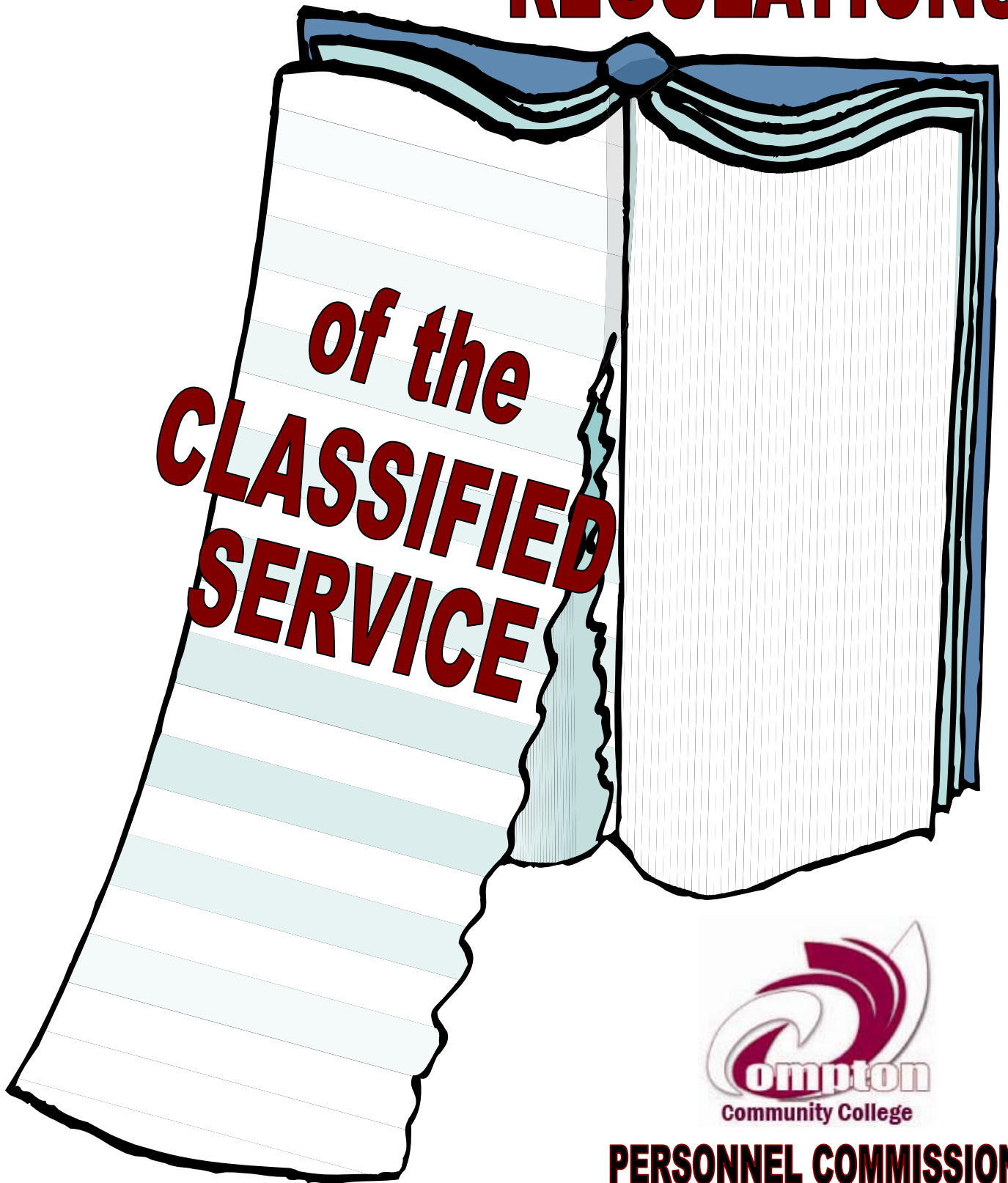


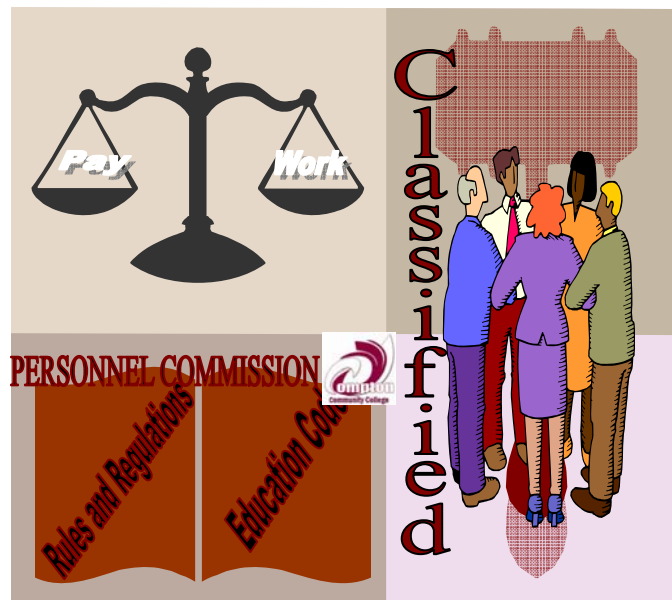
RULES AND REGULATIONS



PERSONNEL COMMISSION

RULES AND REGULATIONS OF THE CLASSIFIED SERVICE

The Personnel Commission' established and adopted Rules and Regulations, Policies and Procedures for Classified Employees are in conformity with the California Education Code for California School Merit Systems as prescribed by Federal and State Laws.



MISSION STATEMENT

The Personnel Commission is responsible for the administration of an effective and efficient merit system of employment for Classified employees in order to provide students and the community with a quality workforce. We are committed to attracting, retaining and supporting a qualified diverse, multicultural staff in order to meet the entire spectrum of student need.

PURPOSE

Our purpose is to uphold the principles of honesty, fairness and accountability in advocating a merit-based career system of employment. We are committed to excellence by providing professional, timely and efficient service.

PERSONNEL COMMISSION RULES

- ❖ Ensurance that selection and retention of employees is based on merit and fairness.***
- ❖ Binding on the Board of Trustees as they pertain to the classified service.***
- ❖ Ensurance of an efficient workforce.***
- ❖ Not applicable to bargaining unit members if negotiated and in the scope of bargaining.***

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CHAPTER 10
DEFINITION AND PRELIMINARY STATEMENT

10.100 DEFINITION, GENERAL *(Revised 3/88; 9/05)*

EDUCATION CODE 88081 SUBJECTS OF RULES. 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, performance evaluations, public advertisements of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article(commencing at Section 88060).

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

ABANDONMENT OF POSITION: When an employee is absent without notice for five consecutive work days.

ABSENCE: Time away from duties during assigned working hours.

ABSENT WITHOUT LEAVE: Absence without prior approval, excluding time chargeable to sick leave.

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California applying to the Merit System to classified employees in certain school districts. It shall include all of the provisions of Article 3, Chapter 4, Part 51, and applicable provisions of Article 1 and 2, Chapter 4, Part 51.

ADMINISTRATIVE CLASS: For purposes of the Fair Labor-Standards Act and Rule 70.300.4, this defines those positions that may be exempt from the provisions of overtime. Administrative positions as defined in the Fair Labor Standards act shall be designated by the Personnel Commission.

In order to meet the provisions of the Fair Labor Standards Act, these minimum criteria must be met:

1. Regularly directs the work of two or more subordinate employees.
2. Has authority to make suggestions as to hiring, suspending, discharging, or promoting employees or any other change of status of an employee, which will be given particular weight.
3. Regularly exercises discretionary powers. Has been delegated the authority and responsibility to make decisions and empowered to carry them out in the manner determined by the superintendent.
4. Does not devote more than 20 percent of the total hours worked in a week to activities, which are not described in items 1 through 3 above.

REFERENCE: Fair Labor Standards Act 29 CFR, Part 541

ADMINISTRATIVE OFFICIAL: Employees with the rank of Department Heads and higher in line of authority, and others who may be designated by the Board of Trustees.

ADMINISTRATIVE LEAVE: An enforced absence of an employee with pay pending the outcome of an investigation of charges that have been filed against the employee.

ALLOCATION: The official placing of a position in a given class by the Personnel Commission, and the assignment of a class title to the position, or the assignment of a class to a salary schedule or rate.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following completion of the required period of service.

APPEAL: A request for review by an employee relative to an administrative decision detrimental to the employee.

APPLICANT: A person who has filed an application to take a merit-system examination.

APPOINTING AUTHORITY OR POWER: The Board of Trustees of the Compton Community College District or the Personnel Commission when referring to Commission employees and positions.

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

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

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

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of a member of the immediate family.

BUMPING RIGHTS: The rights of a permanent employee, under certain conditions, to displace another employee with less seniority in the class.

CANDIDATE: A person who has competed in one or more portions of a merit-system examination.

CAUSE: Those specific activities, behaviors, or events, which are listed within these rules as being subject to disciplinary action or offenses, enumerated in the law. No disciplinary action may be maintained for any "cause" other than as defined herein.

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

CERTIFICATION: The submission by the Commission of the names of the eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing power or to the department, which selects employees prior to approval of the appointing power.

CLASS: A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be assigned by the Personnel Commission to designate each position allocated to the group.

CLASS SPECIFICATION: A formal statement of the duties and responsibilities of the positions in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class.

CLASS TITLE: A definite descriptive title or name applied to a class and to all position of the class to be taken with the meaning set forth in the description of the class as embodied in the specifications, and to be as detailed as possible of the duties and responsibilities.

CLASSIFICATION: The action of the Personnel Commission in placing a position into a “Class.” Classification means that each position in the classification shall have a designated title, minimum qualifications, and placement on the appropriate salary schedule.

CLASSIFIED SERVICE: All positions in the District’s services to which ‘The Act’ applies and which are not exempted by ‘The Act’.

COMMISSION: The Personnel Commission established pursuant to ‘The Act’ of the Compton Community College District.

COMPLAINT: An employee complaint concerning violations or alleged violations of these rules. This term does not apply to appeals from disciplinary actions, requests for classification study or salary review.

CONFIDENTIAL EMPLOYEE: Although all public school employees are responsible for maintaining the confidentiality of information regarding students and their families, as well as other school employees, only a few members of the classified service can be designated as “confidential.” The term applies only to an employee, who, in the course of his/her duties, has access to, or possesses information relating to the employer’s collective bargaining matters which, if divulged, could adversely affect the interest of the district. Employees designated as “confidential” are precluded from participation in or belonging to any organization, which represents classified employees per the Government Code.

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

DAY: A day in which the District Offices are open.

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

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

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

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

DISCTRICT: The Compton Community College District.

DUAL CERTIFICATION: A special procedure, which provides for certification, in specified cases, from an open list while a promotional list exists. See Rule 50.200.2

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position; also known as a position description.

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

ELIGIBILITY LIST: A list of the names of persons who have qualified in a competitive examination.

