repetitious evidence shall be excluded.
 - 2. Hearsay evidence may be used for the purpose of explaining or to supplement other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
 - 3. The participants possess the right to call and examine witnesses.
 - 4. The participants possess the right to introduce exhibits.
 - 5. The participants possess the right to examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examinations. However, the presiding hearing officer may limit the scope of examination subsequent to cross examination.
 - 6. The participants possess the right to impeach any witness regardless of which party first called the witness to testify.

7. The participants possess the right to rebut the evidence against him/her.
 8. If the appellant does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.
- E. The Commission or its hearing officer shall rule on all objections raised by either party.
 - F. The Board and the appellant shall be allowed to be represented by legal counsel or other designated representatives.
 - G. The Commission or its hearing officer may, prior to or during the hearing, grant a continuance for any reason it believes to be sufficient or important to reaching a fair and proper decision. When granting a continuance the Commission or its hearing officer may direct all witnesses to return at the date and time set and such order shall have the same effect as though a subpoena had been issued.
 - H. When the Board and the appellant have completed their presentations the Commission or its hearing officer shall render his/her findings or judgment on the appeal. The finding(s) shall be on the preponderance of the evidence. The Commission or its hearing officer shall determine the relevancy, weight and credibility of the testimony and evidence. Decisions made by the Commission or recommended findings of its hearing officer shall not be invalidated by any informality in the proceedings.
 - I. The hearing may be held in a public or closed session at the discretion of the employee. The Commission, after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Commission, its counsel and its Director shall be permitted to participate in the deliberations. If the Director was a witness in the proceedings, the Director shall not participate in the Commission's final deliberations.
 - J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and, in any event, no later than ten (10) calendar days following conclusion of the hearing, or a number of days equal to the number of days on which the hearing was in session.
 - K. The decision rendered by the Commission may:
 1. Sustain or reject any or all of the charges filed against the employee,
 2. Sustain, reject or modify the disciplinary action invoked against the employee,
 3. Not provide for discipline more stringent than that approved by the Board.
 - L. Should the Commission sustain an employee who has appealed a suspension without pay, demotion, or dismissal, the Commission may order paid all or part of the employee's full compensation from the time of the disciplinary action and may order the employee's reinstatement upon such terms and conditions as it may determine appropriate.

- M. The Commission's order of judgment shall be filed with the Board and the charged employee. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated which may be any time on or after the effective date of the disciplinary action.
- N. The Commission may direct such other action as it may find necessary to effect a just settlement of the appeal including but not limited to:
 - 1. Compensation for all or part of the legitimate expenses incurred in pursuit or defense of the appeal.
 - 2. Seniority credit for off-duty time pending reinstatement.
 - 3. Deletion from the employee's personnel record of disciplinary actions, causes and charges which were not sustained by the Commission.
- O. Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code: 45302-07
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60.600 RESTORATION, RE-EMPLOYMENT, REINSTATEMENT

60.600.1 Restoration Following Voluntary Demotion

- A. Employees who voluntarily request demotion in lieu of layoff shall be re-employed from the appropriate re-employment list in order of their seniority.
- B. Employees who requested voluntary demotion for reasons of personal preference may be certified, upon their request, along with other eligible candidates for a vacant position in their former class for a period of 39 months.
- C. Employees who are reinstated to a position in their former classification shall have restored all rights and benefits in the classification to which they have been reinstated.
- D. Employees reinstated following voluntary demotion shall be placed on the appropriate salary schedule according to the provisions of Chapter 70.

60.600.2 Reinstatement Following Layoff

- A. Employees reinstated following their layoff shall be re-employed in the reverse order of layoff as described in Rule 60.300.4.

- B. Employees reinstated following layoff shall have restored all of their rights and benefits in their former classification as though there had been no break in service. Reinstatement shall include restoration of accumulated sick leave and seniority as of the date of separation.
- C. Employees reinstated following layoff shall be placed on the appropriate salary schedule according to the provisions of Chapter 70.