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

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

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

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

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

EXECUTIVE CLASS: For the purpose of the Fair Labor Standards Act and Rule 70.300.4, this defines those positions that may be exempt from the provision of overtime. Executive positions as defined in the Fair Labor Standards Act shall be designated by the Personnel Commission.

In order to meet the provisions of the Fair Labor Standards Act, an Executive Employee must hold a position in which the full-time, primary duties and responsibilities consist of management functions with the following characteristics:

1. Has the authority to hire, suspend, or discharge employees.
2. Performs all or part of those functions listed for administrative personnel.

EXEMPT: Refers to those positions and employees exempt from the regular classified service as provided by 'The Act'.

EXHAUSTED LIST: A list of eligibles from which it is impossible to fill a regular, full-time or part-time vacancy. A list may be considered exhausted when only two eligibles remain. A list may be exhausted for part-time positions, yet remain in effect for full-time positions, or vice-versa.

FISCAL YEAR: July 1st of one year through June 30th of the following year.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and a half percent (87.50%), (35 hours), of the normally assigned time of the majority of employees in the classified service of the District.

GOVERNING BOARD: The Board of Trustees of the Compton Community College District. (Synonymous with appointing authority or power.)

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

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

HIRE DATE: Date of original, permanent, employment with the District.

ILLNESS: Any pronounced deviation from a normal, healthy state, which makes it disadvantageous to the District and/or detrimental to the employee for him to be at work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of personal illness or injury. May also be used for short-term leaves for designated reasons of personal necessity.

IMMEDIATE FAMILY: Mother, father, grandmother, grandfather, or a grandchild of the employee or the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any other relative living in the immediate household of the employee.

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

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

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

INVESTIGATION: A fact-finding procedure related to an appeal or a complaint. An investigation is less formal than a hearing.

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

LAYOFF: Separation from a permanent position because of lack of work or lack-of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges after illness or injury.

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

LIMITED TERM: A term used in the Education Code to designate employment for periods not to exceed six months or employment of a temporary employee during the authorized absence of a permanent employee. (Synonymous with "temporary")

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for an absent employee or in a position established for a period of six months or less. The employee may have been selected from an eligibility list or may be serving under a provisional appointment.

LONGEVITY: Years of service with the District.

MERIT SYSTEM: A personnel system in which merit and fitness determines an individual's selection and progress through the classified service.

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

OPEN EXAMINATION: An examination in which any qualified applicant can compete.

OVERTIME: Authorized time worked by an employee in excess of 8 hours a day and/or 40 hours a week.

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

PAY PERIOD: Twenty working days usually consisting of four consecutive five-day weeks.

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

PERMANENT EMPLOYEE: In reference to District employment status, an employee who has completed a probationary period in a class in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class, or who entered the class by transfer, demotion, or reinstatement/ re-employment 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.

PERSONAL NECESSITY LEAVE: Leave which may be taken for reasons of personal necessity as specified in the Education Code and these rules. Such leave is charged to the employee's illness leave and is limited to six days a school year.

PERSONNEL COMMISSION: A three member committee established pursuant to the requirements of "The Merit System Act" to administer the Merit System in the Compton Community College District.

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

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person on a permanent or limited-term basis. A position can only be established by action of the Board of Trustees.

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

PROBATIONARY PERIOD: The trial period, as established by the Personnel Commission pursuant to Education Code Section 88120, immediately following an original or promotional appointment to a permanent position from an eligibility list.

PROBATIONER: An employee who is serving in a probationary period.

PROFESSIONAL CLASS: Positions with assigned duties which consistently require application of specialized or technological knowledges to practical subjects requiring analytical, intellectual, creative, or scientific skills. Specialized or technological knowledges are defined as those typically acquired through academic sources at the post-secondary level.

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

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

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

PROVISIONAL APPOINTMENT: A temporary appointment made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances. (See Education Code Sections 88106 through 88108.)

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

RANK (Rule of Three Ranks): A position on an eligibility list for classes designated as administrative, executive, professional or technical for the purpose of certification, wherein the eligibles' final scores on the examination, after the addition of veteran's preference points and promotional credits as applicable, have been rounded to the nearest whole percent and all eligibles with the same score are accorded the same position on the list.

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

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

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

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

REGULAR APPOINTMENT: An appointment to a position of more than six months duration made from an eligibility list or from some other list of persons who are legally qualified.

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

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

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.

REJECTION: To not approve an application or examine an applicant or candidate; or to not appoint an eligible.

RESIGNATION: Voluntary termination of employment status by an employee.

RESTORATION: Includes "reemployment" (see above). Also, the reassignment to duty of an employee to the same class and status that he held when he resigned. Also, the reassignment of an employee who been demoted to his former class or to a related class or, after reduction to limited-term status, to permanent status.

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

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

SALARY SCHEDULE: The complete list of ranges, steps, and rates established for the classified service.

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

SENIORITY: Status secured by the length of service to which certain rights attach. Used in calculating extra points for employees taking promotional examinations and for determining order of layoff as well as for certain informal purposes.

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

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

SICK LEAVE: Conditions under which employees are paid during illness leave.

STATUS: Tenure which is acquired in a classification by reason of examination, certification from eligibility list, election or appointment by the appointing power, and the successful completion of the probationary period.

STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding twelve (12) months until the maximum step has been achieved.

SUBSTITUTE EMPLOYEE: An employee occupying a permanent position during the absence of the incumbent.

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

TECHNICAL CLASS: See definition under "Professional Class".

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

TERMINATION: The ending of an incumbent's assignment or appointment.

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

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service; i.e., those exempted by law. See Rule 30.100.2.

UNEXCUSED ABSENCE: Absence without notification and/or authorization.

VETERAN'S PREFERENCE Additional points (five or ten) added to a passing score in open examinations for military or related service rendered during time of war or national emergency.

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

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

Y-RATE: A designation which is given to a salary step, range, and/or rate placement which remains above the approved maximum rate for the class when the salary schedule was realigned.

10.200 PRELIMINARY STATEMENT

10.200.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 88080, 88081, and other provisions governing the Merit System Act in the Education Code. (Note: It is recognized that certain of these rules venture into substantive matters within the prerogative of the Governing Board. For that reason, the initially adopted set of rules and regulations were submitted to the Governing Board for its approval.)

It shall be the policy, of the Commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:

- A. The rule obviously requires Board approval, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule in question.

In such cases, the rule in question shall not become effective until it has been approved by the Governing Board.

REFERENCE: Education Code Sections 88080 and 88081

10.200.2 Interpretation and Application of Rules

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

- B. When rules regarding matters subject to negotiation under the provisions of Government Code 3543.2 apply to employees of a bargaining unit, such rules shall be in accordance with the negotiated agreement, if any, between the exclusive representative for the unit and the Board of Trustees.

REFERENCE: Education Code Section 88081

10.200.3 Generic Terminology

As used in these rules, the term "his" refers to the feminine as well as the masculine. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

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 Effect of Data Contained In Addendum to Rules

The salary schedule and related data, class placement on the salary schedule, a classification plan, job descriptions, and other written material contained in the addendum to these rules are to be interpreted as having the same force and effect as Commission rules.

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CHAPTER 20
THE PERSONNEL COMMISSION

20.100 ORGANIZATION OF COMMISSION

20.100.1 Appointment to the Personnel Commission

- A. To be eligible for appointment or reappointment to the Commission, a person shall meet both of the following requirements:
1. Be a registered voter and resident within the territorial jurisdiction of the community college district.
 2. Be a known adherent to the principle of the merit system.
- B. No member of the governing board of any community college district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During his or her term of service, a member of the commission shall not be an employee of the district.
- C. As used in this section, “known adherent to the principle of the merit system,” with respect to a new appointee, shall mean a person who by the nature of his or her prior public or private service has given evidence that he or she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this section, “known adherent to the principle of the merit system,” with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he or she does, in fact, support the merit system and its operation.
- D. One member of the commission shall be appointed by the governing board of the district and one member, nominated by the classified employees of the district, shall be appointed by the governing board of the district. Those two members shall, in turn, appoint the third member.

As used in this section, “classified employees” shall mean an exclusive representative which represents the largest number of classified employees in a unit or units within the district. If there is no such exclusive representative within the district the governing board shall, by written rule, prescribe the method by which the recommendations to be made by its classified employees.

REFERENCE: Education Code Sections 88064, 88065

20.100.2 Terms

By law, the term of each Commissioner is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year the Personnel Director shall notify the Governing Board and concerned employee groups, of the name and home address of the Commissioner whose term will expire and whether or not he will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Section 88069.

REFERENCE: Education Code Sections 88067, 88068, 88069

20.100.3 Officers

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

20.100.4 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 for any action.

20.100.5 Events Causing Vacancy Before Expiration of Term

Personnel Commissioners shall be expected to attend all regular meetings. Special meetings should be scheduled to accommodate the work schedules of all commissioners. If a member is unable to attend a scheduled meeting, the member shall contact the Executive Director to inform the Commission of the expected absence. A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission on the happening of any of the following events before the expiration of the prescribed term:

1. The death of the commission.
2. An adjudication pursuant to a quo warrant proceeding declaring that the commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the commissioner will not be able to perform the duties of the office for the remainder of the term.
3. The commissioner's resignation or death.

4. The commissioner's removal from office by a court of competent jurisdiction.
5. The commissioner's absence exceeding three (3) total regular meetings in a fiscal year, except when prevented by sickness, or excused absence.
6. The commissioner's conviction of a felony or of any offense involving a violation of the official duties of a commissioner as required by these Rules and/or the law. A commissioner shall be deemed to have been convicted under this Rule when trial court judgment is entered.
7. The decision of a competent tribunal declaring void the commissioner's appointment.
8. The commissioner's commitment to a hospital or sanitarium by a court or competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulate addict. In this event, the office shall not be deemed vacant until the order of commitment has become final.

REFERENCE: Education Code Sections 88064, 88065, 88066, 88067

20.200 MEETINGS

20.200.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet in the 1st or 3rd week of each month, unless otherwise stipulated, at 6:00 p.m. in the Board Room at 1111 E. Artesia Blvd., Compton, CA., 90221. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other time and/or place, provided that at least 24 hours' notice is given to all Commissioners and to employee and administration representatives and posted on the Commission's official bulletin board.

20.200.2 Adjourned Regular Meetings

The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour designated for regular meetings.

20.200.3 Special Meetings

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

20.200.4 Public Meetings

- A. All regular and special meeting of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 20.200.5. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.
- B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

20.200.5 Executive Sessions

- A. The Commission may hold executive sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in executive session relating to an employee unless the employee has been notified of his right to a public hearing and has declined the public hearing or properly failed to request same.
- B. The Commission may hold executive sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding salaries, salary schedules, or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives.