60.600.3 Re-employment Following Resignation

- A. An employee who voluntarily resigns in good standing in accordance with the provisions of Rule 60.400 may be re-employed to a position in his or her former classification for a period of 39 months after the last day of paid service and without further competitive examination.
- B. An employee who has resigned according to the above provisions may also be re-employed in a related lower classification or a lower class in which the employee formerly had permanent status. Re-employment to a lower class shall not in any way abridge the rights afforded the employee in the first paragraph of this rule during the 39-month period.
- C. If an employee is re-employed in accordance with the provisions of this rule, the District shall disregard the break in service and restore to the employee all of the rights and benefits of a permanent classified employee in the class to which the employee is re-employed. Reinstatement shall include restoration of accumulated sick leave and seniority as of the date of separation.
- D. The salary placement of an employee who is re-employed after resignation shall be according to the provisions of Chapter 70.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: Sept. 27, 1977
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code: 45307
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60.700 REASSIGNMENT OF HANDICAPPED EMPLOYEES

60.700.1 Conditions Leading to Reassignment, Nature of Reassignment

A permanent employee who is determined by the Board to be incapable of performing the duties of his or her position or class because of illness or injury may, at the discretion of the Board, be assigned duties which he or she is capable of performing. The position to which the employee is assigned may be within the same classification, or shall be subject to classification by the Commission.

60.700.2 Effect of Reassignment

- A. In the event the new position for a handicapped employee is classified and allocated to a lower wage or salary than the employee's former classification, the employee shall be paid the wage appropriate to the classification.
- B. In the event the new position is classified and allocated to a higher wage or salary than the employee's former classification, the employee may be assigned to the higher position without competitive examination, but shall continue to receive the wage or salary of his or her former classification. If, however, the employee is selected for the higher position from an appropriate eligibility list, the employee shall receive the appropriate salary for the higher classification.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: Sept. 27, 1977
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code: 45279
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60.800 PERFORMANCE EVALUATIONS

60.800.1 Frequency of Evaluations

- A. Probationary employees in classifications with 6-month probationary periods shall have their work performance evaluated following the procedures of Rule 60.800.3 at the end of two months of service and again following the fifth month of service prior to completion of the probationary period.
- B. Probationary employees in classifications with one-year probationary periods shall have their work performance evaluated following the procedures of Rule 60.800.3 at the end of the second and eighth month of service prior to the completion of the probationary period.

- C. Employees who have attained permanency in a classification shall have their work performance evaluated following the procedures of Rule 60.800.3 at least once each year, approximately one month prior to their salary step increment date.
- D. Additionally, written performance evaluations of probationary and permanent employees may be made at any time at the discretion of the employee's supervisor.

60.800.2 Evaluators

- A. Classified employees shall be evaluated by their immediate supervisors, whenever possible.
- B. In cases where functional supervision is assigned to a central office manager or administrator, this individual and the employee's first line supervisor shall confer with respect to the evaluation report and both shall sign the report.
- C. In cases of transfers, change of supervisor, etc., the supervisor responsible for the employee at the end of the evaluation period shall make the evaluation report, consulting with the employee's former supervisor if possible to make a comprehensive report.

60.800.3 Procedure

- A. Performance evaluations for all probationary employees shall be submitted to the Personnel Department twice during the period of probationary employment, normally during the second and fifth months of service, and will be completed by the employee's designated evaluator.
- B. Performance evaluations for permanent employees shall be submitted to the Personnel Department once during the school year.
- C. Special or supplementary evaluations may be made at any time when such evaluation is deemed appropriate by the immediate supervisor or evaluator.
- D. Special or supplementary evaluations may be made at any time when such evaluation is deemed appropriate by the immediate supervisor or evaluator.
- E. Reclassified employees shall be evaluated twice during their probationary period in their new classification.
- F. An evaluation report and conference may be scheduled at any time during the year.

60.800.4 Appeals of Evaluations

- A. Where the employee disagrees in part, or totally, with an evaluation report, the employee shall have the right to submit a written, signed rebuttal to the report which shall be attached to the evaluation report and included in the employee's permanent file.
- B. Any unresolved disagreement or dispute arising from an unsatisfactory performance evaluation report shall be handled according to the provision of Chapter 80 for the Resolutions of Complaints.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 44031
45261

CHAPTER 65

LEAVES OF ABSENCE, HOLIDAYS

65.100 VACATION

65.100.1 General Provisions

- A. Every regular classified employee shall earn vacation at the rates prescribed by Board policy or the appropriate collective bargaining agreement.
- B. Earned vacation shall not become a vested right until completion of the initial six months of employment with the District.
- C. Vacation credit shall also be earned during any paid leave of absence.