20.200.6 Agenda and Supporting Data

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

20.200.7 Amendment, Deletion or Addition to Rules

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

20.200.8 Minutes

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

20.200.9 Payment for Meeting Attendance

Each Commissioner shall receive the sum of \$100.00 for each meeting attended in any one month, including regular, adjourned or regular meetings, but not to exceed a total of \$200.00 per month. (Amended 09/05)

20.300 COMMISSION EMPLOYEES

20.300.1 Status of Commission Employees

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and responsible to the Personnel Commission. However, they shall be considered part of the classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service shall apply to Commission employees, except as the Commission may specifically direct.

20.300.2 General Duties of the Personnel Director

- A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed upon him by law and these rules. He shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. He shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and rules and necessary to the proper functioning of the office and staff of the Commission.
- B. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he deems necessary to his responsibilities. He may be designated as a hearing officer in accordance with Education Code Section 88131.
- C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Commission.

REFERENCE: Education Code Sections 88080, 88081, 88084, 88086, 88131

20.400 MISCELLANEOUS PROVISIONS

20.400.1 Communications

- A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.

- B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject.

20.400.2 Budget

- A. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April.
- B. The Commission shall designate one of its meetings in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing, as required in Education Code Section 88073, it shall direct the Personnel Director to forward a copy of the proposed budget to the Board of Trustees and notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- C. Prior to adoption of its budget the Commission will hear and fully consider all comments and suggestions that may be offered by district administration, the Board, or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Board.
- D. When approved by the Commission the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 88073.

REFERENCE: Education Code Section 88073

20.400.3 Annual Report

- A. The Personnel Director shall prepare, as required by Education Code Section 88086, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees.
- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

REFERENCE: Education Code Section 88086

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CHAPTER 30
POSITION CLASSIFICATION PLAN

30.100 THE CLASSIFIED SERVICE

30.100.1 Positions Included

- A. The Commission shall classify all employees and positions within the jurisdiction of the Governing Board or of the Commission, except those which are exempt from the classified service. The employees and positions shall be known as the classified service. "To classify" shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.
- C. Nothing in this section shall be construed to prohibit the employment of any individual in a position described by this section as a part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position.

REFERENCE: Education Code Sections 88003, 88005, 88006, 88008, 88076, 88079

30.100.2 Exemption from the Classified Service

A. Generally

The following positions and employees are exempt from the classified service:

- 1. Positions which require certification qualifications;
- 2. Academic positions;
- 3. Part-time playground positions;
- 4. Full-time students employed part-time;
- 5. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district which is financed by state or federal funds;
- 6. Apprentice positions.

7. Positions established for employment of professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission, when so designated by the Commission, shall be exempt from the classified service.

REFERENCE: Education Code Sections 88003, 88006, 88008, 88076, 88078, 88079

30.100.3 Exempt Designated Senior Classified Administrative Positions

1. Upon request the commission may exempt two executive secretarial positions from the requirements of section 88091. Exemptions shall be limited to one executive secretary position reporting directly to members of the governing board and one executive secretary position reporting directly to the chancellor, or president/superintendent.
2. Upon request, the personnel commission may exempt designated senior classified administrative positions from the requirements of this section. A "senior classified administrative employee" means a classified employee who acts as the chief business, fiscal, facilities, or information technology adviser or administrator for the district chancellor or superintendent or a college president, as determined by the governing board and certified by the personnel commission.
 - a. Any person employed in an exempted executive secretarial position or an administrative position shall continue to be afforded all of the rights, benefits and burdens of any other classified employee serving in the regular service of the district, except he or she shall not attain permanent status in an executive secretarial position or that administrative position.
 - b. This action shall apply only to employees hired on or after January 1, 2001.

REFERENCE: Education Code Section 88091

30.100.4 "Part-Time" Defined

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly basis is less than 87 1/2 percent of the assigned time of the majority of employees in the classified service (35 hours).

REFERENCE: Education Code Sections 88076, 88080

30.100.5 Effect of Exemption

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

The Personnel Director shall be responsible for interpreting this policy and ensuring positions are correctly identified and employees lawfully exempted meet minimum qualifications.

REFERENCE: Education Code Sections 88003, 88006, 88078, 88089

30.100.6 Professional Expert Assignments

- A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
- B. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his own profession, as evidenced by one of the following:
 - 1. Approval of a committee of members of his own profession.
 - 2. Certification or license to practice that profession by a government agency, if such license is established.
 - 3. Listing in such publications as the BIOGRAPHICAL DIRECTOR OF AMERICAN MEN OF SCIENCE, or LEADERS IN EDUCATION, where individuals are chosen for listing by members of their own profession.
 - 4. By membership in professional honor societies limited to that profession.
 - 5. By advanced degrees in a recognized university with a major in the field of that profession.
 - 6. By equivalent criteria acceptable to the Commission.
- C. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Authorization for service as a professional expert shall not exceed six months. Additional service required shall be subject to approval by the Commission.

REFERENCE: Education Code Section 88076

30.100.7 Special Categories

Board assistants: The Governing Board may create positions of staff assistants or field representatives to directly assist the board or individual board members. Such positions, if created, are exempted from the provisions of these Rules relating to obtaining a permanent status in any position in the district, and procedures pertaining to the recruitment, appointment, classification, and salary of members of the classified service

Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual board member.

If a permanent classified employee is appointed to serve in such an exempt position, he shall retain status as a permanent employee. If he is terminated from the exempt position, he shall have bumping rights in his former class in the same manner as if he had been laid off for lack of work or lack of funds.

REFERENCE: Education Code Section 88012

30.100.8 Community Representatives

Positions established for the employment of community representatives in advising or consulting capacity for not more than 90 working days in a fiscal year shall be exempt from the classified service:

1. The authorized duties are not those normally assigned to a class of positions in the classified service,
2. The authorized duties are approved by the personnel commission in advance of employment, and
3. A regular classified employee of the school district shall not receive a concurrent appointment to such a position.

REFERENCE: Education Code Section 88078

30.100.9 Apprentices

The Board of Trustees and the Personnel Commission encourage the establishment of an apprenticeship program to train current employees and other qualified personnel who are properly motivated and who pass the necessary screening examination set up by the California Apprenticeship Council in those classifications where a labor market shortage continues to exist. The establishment of such a program shall be subject to the provisions of Education Code Section 88083.

- A. The commission may classify as apprentice positions certain positions where the principal requirement is that of learning to perform efficiently, by study and practice, specific duties concerning which a definite plan of systematic instruction and special supervision has been approved by the California Apprenticeship Council for the designated trade.
- B. The apprenticeship training plan adopted by the governing board of the school district must be approved by the California Apprenticeship Council.
- C. No assignment to any position classified as an apprentice position shall be allowed to continue beyond the predetermined apprenticeship period approved by the California Apprenticeship Council for the designated trade, except that the school district's joint apprenticeship committee may approve retention of an employee as an apprentice up to six months beyond the predetermined apprentice period.
- D. Selection of eligibles shall be made in accordance with their position on employment lists established by competitive or qualifying examinations.
- E. The provisions of Section 88033 of this code shall be applicable to apprentice positions, provided that relative age may be considered as a factor in the ranking of candidates for apprentice positions.

Credit for prior training in a regularly indentured apprenticeship program shall be given to qualified candidates.

- F. In all cases of apprenticeship probationary periods, the standards of duration and qualifications shall be fixed by the commission insofar as they do not exceed the maximum standards set up by the California Apprenticeship Council. Termination for cause may be prescribed for any apprentice who fails to attain the predetermined standards of apprenticeship or for cause as prescribed by the rule of the commission.
- G. The commission shall recommend to the governing board a graduated scale of compensation rates for the various levels of apprentices, taking into consideration the percentage relationship to the districts' journeyman wage of the trade as provided in the statement of policies of the California Apprenticeship Council.
- H. The commission may determine that promotional examinations shall be held for entrance into various levels of apprentice positions and entrance into journeyman positions in a skilled trade

REFERENCE: Education Code Section 88083

30.100.10 Restricted Positions and Employees

If positions properly a part of the classified service are special funded and, as a result of the special funding provisions, employment is restricted to persons in low income groups, from the designated impoverished areas, or other criteria which precludes employment through the normal competitive process, the positions shall, in addition to the assigned title, be designated as "Restricted".

- A. Positions established from general funds in the categories of instructional aide or other positions involving personal contacts with pupils or parents which are established to assist school staff personnel responsible for school community relations educational support services for areas as counseling, library, or health, or the correction or prevention of behavioral problems may also be designated as "restricted".
- B. Positions established solely for the employment of persons having mental handicaps may also be designated as "restricted".
- C. Persons employed in "Restricted" positions shall be classified employees for all purposes except: (1) they may not attain permanent status, (2) they shall not be accorded seniority rights, (3) they may not be given provisional appointments concurrent with status in a restricted position.
- D. The selection and retention of restricted employees shall be made on the same basis as that of persons selected and retained in positions a part of the regular community college program.
- E. Funds derived from the Federal Emergency Employment Act or any similar law enacted to provide transitional employment in public service positions for unemployed or underemployed persons shall not be expended for work that:
 - 1. would otherwise have been performed at federal, state, or local expense;
 - 2. will not result in an increase in the employment which would otherwise be available;
 - 3. which would result in the displacement of members of the classified service, including partial displacement, such as reduction in the hours of non-overtime work or wages or employment benefits;
 - 4. which will impair the existing rights of permanent members of classified service.

REFERENCE: Education Code Sections 88008, 88079

30.100.11 General Definition – Independent Contractors

- A. An independent Contractor is an individual, company or corporation engaged in an independent business that performs services on a fee or contractual basis. Individual Independent Contractors must be recognized as professionals requiring advanced degrees and membership in a professional society or professional organization, or persons that have special skills such as artists, musicians, entertainers, persons with professional recognition such as Staff Development Presenter, etc. A person with an employer-employee relationship with the District shall not be an Independent Contractor.

B. 20-Point Test for the Hiring of Independent Contractors:

The following factors are to be used to determine whether a worker is considered an employee and are to be administered by the Personnel Commission before individuals are employed outside of the classified service. The test shall consist of the following;

1. Instruction. A worker who is required to comply with other persons' instructions about when, where, and how he or she is to work is ordinarily an employee. Control exists where the employer has the right to require compliance with instructions.
2. Training. Providing a worker with training suggests employee status.
3. Integration. If the work to be performed is an integral part of the regular business of the employer, then the worker performing that work is more likely to be an employee because employers do not typically contract out or relinquish control of functions which are essential to the success or continuation of their business.
4. Services Rendered Personally. If the employer requires the worker to perform services personally rather than delegate them, then the employer is likely interested in how the work is done, not just the final result. That worker would probably be an employee.
5. Hiring, Supervising, and Paying Assistants. An employer that hires, supervises, and pays assistants generally controls the workers on the job. However, a worker who hires, supervises, and pays assistants under a written contract to provide material or labor is likely an independent contractor.
6. Continuing Relationship. A continuous relationship between a worker and an employer indicates an employer-employee relationship. A continuous relationship may be found even where work at frequently recurring but irregular periods of time.
7. Set Hours of Work. The employer's establishment of set working hours for a worker indicates control, which suggests employee status.
8. Full Time Required. If the employer requires full-time work such that the worker is practically restricted from performing work for others, the worker is probably an employee. An independent contractor is generally free to work for multiple employers at various times as he or she chooses.
9. Doing Work on Employer's Premises. When the worker performs his or her work on the employer's premises, that worker is more likely to be an employee, particularly if the work could be done elsewhere. Work done off of the employer's premises may be more free from control, but that does not necessarily indicate, independent contractor status.
10. Order or Sequence Set. If an employer sets the worker or sequence by which work must be performed, the worker is more likely an employee.