65.100.2 Vacation Schedules, Accrual

- A. Earned vacation may be taken at any time during the employee's work year at the discretion of the appropriate manager/supervisor with due regard to both the efficiency of the District's operations and the preference of the employee.
- B. In most cases, vacation time may only be taken after it is earned,
- C. Vacation time shall not be accumulated indefinitely. Accrued, unused vacation credit shall not exceed twice the employee's annual vacation entitlement. In the event an employee is not permitted to take his or her vacation time in the period set forth in this paragraph, the District shall offer reimbursement for the unused vacation time.
- D. Upon separation from employment with the District, a permanent employee shall be entitled to a lump sum compensation for all earned and unused vacation.

65.100.3 Illness and Bereavement While on Vacation

- A. Any classified employee who commences the prescribed vacation period and subsequently becomes ill or is bereaved before his/her vacation period has been completed, shall be placed on sick leave/bereavement leave under the following conditions:
 - 1. The illness or bereavement is for three (3) consecutive days or more.
 - 2. The illness or bereavement is such that had the employee been working the employee would have been absent on sick or bereavement leave.

3. The request is filed with the Board within two weeks of the illness or bereavement or within, at the latest, one week of the employee's return to duty unless extraordinary extenuating circumstances exist which prevent such filing.
 4. The filed request fully outlines the reasons for the request and is fully substantiated to include a physician's verification of illness in the case of illness.
- B. When all or part of an employee's vacation is to be charged to illness or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned-vacation balance.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: Dec. 6, 1977
 Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45197

65.200

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE

65.200.1 General Provisions

- A. **Eligibility.** All employees who are absent because of injury or illness arising out of and in the course of employment with the District, and for which the employees are receiving temporary disability benefits under the Workers' Compensation Laws, shall be granted a paid leave of absence for each such accident or illness.
- B. **Maximum Daily Compensation.** In no instance shall the amount of leave compensation, when added to the worker's compensation rate received, exceed the regular daily wage or salary amount to which the employee is entitled.
- C. **Use.** The leave provisions of this Rule shall be granted to eligible employees beginning on the first day of absence and shall be used prior to any other earned sick leave, vacation, accumulated compensating time, or any other available leave to which the employees are entitled.
- D. The provisions of Rule 65.200.1 shall not be deemed to preempt or supersede any related provisions of a negotiated collective agreement (contract) between the school employer and an appropriate unit of represented employees.

65.200.2 Reporting Procedure

- A. An employee who has sustained a job-related injury shall report the injury on the appropriate District form as soon as possible to the immediate supervisor.
- B. An employee shall report any illness on the appropriate District form to the immediate supervisor as soon as possible upon any indication that the illness is job related in any manner.

65.200.3 Amount of Annual Leave

- A. Leave under the provisions of Rule 65.200 shall be for not more than 60 working days in any one fiscal year for each accident or illness.
- B. Industrial Leave may not be accumulated from year to year.
- C. When an accident or illness as defined by this section occurs at a time when the full 60 working days will overlap into the next fiscal year, the employee shall be entitled to only that leave amount remaining at the end of the fiscal year in which the injury or illness occurred. Upon the beginning of the next fiscal year, another 60 working days shall be granted for the same illness, if needed.

65.200.4 Method of Compensation, Re-employment

- A. During the leave period granted by this section, and all other paid leave, the District shall pay the appropriate wage or salary due the employee for each day of absence and the employee shall endorse to the District any benefit checks received under the provisions of the Workers' Compensation Laws.
- B. The daily salary will be computed on the basis of the number of hours in the employee's basic daily work assignment. Where the daily hour assignment varies during the week, the daily rate will be computed on the basis of the average daily hours worked during the last two full months of employment immediately preceding the accident or illness leave.

65.300 PERSONAL ILLNESS (SICK) LEAVE

65.300.1 General Provisions

- A. **Eligibility.** All classified employees are entitled to personal illness leave according to the schedules described in Rule 65.300.2.
- B. **When Leave Can Be Taken.** Personal illness leave need not be earned prior to taking such leave, and may be taken at any time during the year. A new employee, however, shall not be eligible to take more than six (6) days during the first six months of service with the District.