11. Oral or Written Reports. A requirement that the worker submit regular or written reports to the person or persons for whom the services are performed indicates a degree of control and suggests employee status.
12. Payment by Hour, Week, Month. Payment by the hour, week, or month typically indicates employee status, but is not necessarily true where periodic payment actually represents a portion of to agreed amount for a job. Payment by the job or on straight commission generally suggest independent contractor status.
13. Payment of Business and/or Traveling Expenses. Control of expenses and control of a worker's business activities often go hand in hand. Thus, where the employer pays the worker's business and/or traveling expenses, the worker is ordinarily an employee. However, many contracts require that the employer pay the contractor's reasonable travel expenses.
14. Furnishing of Tools and Materials. Employees do not typically provide their own tools, materials and equipment needed for performing their jobs. A worker who provides his or her own tools, materials and equipment is more likely to be an independent contractor.
15. Significant Investment. A worker who invests in facilities such as his or her own office to perform services for the employer tends to suggest that the worker is an independent contractor. Employees are more likely to be dependent upon the employer for such facilities.
16. Realization of Profit or Loss. A worker who can realize a profit or loss as a result of his or her services is generally an independent contractor. This does not include the risk of not receiving compensation for work performed, as employees also take such a risk.
17. Working for More Than One Business at a Time. A worker who performs more than deminimis services for multiple unrelated businesses simultaneously is more likely to be an independent contractor.
18. Making Service Available to General Public. A worker who makes his or her services available to the general public on a regular and consistent basis is more likely to be an independent contractor.
19. Right to Discharge. The right of the employer to discharge the worker tends to show the worker is an employee. Generally, an independent contractor cannot be discharged so long as the contract specifications are met.
20. Right to Terminate. An employee is usually free to quit without incurring liability. An independent contractor, however, is generally liable to fulfill his or her contractual obligations to the employer.

REFERENCE: Education Code Sections 88007, 88080

30.100.12 Confidential Employees

The Board of Trustees pursuant to Government Code Section 3540.1 may designate certain positions confidential. Employees filling positions designated confidential must, in the course of their regular duties, have regular access to, or possess information relating to, the District's confidential employer-employee relations positions and proposals. The Board of Trustees' determination to make a position "confidential" is subject to review by the Personnel Commission.

REFERENCE: Government Code Section 3540.1

30.100.13 Weekend/Holiday Positions

The Governing Board may, in accordance with Education Code Section 13656.1, create a position or class of positions which require and permit the holders of such position(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created the Commission shall, in classifying the position:

1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required to work.
2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday. The overtime exemption shall not apply to hours required to be worked in excess of 8 on any Saturday, Sunday or holiday unless the class is specifically exempted in accordance with Education Code Section 88026 (for example, recreation and security classes).
3. Insure itself that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is being created to avoid overtime payment, it shall refuse to classify the position(s) and will notify the Governing Board accordingly.

REFERENCE: Education Code Sections 88026, 88204

30.200 GENERAL CLASSIFICATION RULES

30.200.1 Assignment of Duties

The Board of Trustees shall prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to his position, the Personnel Director shall report the facts to the responsible administrator in order that appropriate action may be taken.

No Governing Board shall remove a position from the classified service by title assignment or otherwise unless the position is one for which minimum qualifications have been established by the board of governors pursuant to Section 87356.

REFERENCE: Education Code Sections 88000, 88005, 88009, 88060, 88061, 88084, 88086

30.200.2 General Nature of the Classification Plan

The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the class (es) in each series which are usually filled by open competitive examination. Those classes not so designated shall be considered as "promotional classes", provided that the Personnel Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate or range applicable to each class.

REFERENCE: Education Code Sections 88000, 88005, 88009, 88061, 88076

30.200.3 Class Specifications

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. A statement of the desirable qualifications for service in the class. The desirable qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics;
- E. A statement of distinguishing characteristics which differentiates the class from other related or similar classes, as needed; and
- F. License or other special requirements for employment or service in the class.
- G. 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.

- H. Desirable 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.

REFERENCE: Education Code Sections 88076, 88080, 88092, 88095, 88096, 88104, 88104.5

30.200.4 Interpretation of Class Specifications

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

- A. The definition and 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 is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition, freedom from disabling defects, permanent residence, honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualifications requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of the tests allocated to the class, but does not require a particular form or content of test or testing procedure.

Education and experience patterns represent minimum recruitment qualifications. Individuals not meeting the education and experience or promotional qualifications where indicated, will not be considered.

- F. Class title modifiers denote the relative professional nature of classes, and are consistently applied to clearly differentiate between groups of classes:
1. Assistant or Clerk: Used to identify classes that typically require a high school diploma and some experience (0-3 years) and support a function or office.
 2. Technician: Para-professional level typically associated with two years of college and two years experience requirement.
 3. Specialist: Regarding as a slightly higher level than a technician, this title assumes paraprofessional to entry-level professional status.
 4. Analyst (e.g., Accountant, Engineer): Professional level title used with a substantial body of knowledge typically associated with a degree and 1-3 years experience.
 5. Supervisory or Lead Person: First line management classification that includes the performance review, discipline, direction, and training for assigned employees.
 6. Manager: Used for positions that typically directs supervisors or lead classifications and reports to directors.
 7. Director: Used for positions which are involved in planning organizing and directing a major functional area and report to a top-level administrator such as a vice president or dean.

REFERENCE: Education Code Sections 88076, 88080, 88092, 88095, 88096, 88104, 88104.5

30.200.5 Allocation of Positions of Classes

All positions substantially similar as to the duties performed and the responsibilities exercised by the incumbents of such positions and as to their qualification requirements shall be allocated to the same class.

REFERENCE: Education Code Sections 88076, 88080, 88092, 88095, 88096, 88104, 88104.5

30.200.6 Changes in Duties of Positions

Any substantial changes in the duties of existing positions shall be promptly reported in writing by the appointing authority to the Personnel Director, who shall cause them to be reviewed toward determining whether the positions shall be allocated to different classes.

REFERENCE: Education Code Sections 88076, 88080, 88092, 88095, 88096, 88104, 88104.5

Working Out of Classification

Each classified employee should be required to perform the duties approved by the Board and classified by the Commission for the class to which the employee is assigned. Classified employee shall not be required to perform duties and responsibilities which are not fixed and prescribed for their positions for any period of time which exceeds five (5) working days within fifteen (15) calendar day period, except provided by this Rule. An employee may be worked beyond the scope of the duties normally assigned to the employee's position provided that the employee's salary is adjusted as follows:

- A. When a regular employee in the classified service works in a higher classification for a period of time which exceeds five (5) working days within fifteen (15) calendar day period, the salary of the employee shall be adjusted upward to the entire period of working out of classification.
- B. If an employee is required to perform duties which are not allocated to an existing class, the assignment shall be reported to the Executive Director of Personnel Commission in writing so that a review may be conducted to determine the appropriate pay differential for the temporary assignment.
- C. Request for pay differential for working out of class shall be submitted to the Executive Director of Personnel Commission as soon as possible after the assignment has been made.
- D. Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification. No employee shall be assigned to work out of class for more than ninety (90) calendar days in one fiscal year or for more than one assignment without the approval of the Personnel Commission. An example of the kind of exemption allowed by the Commission would be the temporary replacement of an employee on a long-term illness leave where the employee is assigned to work out of class for the duration of the absent employee's leave.
- E. A claim for a pay differential for working out of class may be submitted by the employee or the supervisor. The Executive Director of Personnel Commission will notify the supervisor upon receipt of a claim submitted by an employee.
- F. A claim for pay differential for working out of class must contain a list of assigned duties.
- G. The Executive Director of Personnel Commission shall review the duties assigned to the position and shall determine if the assigned duties are higher level and shall recommend an appropriate pay differential consistent with these Rules to the Commission.
- H. If the Executive Director's review determines that the assigned duties are not at a higher level, the Executive Director shall notify the employee and the appropriate supervisor and present the findings to the Commission at the next regular meeting of the Commission.

- I. These Rules shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

REFERENCE: Education Code Sections 88010, 88076, 88080, 88104, 88104.5

30.200.8 Review of Positions

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed at least once every two years. If the Director finds that a position or positions should be reclassified, he shall advise the administration of his 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 his findings and recommendations to the Commission. He shall also report his findings in cases where his review indicates that no change in classification is necessary.

30.200.9 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 position should be allocated to an existing class or to a new class.
- B. If a new class is recommended the Personnel Director shall set forth the desirable qualifications he recommends and those recommended by the Board, if any. The desirable qualifications approved by the Commission must reasonably relate to the duties assigned the position by the Board.
- C. Designate the proper salary placement, if a new class is established.
- D. Notify the Board of its action.

30.200.10 Positions Requiring Multiple Languages

The Board of Trustees may, with the approval of the Commission, designate positions within a class which require the holder of the position to speak, read and/or write a language in addition to English.

- A. The Board must clearly set forth valid reasons for placing language requirements on a position.
- B. An announcement calling for an examination for a class with position(s) containing language requirements will contain appropriate information and will indicate that successful candidates possessing the language requirements will be given preference over other successful candidates, as authorized in Rule 50.200.12, but only as to those specific positions.

- C. 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.
- D. If a request from the Board to designate a position for language requirements is challenged, the Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

REFERENCE: Education Code Section 88096

30.200.11 Mandatory Titles

As required by Article 1.6, Chapter 3, Division 10 (commencing with Section 88240) all teacher aide classes of positions shall be assigned a basic title of "Instructional Aide". The Commission, in classifying all such positions, shall determine sub-classes thereof, if any, and additions to the basic title as well as completing other classification requirements.

REFERENCE: Education Code Section 88240, 88242

30.300 RECLASSIFICATION

30.300.1 Requests for Study

- A. Requests for classification study of existing positions shall be presented in writing to the Personnel 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 by employees or employee organizations. Requests initiated by the administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes.
- B. Requests from the employee or employee organization shall be submitted with a listing of duties presently performed including a statement indicating the reasons the employee feels a reclassification is justified.
- C. No position classification or reclassification plan which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposed classifications or reclassifications.

REFERENCE: Education Code Sections 88104, 88104.5

30.300.2 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.

30.300.3 Effects on Incumbents

- A. For an employee to be reclassified with his position, the basis for the reclassification must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignments of completely new duties and responsibilities by the Board. Determinations as to gradual accretion shall be on the basis of guidelines provided by the Personnel Commission.
- B. When all of the positions in a class are reclassified upward, those incumbents with 2 or more years' service in the class shall be automatically reclassified with the positions.

When a portion of the positions in a class are reclassified upward, those incumbents with 2 or more years' 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.)

- C. 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.
- D. 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 that the incumbent has greater seniority in the class;
 - 2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he had greater seniority in that class;
 - 3. The right to be demoted or to transfer, with qualifying examination to the class to which his position is reclassified.

The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choice shall not affect his right under Rule 30.300.4, below.

REFERENCE: Education Code Section 88104

30.300.4

Reemployment List for Displaced Incumbents

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

- A. 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.

REFERENCE: Education Code Section 88127

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CHAPTER 40
APPLICATION AND EXAMINATION

40.100 APPLICATION FOR EMPLOYMENT

40.100.1 Filing of Application

All applications for employment shall be made upon official forms furnished by the Commission, filled out as therein directed, and filed on or before the date specified and in the office specified in the examination announcement.

Applicants taking more than one examination must file a separate and complete application for each such examination.

40.100.2 General Qualifications of Applicants

Applicants must be permanent residents of the United States, must have filed appropriate intention to become a citizen, or must otherwise prove their right to work under Labor Code Section 1940ff, except as otherwise provided in law, and possess all other requirements that may be specified in the qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he applies.

40.100.3 Elimination of Unfit Applicants, Candidates, and Eligibles

An applicant or candidate may be refused examination, and an eligible 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 according to standards approved by the Personnel Commission.
- 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, drug addiction as defined in Section 87011 of the Education Code, and/or use of intoxicating beverages 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 bases for rejection.
- P. Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or Board of Trustees.

40.100.4

Rejection and Appeal from 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 a 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:
 - a. Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin or ancestry.
 - b. Abuse of discretion.
 - c. Inconsistency of the reasons given for the rejection with the facts.
- 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 Personnel Director or the Personnel Commission, the Personnel Director shall institute immediate action to insure 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 Applications Not to be Returned

All applications and examination papers are confidential records of the District and shall not be returned to the applicants.

40.100.7 Confidentiality of Information

- A. Unless these rules specifically designate otherwise, all documents, such as applications, references, and the like, shall be considered confidential information and the property of the Personnel Commission and shall not be returned.
- B. The names of the applicants, candidates, or eligibles, in any examination, shall not be made public, nor open to inspection, except as designated in these rules.

40.100.8 Veterans' Preference

- A. Veterans' preference points shall be added to passing scores in open examinations in the amount prescribed by Education Code Section 88115. At least 30 days of active service in the Army, Navy, Marines, Air Force, or Merchant Marine, or as a nurse on active duty with the Red Cross, between the dates listed below, are required:

World War I	April 6, 1917 to November 11, 1918
World War II	December 7, 1941 to December 31, 1946
Korea	June 27, 1950 to January 31, 1955
Viet Nam	August 4, 1964 to May 7, 1975
Persian Gulf	August 2, 1990 to February 28, 1992

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

- B. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.

REFERENCE: Education Code Sections 88113, 88115

40.200.1 Examination Barred

No examination announcement may be made and no part of any examination may be held until the Board of Trustees has properly approved, if a reclassification, or designated, if a new class, the position duties, and the Commission has completed the position classification including the establishment of desirable education and work experience requirements.

40.200.2 Promotional Examinations

Examinations shall, where practicable, as determined by the Commission, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class.

REFERENCE: Education Code Section 88091, 88103

40.200.3 Examination for Certain Position or Classes

- A. Examinations for the position of business manager or any other single position class at or above the level of business manager, and all positions that would have been included under the provisions of sub-paragraphs (m), (n), and (o), Education Code Section 13055 prior to legislative repeal, shall be held on an open and promotional basis.
- B. When such examinations are held, all permanent employees of the district (classified and certificated), who meet the desirable qualifications, shall be allowed to compete in the promotional examination.

Final scores of all successful competitors in the promotional examination will be adjusted to add promotional, including seniority, credits.

- C. A single eligibility list will be developed from among the passing open and promotional candidates. Rating will be in accordance with the final score plus authorized credits.
- D. These examinations are not, by law, considered "entrance examinations", and military preference credits are, therefore, not to be included.

REFERENCE: Education Code Sections 88099, 88101

40.200.4 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. At least 10 working days' advance public notice of such examinations shall be given. The notice shall contain the following facts:

- A. Information concerning the location 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. Desirable qualifications required;
- 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.

REFERENCE: Education Code Section 88097

40.200.5 Who May Compete

- A. Competitive examinations for positions in the classified service; shall be open to all applicants who meet the desirable qualifications and who are not rejected as provided in Rule 40.100.4, provided that examinations may be restricted to promotional candidates at the discretion of the Commission.
- B. Age shall not be a factor in admitting applicants to examinations.

REFERENCE: Education Code Section 88033

40.200.6 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.

40.200.7 Character of Examinations

Examinations shall consist of at least two independent parts. The parts may be any of the following:

- A. Written examination;
- B. Practical demonstration of skill;

- C. An evaluation of technical training, education, and experience by a technical qualifications appraisal panel;
- D. An investigation of physical, mental, and moral fitness through oral interview;
- E. Other tests of fitness determined appropriate by the Personnel Commission.

REFERENCE: Education Code Section 88092

40.200.8 Examination Procedures

- A. Competitors in any written test must take the test on the prescribed date unless religious affiliation or military service (promotional candidates) requires other arrangements.
- B. Copies of the questions in a test shall not be made by competitors or other unauthorized 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 the 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 applicants are available, and applications shall be accepted on every working day. Procedures for review of written tests shall be suspended. The Qualifications Appraisal Board may consist of one person who may be an employee of the District or the Commission.

40.200.9 Examination Weighting

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

40.200.10 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.

40.200.11

Review and Protest to Examination

- A. Examination records except standardized written tests and confidential references shall be open to inspection only by an applicant, candidate, eligible, or his representative. Such applicant, candidate, eligible, or representative may not review the examination records of another person.
- B. When the written test papers of all competitors have been rated, each candidate will be notified of his grade, and the place, date, and time at which he may review his test paper. At the time of review he will be provided a protest sheet and may protest any question, outlining the basis for the protest. No candidate may copy and remove from the review room any questions or answers.
- C. The protest sheets, if any, shall be filed with the Personnel Director within four working days. The Personnel Director shall review and act upon all protests. He may allow more than one answer to a question or may disqualify a question, if he finds the protest to be valid. If protests result in any change, the test papers of all applicants will be reviewed and re-rated accordingly.
- D. A candidate, eligible, or his representative may review and protest any other part of an examination provided:
 - 1. The protest must be received in the Personnel Commission Office no later than the fourth working day following the date the candidate receives notification of the results of the pertinent part of the examination.
 - 2. The protest shall be in writing and must state the basis for the complaint, and state the remedy sought.
- E. The Personnel Director shall inform the protestant of his decision. If he rules against the protest, the applicant may appeal to the Personnel Commission within four days after receipt of the notice, but the appeal shall not delay other parts of the examination process.
- F. Reviews and protests shall be conducted according to the procedure set forth in Rule 40.100.4 except as otherwise specified in this Rule.

REFERENCE: Education Code Section 88093

40.200.12

Examination Papers

- A. All examination papers submitted by competitors are the property of the Commission and are confidential records.
- B. Examination records, including any recordings and the rating sheet of each member of the oral panel for each candidate, shall be retained by the Commission for a period of not less than 90 days after the establishment of an eligibility list.

REFERENCE: Education Code Section 88093

40.200.13

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 practicable date after conclusion and rating of the earlier test(s).

- B. A QAI board will consist of two or more persons, at least one of whom shall be technically qualified to interview for knowledge in the area of the class of positions being tested for.
- C. Whenever practicable, employees of the District and Commission shall not serve on an oral board. Under no circumstances shall a supervisory employee, under which a successful competitor may serve, be designated as an oral panel member. Employees of the district or of the Commission shall not serve as panelists on promotional examinations.
- D. Unless specifically directed to evaluate the candidates' technical knowledge and skills, the oral examination panel shall confine itself to evaluating general fitness for employment in the class. When the oral panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupation area.
- E. Members of the Governing Board or Personnel Commission shall not serve on an oral examination board.
- F. All oral examinations for regular classified positions shall be electronically tape recorded. In no case will an oral examination panel be provided with confidential references on employees of the district who are competing in promotional examinations. Scores achieved by the candidates on other parts of the examination shall not be made available to the oral panelists.
- G. A competitor may appeal a QAI rating to the Personnel Director and, if rejected, he may appeal to the Commission at any time after notification of his final score, but within 10 days after establishment of the eligibility list. The Commission may alter the QAI rating if it finds justification for the protest and order the competitor's examination score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointment was fraudulent.

40.200.14 Seniority Credit - Promotional Examinations

In promotional examinations only, seniority credit shall be added to the final passing scores of candidates in the amount of ¼ of one point for each year of service, not to exceed a total of five points. Credit shall be granted for time spent in regular status (see definition) in the classified service and on leave from the classified service while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar-year basis. Credits shall be calculated for units of not less than a half year, unless greater accuracy is required in order to break ties in examination scores, and fractions of years shall not normally be counted.

REFERENCE: Education Code Section 88101

40.200.15 Ties in Examination Scores

When two or more competitors in an examination have the same final examination score, preference in placement on the eligibility list shall be based on the following provisions applied in the following order:

- A. In promotional examinations, seniority credit shall be calculated to the fractional point necessary to break the tie.
- B. Higher rank shall be given to the competitor with the higher score in the performance test, if any.
- C. Higher rank shall be given to the competitor with the higher score in the written test.
- D. Higher rank shall be given to the promotional candidate with current regular status in the higher range on the salary schedule.
- E. Higher rank shall be given to the competitor who filed his application earlier.

The provisions of this sub rule shall not apply to examinations for classes designated as technical, professional, administrative or executive.

40.200.16 Notice of Final Score

Each competitor shall be notified of his score for each portion of the examination, additional veterans' or seniority credits, the total thereof, and his standing on the eligibility list, if qualified. Each competitor shall, in addition, be notified that the eligibility list is available in the personnel office for review.

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**CHAPTER 50
EMPLOYMENT LISTS**

50.100 ELIGIBILITY LISTS

50.100.1 Establishment and 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 of the Personnel Commission.
- B. After approval, an eligibility list shall be in effect for one year, unless exhausted, and may be extended for not to exceed one additional year at the discretion of the Commission. Names of successful competitors may be added to eligibility lists resulting from continuous examinations without approval by the Commission.
- C. After approval, open competitive eligibility lists may be established for a period less than one year but not less than six months, unless exhausted, and may be extended for an additional period of one year or less, at the discretion of the Commission. The six months duration of such lists must be noted in the recruitment bulletin announcing the examination.