- C. **Unearned Leave Taken.** Any unearned sick leave taken by an employee at the time of termination shall be deducted from the final paycheck.
- D. **Accumulation.** All sick leave not taken shall be accumulated indefinitely.
- E. **Transfer.** A classified employee of any school district or county superintendent of schools within the State, who was employed for a period of one calendar year or more, and whose employment was terminated for reasons other than "termination for cause" by the employer, shall have transferred to this District sick leave providing the beginning employment date with the District is within one calendar year of the termination date from the former agency.
- F. **Verification of Illness.** Verification shall include notification (if possible, prior to absence) to the Superintendent or designee and any other evidence or proof as the Superintendent may reasonably require. Employees absent from duty for more than five (5) days shall be required to submit to the District a physician's statement that the employee is able to return to work, and under what conditions or limitations, if any.
- G. **Contract Provisions.** Rule 65.300 shall not be deemed to preempt or supersede any related provisions of a negotiated collective agreement (contract) between the school employer and an appropriate unit of represented employees.

65.300.2 Amount of Sick Leave Credited Annually

- A. Every classified employee shall be credited at the beginning of each fiscal year with one day of sick leave for each month of service of the employee's assignment.
- B. Employees working less than a full month shall be credited with that portion of one day which corresponds to the portion of the month worked.
- C. Part-time employees shall be credited with the appropriate proration of sick leave as described above.
- D. All regular classified employees (probationary and permanent) shall also be credited at the beginning of each fiscal year with 100 sick leave days (less those days described in paragraphs A, B, C, and any days of unused sick leave from previous years) to be compensated at one-half (50%) the employee's regular salary. Sick leave days granted under this rule shall not include any other paid leave such as vacations, holidays, or compensating time off to which the employee is entitled.

Any unused "half-days" under this rule may not be accumulated from year to year.

65.300.3 Additional Sick Leave

- A. A permanent employee who has exhausted all earned sick leave, vacation, compensatory time off, or other available paid leaves and who is absent because of illness or accident under the definition of this rule may be granted additional leave, by the Board, on a case-by-case basis,

paid or unpaid not to exceed eighteen (18) months providing the Board grants such leaves in six-month segments.

- B. An employee able to resume the full range of duties of a position within the same classification, may do so at any time during a leave granted under this section and time lost shall not be considered a break in service.
- C. If at the conclusion of all leaves of absence, paid or unpaid, an employee is still unable to assume the duties of the position, the employee shall be placed on a re-employment list for a period of 39 months.
- D. When at any time during the prescribed 39 months, the employee is able to assume the duties of his/her position, the employee shall be re-employed in the first vacancy in the former classification. Re-employment under the provisions of this rule shall take precedence over all other applicants except those on the appropriate re-employment list with greater seniority.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: Dec. 6, 1977
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code:	45191
		45202
		45194
		45195
		45196

65.400 BEREAVEMENT LEAVE

65.400.1 General Provisions

- A. Probationary, permanent, and provisional employees in the classified service shall be allowed regular pay for not more than three working days when absent on account of the death of any member of his immediate family. Bereavement leave with pay shall be extended to a maximum of five days when out of state travel is necessary in connection with the bereavement.
- B. Member of immediate family means mother, father, grandmother or grandfather or a grandchild of the employee or of the employee's spouse, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, grandchildren, or any relative living in the immediate household of the employee.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

65.500 PERSONAL NECESSITY LEAVE

65.500.1 General Provisions

- A. A classified employee may elect to use, no more than seven days in any one fiscal year, sick leave which has been earned pursuant to Education Code Section 45191 for personal necessities which fall in the following categories:
1. Bereavement leave which may be necessary beyond that authorized in these rules and law.
 2. Accident, involving the employee's person or property, or the person or property of a member of the immediate family.
 3. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction, and for which no other leave is provided for in these rules.
- B. Immediate family as used in this section shall have the same meaning as provided in Rule 65.400.1.

HISTORY: Date of Adoption by Personnel Commission:
Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES: Education Code: 45207

65.600 JURY DUTY AND WITNESS LEAVE

65.600.1 General Provisions

- A. Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, State, or Federal Court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena of court certification is filed with the District.
- B. Leave of absence to serve as a witness in a court case shall be granted an employee when the employee has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for

such leave is assigned to and the subpoena or court certification is filed with the District.

- C. The jury service fee and witness fee referred to in A and B, respectively, do not include reimbursement for transportation expenses.
- D. An employee who has received leave of absence under this Rule shall make himself/herself available during hours when the employee's presence is not required in court.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

REFERENCES:	Education Code: 44036
	44037

65.700 ABSENCE FOR EXAMINATION

65.700.1 General Provisions

- A. Every employee in the classified service shall be permitted to be absent from duties during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty, provided that the employee gives two days' notice to the employee's immediate supervisor.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

65.800 MILITARY LEAVE

65.800.1 General Provisions

- A. Military leave of absence shall be granted and compensated in accordance with the Military and Veterans Code Sections 389 and 395 and those sections in the Military and Veterans Code which follow.