REFERENCE: Education Code Section 88119

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 in appointment. 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. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the reemployment list in any given class.

REFERENCE: Education Code Sections 88117, 88127

50.100.3 Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one year from the date of its approval unless previously extended by the Commission. A six months eligibility list is automatically terminated six months from the date of its approval unless previously extended by the Commission.
- B. An eligibility list is automatically terminated two years after its approval unless previously terminated.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated by the Commission when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three eligibles remaining on the list.

E. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established.

REFERENCE: Education Code Section 88119

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 eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists 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 eligibles’ names shall be removed from the consolidated list.

REFERENCE: Education Code Section 88110

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 who accepts part-time employment shall continue to be eligible for full-time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular appointment.

REFERENCE: Education Code Sections 88105, 88106

50.100.6 Removal of Names from Eligibility Lists

A. The name of an eligible 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 for removal.
2. Failure to respond within three business days following the mailing of an inquiry regarding availability for employment.
3. Any of the causes listed in Rule 40.100.3.
4. (Promotional Eligibility List) - Termination of employment.
5. Failure to respond for an interview after certification.

B. The name of an eligible may be removed from an eligibility list by the Personnel Director, subject to ratification of and appeal to the Commission for restoration under Rule 40.100.4, for any of the following reasons:

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

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

REFERENCE: Education Code Section 88119

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. Transfer
- B. Voluntary Demotion
- C. Reemployment List
- D. Promotional Eligibility List
- E. Lateral Transfer
- F. Reinstatement
- G. Open Eligibility List

50.200.2 Dual Certification

- A. When an open competitive examination and a promotional examination for a particular class are held at the same time, the Commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted. The Commission may only do this if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.
- B. Certification shall be made from the three highest eligibles on the open and promotional list, or from the three highest ranks on the open and promotional list for technical, professional, administrative, or executive classes, without veterans' credit, but including seniority credit for promotional eligibles. When all promotional eligibles have been removed from the list, through appointment or otherwise, veterans' credit shall be added, to scores of remaining open eligibles; and their ranks shall be adjusted accordingly.

REFERENCE: Education Code Section 88103

50.200.3 Procedure When Fewer Than Three Names Remain

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

- C. For classes designated as technical, professional, administrative, or executive, certification shall consist of the first three ranks, in accordance with procedure listed in 50.200.5.

50.200.4 Waivers of Certification

- A. An eligible 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 a prescribed form in the personnel office.
- B. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability in writing.
- C. An available eligible may waive certification twice without penalty. At the time a third waiver is to be signed by an eligible he will be informed that, upon signing the third waiver, his name will be removed from the eligibility list per Rule 50.100.6.
- D. At the time an eligibility list is established each eligible shall be sent a copy of Rule 50.100.6 and Rule 50.200.4.

50.200.5 Procedure of Certification and Appointment From Eligibility Lists

- A. All vacancies in the classified service shall be filled from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission.
- B. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied.
- C. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles.
- D. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

REFERENCE: Education Code Section 88091

50.200.6 Certification of Additional Eligibles

- A. If, after certification of eligibles, the appointing authority desires certification of additional eligibles per Rule 50.200.5, a written request will be submitted to the Personnel Director which shall:
1. Specify the number of additional eligibles required.
 2. Detail all pertinent data which requires the certification of additional eligibles including the name of the eligibles certified who refused appointment (and reasons given) or failed to respond for the interview.
- B. The Personnel Director, when the request is received, shall immediately investigate the matter to determine if the request is validly made and, specifically, to determine that an appointment refusal was voluntary on the part of the concerned eligible. He shall:
1. If he finds the request to be valid:
 - a. Certify additional eligibles as may be required;
 - b. Remove from the eligibility list, at his discretion, the names of eligibles who failed to report for interview or who refused appointment, and notify the eligibles of his action and their right of appeal to the Commission;
 - c. Notify the Commission of the action he has taken.
 2. If he finds that a refusal of appointment was not voluntary and free of any type of duress he shall:
 - a. Notify the appointing authority of his findings and refuse to certify additional eligibles, citing the provisions of this Rule.
 - b. Refer the matter to the Personnel Commission together with his findings and recommendations which may include suggested action under Education Code Section 88136.
 - c. Advise the appointing authority of the date of his report to the Commission in order to enable appropriate representation.

REFERENCE: Education Code Sections 88091, 88096, 88136

50.200.7 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, provided that the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledges were adequately tested in the examination.

50.200.8

Withholding Names from Certification

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

- A. He expresses unwillingness or inability to accept appointment.
- B. He 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. He fails to present himself for duty at the time agreed upon after having accepted an appointment.
- D. He cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. He fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met.)
- F. For any reason listed in Rule 40.100.3.

50.200.9

Restoration to Certification

- A. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto by the Personnel Director, subject to ratification by the Personnel 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 to accept employment, or failure to respond to inquiry as to his availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he is now 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 50.200.8E.

50.200.10

Duties of Eligible

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides in the District, he shall respond within three days after the date the notice is mailed. If the eligible resides outside the District, he shall respond within three days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for his answer to be returned by mail.
 - 1. In the event, an eligible is notified by telegram of the certification, he shall present himself before the appointing power for interview or reach the appointing power with some form of communications within 24 hours after the sending of the telegram.

2. Failure of an eligible to respond within the above stated times will be deemed an automatic waiver of certification, and the Personnel Director may certify an additional name in lieu of the name of such eligible.
- B. An eligible 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 he is unable or unwilling to report by the end of two weeks (one month in the case of administrative and executive classes), he may be considered to have refused 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 Personnel Director of his selection.
 2. Notification may be made by telephone, telegram, or registered or certified mail.
 3. The appointing power may allow a period longer than two weeks at its discretion.
 4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- C. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Commission his correct mailing address and place of residence. This address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, he shall promptly notify the office of the Commission, stating the list or lists upon which his name appears, together with his new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his order of certification and/or appointment from any such list or lists.

50.200.11 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 whose name has been certified for appointment, nor shall any discrimination be exercised therefore.

REFERENCE: Education Code Section 88112

50.200.12 Certification of Eligibles for Position 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 Personnel Director when calling for certification of eligibles to fill the vacancy.

- B. In such an instance, the Personnel Director shall determine which eligibles possess the required language skill and shall certify the names of three qualified eligibles, in the order of their relative standing on the list, who are ready and willing to accept the position, provided that available, qualified eligibles in the first three ranks shall be certified for technical, professional, administrative or executive classes.
- C. If there is an insufficient number of eligibles who meet the language requirements and who are ready and willing to accept the position, the Personnel Director shall certify for appointment the top eligible(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.

REFERENCE: Education Code Sections 88096

50.200.13 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 50.200.7.

50.300 PROVISIONAL APPOINTMENTS

50.300.1 Restrictions

- A. The appointing authority may make a provisional appointment when the Personnel 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 eligibles (i.e. less than three) and the appointing authority refuses to appoint an available eligible.
- 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 he shall be ineligible to serve in any full-time provisional capacity.
- C. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Section 88076, 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.

REFERENCE: Education Code Sections 88076, 88106, 88107, 88108

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 power.

REFERENCE: Education Code Section 88106

50.300.3 Emergency Appointments

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees, through its authorized Department Heads, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.
- B. When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and 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.

REFERENCE: Education Code Section 88109

CHAPTER 60 IN-SERVICE STATUS AND TRANSACTIONS

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CHAPTER 60
IN-SERVICE STATUS AND TRANSACTIONS

60.100 PROBATIONARY PERIOD

60.100.1 Duration of Probation

- A. A new employee appointed from an eligibility list shall serve a probationary period of six months or 130 working days in one class before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months or 130 working days in the higher class before attaining permanency in that class. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.
- B. For those classes designated by the Commission as executive or administrative, the probationary period shall be six months or 130 working days.
 - 1. No employee shall attain permanent status or seniority credit in the classified service until he or she has completed a probationary period in a class after appointment from an eligibility list.

REFERENCE: Education Code Section 88120

60.100.2 Rights of Probationary Employees

- A. A new employee who resigns in good standing during his initial probationary period shall, upon request, have his name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- B. A new employee may be suspended or dismissed during his initial probationary period for cause, as provided in Rule 60.1000.1. He shall be notified in writing of the action taken and the reasons therefore. A copy of the notice shall immediately be filed with the Personnel Commission. The employee shall not have the right of appeal, except when the appeal is based on a claim of discrimination as stated in Rule 60.1000.2A.
- C. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be demoted involuntarily during the probationary period to his former class. He shall be notified in writing of the action and the charges against him, and shall have the right of appeal provided in Rule 60.1000.3B.
- D. A permanent employee who is suspended or dismissed or demoted to other than his former class during a probationary period retains full rights of appeal.
- E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified and should he be laid off without fault or delinquency on his part before his probationary period is completed, his name shall be restored to the eligibility list and the time he has served shall be credited to him on his probationary period.

- F. Upon initial employment and after each change in classification thereafter, each classified employee shall be furnished two copies of his class specification, salary data, assignment or work location, duty hours and the prescribed workweek by the department. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his supervisor.

REFERENCE: Education Code Section 88120, 88124, 88168

60.200 CHANGES IN POSITION AND CLASS

60.200.1 Transfer

- A. An employee may be transferred at his request or for the good of the service from one position to another in the same class at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons.
- B. A permanent employee may be transferred to a position in a related class on the same salary range. Such transfers shall be made only with the approval of the Commission.
- C. The Personnel department shall maintain a file containing the names of all employees requesting a transfer. When a vacancy occurs, the name(s) of the qualified employee(s) who submitted a transfer request shall be certified to the appointing authority along with names of eligibles from the appropriate eligibility list.
- D. Bulletins shall be published and distributed to all work locations to notify all employees of each vacancy.
- E. Transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner reflect adversely upon his rights, as provided in law and these rules.
- F. The Personnel Commission shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, qualifications, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers is permitted:
 - 1. As the employee's seniority in the classified service increases.
 - 2. When the transfer request is based on reclassification, impending layoff, or reasons of health.
 - 3. When the employee meets the desirable qualifications for the class.
- G. A permanent employee who transfers to a position in a class in which he has not previously completed a probationary period shall be considered probationary in that class for a period of six months or 130 working days. At any time during the probationary period he may be returned (transferred) to his former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.

- H. Transfers shall have the following effects on seniority:
1. Within the same class - none.
 2. From one class to another - the employee shall not receive seniority credit in the new class for service in other classes; however, he shall retain such credit as seniority in the classified service.
- I. Transfer shall not be used as a device to alter the sequence of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this rule contemplates.
- J. Reasons for any transfer which is not voluntary shall be discussed with the employee by his immediate supervisor.
- K. Probationary employees may request a transfer to another position within the same class for the good of the service upon the recommendation of the department head.

REFERENCE: Education Code Sections 88081, 88097

60.200.2 Demotions

- A. No employee in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the commission as detrimental to the efficiency of the service. This section shall not be construed to prevent layoffs for lack of work or lack of funds.
- B. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of his department head and that of the head of the department to which he is to be assigned.
- C. All recommendations or requests for a classified employee to be demoted shall be subject to review by the Personnel Commission.
- D. Voluntary demotion is a privilege available to a probationary employee only in cases when he would otherwise be laid-off for lack of work or lack of funds.
- E. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

REFERENCE: Education Code Sections 88121, 88123, 88124

60.200.3 Reinstatements

- A. A permanent employee who resigned in good standing may be reinstated in a vacant position in his former class and status within 39 months of the last date of paid service. Also, he may be reinstated in a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority.

- B. An employee who has taken a voluntary demotion may be restored to a vacant position in his former class or in a vacant position in a related lower class, as determined by the Commission, within 39 months. Except when demotion or reduction in assigned time was chosen in lieu of layoff, restoration is discretionary with the appointing authority
- C. An employee who has accepted demotion or reduction in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his position, has the right to be reemployed, in accordance with his seniority, in his class, in a vacant position in his former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate the right. If he has not been reemployed in his former class within 39 months, he shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months as determined by the Personnel Commission.
- D. Reinstatement or reemployment of a former employee shall have the following effects:
 - 1. Restoration to the former step in the current salary range for the class, or, if restored in a lower class, to the rate close to that, of the step to which he would be assigned if he was restored in his former class.
 - 2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.
 - 3. Restoration of former anniversary date, but without step-advancement credit for the off-duty period.
 - 4. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored.

REFERENCE: Education Code Sections 88117, 88126, 88128

60.200.4 Changes in Assigned Time

A. General Rule

- 1. If an employee is required to work in excess of the normally assigned time for 30 minutes or longer per day for 20 consecutive workdays, the assigned time of the position will be changed to reflect the longer hours.
- 2. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the class.
- 3. A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority bid list shall accept or reject a "vacant" position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a "vacant" position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made.

4. A permanent employee displaced by virtue of this rule shall be entitled to bumping rights in accordance with proper seniority in his class.

B. Increases in Time in Excess of 1 Hour Per Day

1. When an existing permanent position is assigned a permanent increase in time of more than 1 hour per day, the increased position shall be considered "vacant" for the purpose of this rule effective as of July 1 next following the date of the increase unless such increase has been effected in the first quarter of the school year in which case it shall be considered vacant as of October 1st of that school year.
2. Eligibility and acceptance of "vacant" positions shall be made in accordance with Subsection A.3 of this rule.

C. Increase in Time of 1 Hour or Less Per Day

1. When an existing permanent position is assigned an increase of 1 hour or less per day, the employee in the same class working less than 8 hours per day with the most seniority in the particular location where the adjustment is being made shall be entitled to the increase.
2. If the employee with the most seniority in the particular location where the adjustment is being made wishes to remain at the same hours per day worked and wishes no increase in time, the adjustment will then be offered to the next employee in line with seniority within that particular location.

D. Decreases in Assigned Time

1. When the regular hours of employment of a position or positions are to be reduced, the administration shall:
 - a. Determine the class(es) and location(s) affected by the reduction;
 - b. Notify the Personnel Director at least one month in advance of the effective date of the reduction;
 - c. Work with the Personnel Director to alleviate the affect of reduction on employees.
2. When a permanent position is to be reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided that he has greater seniority. If no such option is available, he may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that he has greater seniority. An employee so bumped shall have similar bumping rights.

3. When an employee is faced with a reduction in assigned time, the rules on transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.
4. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increase in assigned time.

REFERENCE: Education Code Sections 88036, 88168

60.200.5 Distinctive Uniform Requirement

The governing board may require the wearing of a distinctive uniform by classified personnel. The cost of the purchase, lease, or rental and maintenance of uniforms, equipment, identification badges, emblems and cards required by the district shall be borne by the district.

REFERENCE: Education Code Section 88037

60.300 LIMITED-TERM EMPLOYMENT

60.300.1 Types of Limited-Term Appointments

- A. When ever the appointing power requires the appointment of a person to a limited- term appointment, the duration of which is not to exceed six months or less, or in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of that employee. The appointing power shall submit a request in which the probable duration of the appointment is stated.
- B. The appointing authority may establish positions the duration of which is six months or less; such positions shall be designated "limited-term". Such positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.
- C. Eligible persons shall be certified by the commission in accordance with their position on the appropriate employment list and their willingness to accept appointment to such a position as limited-term.

REFERENCE: Education Code Section 88105

60.300.2 Eligibility for Limited-Term Employment

- A. Limited-term appointments shall be made in accordance with procedures for regular appointments, except as provided below.
- B. If an eligible has been appointed from an eligibility list to a substitute assignment or limited-term assignment he shall continue to be eligible for limited-term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in the order of seniority on a special list used for limited-term appointments and shall be certified therefrom before the current eligibility list is used. Names may be removed from this list for any of the causes listed in Rule 40.100.3 or Rule 60.1000.1, subject to appeal to the Personnel Commission.
- C. Provisional appointments may be made to limited-term positions and substitute assignments subject to the provisions of Rule 50.300.

REFERENCE: Education Code Section 88105

60.300.3 Compensation

- A. When a regular employee is given a limited-term appointment in a second class in lieu of all or part of his regular appointment, his rate of pay in the second class shall be the rate appropriate to that class which is next above his regular rate, if any, but not more than the highest rate applicable to that class.
- B. Former regular employees who are reinstated as limited-term employees within 39 months after resignation shall be paid in accordance with Rule 60.200.3. The salary step so determined shall be applicable to all future limited-term appointments of that employee in that class until he loses eligibility for such appointments.
- C. All other limited-term employees shall be paid at the hiring rate for regular appointments in the class.

60.300.4 Rights and Benefits

- A. Regular employees who are serving in limited-term appointments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.

REFERENCE: Education Code Sections 88035, 88036

60.300.5 Terminations

- A. Limited-term appointments shall be subject to termination at any time except during an assigned shift.
- B. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Personnel Director in writing. The Personnel Director may remove the employee's name from the special list for limited-term appointments, if his investigation supports such an action.

REFERENCE: Education Code Section 88105

60.400 ASSIGNMENTS OF HANDICAPPED EMPLOYEES

60.400.1 General Policy

A regular employee who is determined by medical authority to be incapable of performing the duties of his or her class because of illness or injury may, at the discretion of the governing board be assigned duties that he or she is capable of performing. The position to which the employee is assigned shall be subject to classification by the personnel commission, but the employee shall receive no increase in wage or salary because of his or her assignment to the position unless he or she is appointed from an eligibility list.

REFERENCE: Education Code Section 88098

60.400.2 Reassignments

- A. A handicapped employee's duties in his regular position may be altered in accordance with his handicap. Such changes in duties shall be informally reported to the Personnel Director, who shall determine whether the position requires classification study.
- B. A handicapped employee may accept demotion or transfer to a less demanding class, with the approval of the Commission.
- C. A handicapped employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

60.400.3 Effect of Refusal by Employee

A handicapped employee may refuse assignments to other classes without effect on his rights under sick leave provisions of the law and these rules. However, there is no obligation for the appointing authority to renew offers of reassignment which have been refused or to make alternative offers.

60.500 EMPLOYMENT OF P.E.R.S. RETIREES

60.500.1 General Policy

- A. Any person receiving a retirement allowance from the Public Employee's Retirement System may be employed for up to 90 working days in a calendar year whenever other eligibles are not available and the retiree's skills or knowledge is needed, or during an actual emergency to prevent the stoppage of public business.
- B. The retired person must certify that he understands he is restricted to 90 working days in any calendar year with the district and other employers subject to P.E.R.S. and that his employment and continuance in employment is discretionary with the Governing Board.
- C. For the purposes of this Rule "working day" shall mean any day for which pay is received regardless of the number of hours worked.

60.500.2 Compensation

- A. A retiree employed under authority of this Rule shall be entitled only to the appropriate salary earned to include overtime compensation as provided for in Rule 70.300.3.
- B. Retired personnel shall normally be paid on the same step of the salary schedule of the class to which they are assigned as they would receive as regular limited-term employees.

60.500.3 Assignment

- A. A retired employee employed under this Rule is not subject to reinstatement to P.E.R.S. Nor does the compensation paid provide for retirement allowance adjustment.

- B. The appointing authority will certify to the Personnel Director that a retiree employed under this Rule meets the provisions thereof and his combined calendar-year employment by all employers subject to P.E.R.S. does not exceed 90 working days. The retiree will sign an affidavit indicating the number of days worked during the calendar-year, if any, and submit this affidavit to the Personnel Director before being approved for employment.

REFERENCE: Education Code Section 88034

60.600 PERFORMANCE EVALUATIONS

60.600.1 When Evaluations Are to be Made

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

- A. Probationary employees - at the end of the third and fifth month of the probationary period of service.
- B. Permanent employees - at least once each year no later than May 1st and at any time more than 60 working days later if the employee leaves the control of that supervisor.

60.600.2 Who Makes Evaluations

Each immediate supervisor under whom the employee has served for 60 working days or more during any rating period shall provide a performance evaluation, even though the employee may have left his control.

60.600.3 Procedure to be Followed

- A. Performance evaluation reports shall be made on forms prescribed by the Commission, and shall be prepared by the employee's immediate supervisor if possible. The form shall be reviewed by the next higher supervisor and, if the need for improvement is noted, by the department head.
- B. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him. The evaluation form shall be signed by the employee to indicate receipt, and he shall be given a signed copy. When the employee is no longer supervised by the person preparing the evaluation, it may be delivered by mail.

- C. Performance evaluation reports shall be filed in the employee's personnel records and shall be available for review in connection with promotional examinations and disciplinary actions.
- D. The employee shall be notified in writing by his immediate supervisor that he has five working days to attach a rebuttal should he so desire, before the evaluation is filed in his personnel record.

60.600.4 Special Evaluations

At any time, a supervisor may, with the approval of his department head issue to an employee a Notice of Commendation or a Notice of Unsatisfactory Service. Such notices shall be made on prescribed forms and shall set forth specific reasons for recognition of outstanding or unsatisfactory service by the employee. They shall be delivered to the employee personally by his immediate supervisor whenever practicable. A copy of such notice shall be placed in the employee's personnel record and shall be available for review in connection with promotional examinations.

60.600.5 Appeals

If the employee is not satisfied with his performance evaluation, he may appeal through the grievance procedure (Rule 80.100).

60.600.6 Personnel File Information

- A. Materials placed in personnel files must indicate a copy has been given to the employee concerned. Such material is not to include ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members or (3) were obtained in connection with a promotional examination.
- B. Every employee shall have the right to inspect such material upon request, provided that the request is made at a time such person is not actually required to render service to the district or with the permission of the department head on district time.