HISTORY:	Date of Adoption by Personnel Commission:
	Adopted: January, 1972
	Revised: January 8, 1980
	Revised: April, 1997

65.900 LEAVE OF ABSENCE WITHOUT PAY

65.900.1 General Provisions

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the Superintendent or a designated representative, subject to the following restrictions:
1. Leave of absence without pay may be granted for any period not exceeding one year, except that leave of absence for military service shall be granted as provided by the Education Code and the Military and Veterans Code, and leave of absence for service in the Peace Corps, or Merchant Marine during time of national emergency, may be granted for a period not to exceed 24 months, and
 2. The granting of a leave of absence without pay gives to the employee the right to return to a position within the classification at the expiration of the leave of absence, provided that the employee is physically and legally capable of performing the duties.
- B. The Board may, for good cause, cancel any leave of absence by giving the absent employee due notification. The employee may appeal the cancellation to the Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Board until action by the Commission, which shall be final and binding.
- C. An employee may make a written request to the Board to return to work prior to the expiration date of the leave. The Board may approve or reject the request.
- D. Failure to report for duty within five working days after a leave has been canceled or expires shall be considered abandonment of the position and the employee may be terminated by the Board. The termination may be appealed to the Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.
- E. If an employee cannot be placed in a vacant position in the employee's class upon return from leave of absence, the employee shall have bumping and re-employment rights, in accordance with the employee's seniority, in the same manner as if the employee had been laid off for lack of work or lack of funds on the date the leave expires.

HISTORY: **Date of Adoption by Personnel Commission:**
Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES: **Education Code:** 45198

65.1000 PARENTAL/FAMILY CARE LEAVE

65.1000.1 General Provisions

- A. An employee who has been employed one year as a regular classified employee of the District and who has worked at least 1250 hours in the previous twelve (12) month period of employment with the District shall be eligible for family care leave for up to twelve (12) work weeks within a twelve (12) month period.
- B. Family Care Leave means leave for reason of the birth or adoption of the employee's child, or placement of foster child with the employee; leave to care for seriously ill child, spouse or parent; leave for the employee's own serious health condition.
- C. When applicable, the District may require that an employee's request for family care leave be supported by a certification issued by a health care provider of the individual requiring leave.
- D. Employees granted family care leave must utilize all available leave and vacation benefits during the period of leave. Following the exhaustion of all paid leave and vacation benefits the unit member shall be placed on unpaid status for the remainder of the family care leave. For purposes of this section "available paid leave" means leave for which the employee meets the District's usual requirements for the use of such leave.
- E. Group health plan coverage and premium payments shall be maintained on the same basis as if the employee were in paid status.
- F. The District may recover from the employee the cost of group health plan premium payments paid by the District during periods of unpaid family care leave if the employee fails to return to work after the expiration of the leave.

HISTORY: **Date of Adoption by Personnel Commission:**
Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES: **Education Code:** 45193
45196
45198

65.1100

LEAVE TO SERVE IN AN EXEMPT, TEMPORARY, OR LIMITED-TERM POSITION

65.1100.1 General Provisions

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

- B. The employee may, with the approval of the appointing authority, voluntarily return to his/her position or a position in the class of his/her 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 by the appointing authority.

HISTORY:

Date of Adoption by Personnel Commission:

- Adopted: January, 1972**
- Revised: January 8, 1980**
- Revised: April, 1997**

70.100 DETERMINATION OF SALARY SCHEDULES**70.100.1 Factors in Salary Determination**

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

- A. Wages, salaries and benefits paid by school districts and other governmental agencies which may be in competition with the District in the labor market.
- B. Wages, salaries and benefits paid for similar work in private industry and business in the recruitment area.
- C. The principle of like pay for like work within the Classified Service.
- D. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.
- E. Such other information as the Commission may require.

70.100.2 Salary Studies

- A. A salary study shall be made:
 - 1. Whenever a new class is created
 - 2. When directed by the Commission
- B. At the request of the Board
- C. Data obtained in a salary study shall be made available to interested parties. The staff shall be available to confer with interested parties regarding salary recommendations.

70.100.3 Salary Recommendations

- A. The Commission shall present salary recommendations to the Board. The Board may approve, amend, or reject the recommendations, but may not alter the relationships among classes as established by the classification plan.
 - 1. A salary recommendation shall also be made each time a new class is created.

2. Nothing in this paragraph shall prevent adjustments in salary based on classification studies resulting from changes in duties and responsibilities, regardless of when such changes occur.
- B. The Board reserves and retains the right to adjust the salaries of classified employees at any time during the school year, pursuant to Education Code Section 45162 in accord with its approval of the recommendations of the Commission.
 - C. Rule 70. 1 00 shall not be deemed to preempt or supersede any related provisions as part of a negotiated collective agreement between the school employer and an appropriate unit of represented employees.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45268

70.200 ADMINISTRATION OF SALARY SCHEDULES

70.200.1 Initial Salary Placement

- A. A new employee shall be placed in the class appropriate to the assigned position.
- B. A new employee shall be placed on Step 1 of the salary range designated for the class.
 1. The Superintendent (or a designee) may authorize a higher step placement within the appropriate range for an especially well-qualified individual or in a job class for which qualified candidates are found to be in short supply,
- C. All emergency, provisional and limited-term employees shall be placed on Step 1 (or its hourly rate equivalent) of the appropriate range except that former District employees may be placed on the step attained prior to separation.

70.200.2 Reinstatement or Re-employment

- A. An employee reinstated or re-employed in accordance with the provisions of these rules shall be placed on the salary range and step determined as follows:
 1. An employee reinstated or re-employed following separation (lay-off, resignation, dismissal) in the employee's former class shall be placed on the step of the current range for the class which the employee had achieved prior to separation.

- B. An employee re-employed or reinstated to a lower class in the same job family shall be placed on the step of the range for the lower class which approximates (but does not exceed) the step on which the employee achieved prior to separation.
 - 1. Salary placement upon reinstatement or re-employment to a position in a lower class outside of the job family shall be in accordance with Rule 70.200.1.
- C. Eligibility for service increments following re-employment or reinstatement shall be determined in accordance with Rule 70.200.5.

70.200.3 Service Increments (Step Advancement)

- A. Regular monthly employees shall be granted a one-step salary increase on the first of the month which is concurrent with or immediately following the completion of one year of service.
 - 1. Additional service increments shall be granted annually until the maximum salary for the class is reached.
- B. For the purpose of this rule, an appointment made between the first and fifteenth day of the pay period (month) shall be considered to be effective as of the first day of that month. Appointments made between the sixteenth and last day of the pay period (month) shall be considered to be effective the first day of the following month.
- C. In order to qualify for advancement to a higher step in the salary range, the last performance evaluation of the employee filed in the Personnel Office must indicate a level of performance of satisfactory or above. Advancement to a higher step in salary range may be granted to employees with a less than satisfactory performance rating upon recommendation of the department head with the approval of the Commission.
- D. All employees hired prior to July 1, 1975, will retain an anniversary date of July 1 .

70.200.4 Promotional Salary Placement

- A. An employee who is promoted to a classification allocated to a range with a higher maximum salary shall be placed on the step of that range which most closely approximates 8 percent in amount above the employee's salary prior to promotion exclusive of special pay additives. If a service increment is due the employee at the time of promotion, it shall be credited and applied in the determination of the promotional salary placement.
- B. If a service increment is not due at the time of promotion, it shall be granted in the higher classification on the same date it would have been granted in the lower class. If the employee promoted has reached the maximum salary step of the lower class a new service increment date

shall be effective on the first of the month which is concurrent with or immediately following the date of promotion. Additional service increments shall be granted annually thereafter until the maximum salary for the class has been reached.

70.200.5 Salary Placement After Leave of Absence

- A. Unless the leave taken under these rules or laws provides that the break in service will be disregarded, the employee, upon return from a leave of absence, shall resume the step placement and advancement on the range as though the leave had not been taken; however, leave time will not be counted for step advancement purposes. The employee's service increment date shall be adjusted accordingly.

70.200.6 Salary Placement in Lower Class

- A. When a permanent employee is demoted in accordance with Rule 60.1000 the salary step placement in the lower class shall be the same as it would have been if the original placement and entire District service had been in the lower class. The increment due date shall remain unchanged until the maximum salary for the lower class has been achieved.
- B. When an employee accepts voluntary demotion or demotion in lieu of layoff the employee shall be placed on the step of the lower range which most closely approximates, but does not exceed, the salary in the higher class.
- C. When a permanent employee is placed in a position in a lower class resulting from reclassification of the position, the employee shall be placed at the same dollar amount if such rate appears in the lower salary range.
 - 1. The increment due date shall remain unchanged until the maximum salary for the lower class has been reached.
 - 2. If the rate does not appear in the lower salary range, the employee's salary shall be maintained as it was prior to demotion for a period not to exceed two years or until the salary for the lower range is changed to exceed the employee's salary. At the end of the two year period, the salary shall be changed to the maximum for the lower class.
- D. When a probationary employee is placed in a position in a lower class for any reason, the salary step placement in the lower class shall be determined in the same manner as in Rule 70.200.1.

70.200.7 Salary When Working in a Higher Classification

- A. Employees temporarily assigned to perform higher level duties not reasonably consistent with those prescribed for their regular job class for more than five (5) working days within a 15 calendar day period shall receive an upward salary adjustment.

1. The salary adjustment shall be effective for the entire period of such assignment.
2. The amount of the adjustment shall be the same as would be provided by Rule 70.200.4.

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972
Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45110
45102

70.300 WORK PERIODS AND OVERTIME

70.300.1 Workweek and Workday

- A. The regular workweek shall be 40 hours. The workday shall be eight (8) hours.
 1. The workweek shall consist of not more than five consecutive working days for any employee having an average workday of four hours or more during the workweek.
 2. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

70.300.2 Overtime

- A. Employees (except as provided below) shall be compensated for overtime worked at the rate of one and one-half times the hourly rate equivalent of the employee's regular salary class and step placement exclusive of any additive or special compensation.
 1. Management designated classified staff are exempt employees and ineligible to receive overtime compensation.
 2. Notwithstanding this exemption, if an employee who is in the exempt position is required to work on a holiday, he shall be paid in addition to his regular pay for the holiday, compensation or given compensation time off at the regular rate of pay.
- B. Compensation for overtime may be in the form of cash payment or compensatory time off of equivalent value to such cash payment.
 1. Compensatory time off shall be given within one calendar year of the date earned; otherwise, compensation shall be by cash payment.

2. Determination as to the method of payment shall be made by the appropriate manager/supervisor.
- C. Overtime shall be defined as follows:
1. For employees in assignments of eight hours per day, five days per week, hours worked in excess of eight per day or forty per week shall be paid at overtime rates.
 2. For employees in assignments of at least four hours per day, five days per week, but less than eight hours per day, five days per week, all time worked on the sixth and seventh day of the workweek shall be compensated at overtime rates.
 3. For employees in assignments of less than four hours per day, five days per week, all time worked on the seventh day of the workweek shall be compensated at overtime rates.
- D. Call Back
1. An employee who is required to return to duty in an emergency situations after leaving the work station for the day or week or who is required to work on a scheduled day off shall be compensated for a minimum of two hours of work at overtime rates.

HISTORY:

Date of Adoption by Personnel Commission:

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Revised: January 8, 1980
Revised: April, 1997

REFERENCES:

Education Code: 45127
45128
45129
45130
45131

70.400 SPECIAL COMPENSATION

70.400.1 Shift Differential

- A. Employees assigned to work a regular schedule which has fifty percent or more of the work hours between 5:00 p.m. and 8:00 a.m. shall receive shift differential pay of five percent of their regular salary.
- B. **Temporary Assignment.** An employee receiving shift differential pay temporarily (20 work days or less) assigned to a work schedule not qualifying for shift differential pay shall continue to receive the differential during such temporary assignment.

HISTORY:

Date of Adoption by Personnel Commission:

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Revised: April, 1997

REFERENCES:

Education Code: 45180
45181
45182
45183
45184
45185
45186

70.500 HOLIDAY PAY

70.500.1 Eligibility

- A. Classified employees shall be eligible for paid holidays in accordance with District policy and applicable collective bargaining agreements.
- B. Regular monthly employees shall be entitled to holiday pay provided that they are in paid status during any portion of the workday immediately preceding or succeeding the holiday.
- C. When an employee is required to work on a holiday, the employee shall be compensated in addition to the regular pay received for the holiday in accordance with Rule 70.300.2.
- D. A classified employee required to work a workweek other than Monday through Friday and, as a result thereof, loses a holiday to which the employee would otherwise be entitled, shall be entitled to a substitute holiday or provided compensation in the amount to which the employee would have been entitled had the holiday fallen within the employee's normal work schedule.

70.500.2 Exchange of Holidays

- A. The Board may, prior to July 1 of any year, specify, if so authorized by law, that schools will be maintained and classified employees are required to work on any or all of these holidays: Admission's Day, Veteran's Day; Martin Luther King's Birthday; and/or Washington's Birthday.
- B. If the Board lawfully takes such action, it shall designate another day during the same school year as a holiday for classified employees in lieu of the regular, normal holiday.

C. The day specified as the "in lieu" holiday shall:

Be a day when all classified employees who could normally have established eligibility for the regular holiday will also be able to establish eligibility for the "in lieu" holiday.

Provide classified employees with at least a three-day weekend.

D. If the Board fails to comply with Rule C. 1 above, employees who will not normally be able to establish eligibility for the "in lieu" holiday and who are required to work on the regular holiday shall be paid, in addition to the normal pay for the holiday, at the rate of one and one-half for time required to be worked.

HISTORY:

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Revised: January 8, 1980

Revised: April, 1997

REFERENCES:

**Education Code: 45203
45204**

70.600 PAYROLLS

70.600.1 Official Roster

The Director shall maintain in his office an official roster containing the names of all employees holding classified positions. In addition, the Director shall be allowed access to the complete employment records of all employees.

70.600.2 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 Director, who may 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 thereunder and all statutes relating in any manner to employment, certification of that fact shall be made upon such payroll or claim by the Personnel Director or an 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 to the 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 payment of salary or compensation to such person is unlawful.

Alternate Procedures: Director shall audit all initial assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing laws and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Director. Each payroll following the initial assignment and certification by the Director shall bear the certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification by the Director.

The Director shall make periodic audits of all payrolls, and if he/she finds assignments not in accordance with law and rules, he/she shall withdraw his/her certification and order payment stopped in accordance with the procedure in Rule 70.600.2.C.

70.700

BENEFITS OF PART-TIME EMPLOYEES

1. Benefits for persons employed less than full time are to be provided as authorized in Education Code Sections 45136 and 45137.
2. Sick leave and all other benefits accorded members; of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to 8 hours, 40 hours per week, week per month, or months to a calendar year. (EC 45136)
3. If an employee works a minimum of 30 minutes per day in excess of his/her part-time assignment for a period of twenty consecutive working days or more, he/she shall have his/her basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis as specified in EC 45136. (EC 45137)
4. If a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate at least equal to time and one-half, exceeds his/her average assigned time by fifty minutes or more per working day in any quarter, the hours paid per day for compensable leaves of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime. (EC 45137)

HISTORY:

Date of Adoption by Personnel Commission:

Adopted: January, 1972

Revised: July, 1987

Revised: April, 1997

REFERENCES:

**Education Code: 44031
45136
45137
45261
45310**

CHAPTER 80

80.100 POLITICAL ACTIVITY

80.100.1 Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code. (Education Code Section 13004)

80.100.2 Cause for Disciplinary Action

Any employee may be disciplined for improper political activity. Improper political activity includes:

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

80.100.3 Personal Candidacy

Any employee may be a candidate for any political office for which the employee may file without suffering any loss of employment status in the District unless it violates the provisions of Rule 80.300.2.

80.100.4 Leave of Absence

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

80.100.5 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with the normal duty hours and assignment with the District, may request, and shall be granted, an unpaid leave of absence which shall commence on the date the employee assumes the office and shall terminate no later than 30 days after the last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

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

80.100.6 Complaint Regarding Personnel Commission Rules

Any person who believes that the provisions of these rules have been violated, misinterpreted, or misapplied may notify the Director in writing of the alleged violation, misinterpretation, or misapplication. The Director shall respond in writing within five (5) working days of the receipt of a complaint. The response shall include a proposed solution to the complaint.

If the person filing the complaint is not satisfied with the resolution proposed by the Director, he/she may request that the complaint be placed on the agenda for the next regular meeting of the Commission for its consideration. Depending on the subject matter, the Commission may hear the complaint in "closed session." The decision and any subsequent action deemed appropriate by the Commission shall be final.

HISTORY:

Date of Adoption by Personnel Commission:

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REFERENCES:

Education Code: 7050 et seq.