- C. Information of a derogatory nature, excepting material listed in Section A above, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. A rebuttal statement on the original statement or attached to the document shall be proof that the employee had the opportunity to review and comment on the material. A signature of employee acknowledging receipt shall be verification that he has received a copy of the document. If the employee refused to sign acknowledging receipt of the material only the server shall prepare a memorandum which shall be attached to the derogatory statement advising that the employee has been served - how, when and where. A review of derogatory statements shall take place during normal business hours, and the employee shall be released from duty for this purpose without loss of pay.

REFERENCE: Education Code Section 87031

60.700 LEAVES OF ABSENCE

60.700.1 Vacation

- A. Every classified employee in permanent, probationary, restricted, or permanent employee temporarily assigned to a provisional or limited-term appointment, shall earn vacation at the prescribed rate. Vacation shall also be earned during any paid leave of absence.
- B. Vacation shall be earned at the rate of ten (10) working days in the first year. After completion of 12 months of service, every permanent classified employee shall be granted one additional working day of vacation credit for each additional year of service up to a maximum of twenty two (22) working days per year.
- C. Vacation may not be taken until completion of the initial probationary period.
- D. Vacation may, with approval of the supervisor, be taken at any time during the year; and unused vacation credit shall be accumulated for a period of two years only.
- E. Vacation time may not be taken in lieu of notice immediately preceding the effective date of resignation.
- F. Upon separation from service, every employee shall be paid for his accumulated vacation credit at the rate of pay applicable to his last regular assignment.

REFERENCE: Education Code Sections 88190, 88197

60.700.2 Interruption of Vacation Leave/Paid

Permanent classified employees may interrupt vacation leave in order to begin another type of paid leave such as sick leave, bereavement leave, or personal necessity leave without a return to active service, provided that they give adequate notice furnishing relevant supporting information to the Personnel Director.

REFERENCE: Education Code Section 88200

60.700.3 Paid Sick Leave

- A. Sick leave is the authorized absence of an employee because of illness, injury, or exposure to contagious disease.
- B. Every classified employee in permanent, probationary, restricted, or a permanent employee temporarily assigned to a provisional or limited term appointment shall earn paid sick leave in accordance with the provisions of Education Code Section 88191. Unused sick leave may be accumulated without limit.
- C. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick leave which he would normally earn in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.
- D. Sick leave may be taken at any time, provided that new employees with probationary status may use only six days of paid sick leave during their initial probationary periods.
- E. Pay for any day of sick leave shall be the same pay the employee would have received if he had worked that day, except as provided by Education Code Section 88036 for part-time personnel.
- F. In order to receive compensation while absent on sick leave, the employee must notify his supervisor of his absence within the first working hour of the first day absent, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.
- G. At least one day prior to his expected return to work, the employee shall notify his supervisor in order that any substitute employee may be terminated. If the employee fails to notify his supervisor and both the employee and the substitute report, the substitute is entitled to the assignment, and the employee shall not receive pay for that day.
- H. An employee absent for five working days or more may be required to present a doctor's statement stating the nature of the illness or injury and the date the employee is able to return to work. If absence, due to illness, is longer than ten (10) working days, a medical release, signed by the attending physician, must be submitted to the department head upon return to work.
- I. Sick leave, when habitually taken for trivial indisposition, shall be considered cause for disciplinary action with dismissal by the appointing authority.

REFERENCE: Education Code Section 88036, 88191

60.700.4 Entitlement to Other Sick Leave

- A. A permanent employee and employees such as restricted, who have completed a probationary period of six months or 130 working days, will be credited as of the date of appointment with 100 working days of half-pay illness leave.
- B. Employees, including those designated as restricted, hired after July 1, 1971, will be required to have completed their probationary period of six months of service before being entitled to the 100 working days of half-pay illness leave.
- C. Thereafter, as long as he remains, the employee will be credited annually with the correct number of working days of illness leave each July 1st to bring his balance to 100 days of half-pay illness leave.
- D. No half-pay illness leave shall be allowed until after the exhaustion of all full-pay privileges including regular sick leave and accumulated vacation.
- E. The days of half-pay illness for classified employees who work on less than a full-time basis shall be prorated on the basis of the number of hours worked in a week.

REFERENCE: Education Code Section 88196

60.700.5 Termination of Sick Leave

- A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided that he is able to resume the assigned duties and, if the leave has been for more than 20 working days, provided that he has notified the District of his return at least three working days in advance.
- B. If, at the conclusion of all sick leave and additional leave, paid or unpaid, granted under these rules, the employee is still unable to assume the duties of his position, he will be placed on a reemployment list for a period of 39 months in the same manner as if he were laid off for lack of work or lack of funds.

REFERENCE: Education Code Section 88195

60.700.6 Industrial Accident and Industrial Illness Leave

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Section 87042 and 88192 and this Rule.
- B. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workmen's Compensation Insurance law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from workmen's compensation provided that:
 - 1. The employee has probationary or permanent status.

2. In the opinion of the Health & Safety Coordinator/Committee, the illness or injury constitutes an industrial accident or illness, or, if contested by the district, it is ultimately determined to be work connected.
- C. Paid industrial accident leave shall be for not more than 60 working days in any one fiscal year for any one industrial illness or injury and if the full 60 days will overlap into the next fiscal year, the employee shall be entitled only to that amount remaining at the end of the fiscal year in which the illness or injury occurred.
- D. Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under workmen's compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.
- E. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if he is eligible therefore. Accumulated illness leave will be reduced only in the amount necessary to provide a full days' wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from the State Compensation Insurance Fund.
- F. After all paid illness leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation, earned compensatory time, or other earned leave to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the State Compensation Insurance Fund.

After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident leave without pay. The total time of all leave benefits provided under this Rule, including unpaid industrial accident leave, shall not exceed 36 months for any one industrial accident or industrial illness.

- G. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his former class, he may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable re-employment list.
- H. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence
- I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he was on leave for a period not to exceed 39 months.

- J. An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his former status and time basis, and in assignment areas in which the employee has made himself available. Employees removed from a reemployment list under this Rule may appeal the removal to the Personnel Commission.
- K. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Workmen's Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in his basic daily assignment. An employee who is not full time shall have his regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the District all wage-loss benefit checks received under State Workmen's Compensation Insurance laws. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this Rule.

REFERENCE: Education Code Sections 87042, 88192

60.700.7 Bereavement Leave

- A. Every person employed in the classified service shall be granted necessary leave of absence with pay for not more than three days, or five days if out-of-state, or more than 300 miles in travel is required on account of the death of any member of the immediate family when approved by the Personnel Director.
- B. No deduction shall be made from the salary of the employee nor shall such leave be deducted from leave granted by other sections of these rules or provided by the governing board.
- C. Member of immediate family means mother, father, grandparent, grandchild of the employee or of the spouse of the employee, the spouse, the 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.

REFERENCE: Education Code Section 88194

60.700.8 Personal Necessity

- A. A probationary or permanent classified employee may elect to use, not to exceed six days in any one fiscal year, sick leave which has been earned pursuant to Education Code Section 88191, for personal necessities which fall in the following categories:
1. Bereavement leave which may be necessary beyond that authorized in these rules and laws.
 2. Incapacitating illness of member of the immediate family.
 3. Accident, involving his person or property, or the person or property of a member of his immediate family.
 4. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any other order made with jurisdiction, and for which no other leave is provided for in these rules.
 5. Imminent danger to the home of the employee occasioned by a factor such as flood or fire, serious in nature and which requires the absence of the employee during the working day.
- B. Immediate family as used in this section shall have the same meaning as provided in Section 88194 of the Education Code.

REFERENCE: Education Code Sections 88190, 88191, 88194

60.700.9 Opportunity Leave *Approved 09/01/04:*

Opportunity leaves for the purpose of reassignment to a position within another department which will contribute to the employee's professional development.

60.700.10 Jury Duty and Witness Leave

- A. Leave of absence for jury service shall be granted to any classified employees who have been officially summoned to jury duty in local, State or Federal Court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the Personnel Director.

- B. Leave of absence to serve as a witness in a court case shall be granted an employee when he 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 school district. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the Department Head.
- 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 available for work during hours when his presence is not required in court.

REFERENCE: Education Code Section 87036

60.700.11 Absence for Examination

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

60.700.12 Military Leave

Military leave of absence shall be granted and compensated in accordance with the Military and Veterans Code Sections 389 and 395 and that which follows.

REFERENCE: Military and Veterans Code Sections 389, 395

60.700.13 Leave of Absence Without Pay

- A. Leave of absence without pay may be granted to a permanent employee, upon the written request of the employee and the approval of the Superintendent or his 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 the Red Cross 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 his position at the expiration of his leave of absence, provided that he is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave, and the employee so assigned must be reassigned upon completion of the leave.
- B. The Governing 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 Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Governing Board until action by the Personnel Commission, which shall be final and binding.
 - C. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.
 - D. Failure to report for duty within five working days after a leave has been cancelled or expires shall be considered abandonment of the position and the employee may be terminated by the Board of Trustees. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.
 - E. If an employee cannot be placed in a vacant position in his class upon return from leave of absence, he shall have bumping and reemployment rights, in accordance with his seniority, in the same manner as if he had been laid off for lack of work or lack of funds on the date his leave expires.
 - F. Report of the reinstatement of an employee at or before the expiration of his leave of absence without pay shall be made immediately to the Personnel Director, such report stating the date on which the employee returned to his duties. At the same time, notice of the separation of the employee who has been filling the position temporarily shall be filed with the Personnel Director.
 - G. A request for leave of absence without pay for a period not to exceed five working days may be granted upon the approval of the department supervisor.

60.700.14 Maternity Leave

- A. A permanent classified employee or a restricted employee who has completed her probationary period shall be entitled to a leave of absence for maternity and/or convalescence following termination of pregnancy.
- B. The employee shall be entitled to use accumulated sick leave and/or extended sick leave benefits for illness or injury arising from pregnancy or maternity at any time preceding the maternity leave.
- C. Paid leave benefits, including accumulated sick leave, and extended sick leave benefits may be used for the period of convalescence following termination of pregnancy up to a maximum of six weeks, as determined by medical certification.
- D. Maternity leave of absence exceeding the six weeks convalescence period may be granted without pay in accordance with procedures under Rule 60.700.13.

- E. The employee shall furnish her supervisor with a physician's Statement as soon as the pregnancy is confirmed. The statement shall include the expected date of birth.
- F. Prior to the eighth month of pregnancy, the employee shall provide written medical certification of the last date on which she will be able to work and a leave request stating the duration of the absence to the Personnel Commission Office.
- G. Before returning to service, the employee must present a statement from her physician certifying that she is physically able to perform the duties of her position.

REFERENCE: Education Code Section 88193

60.700.15 Leave to Serve in an Exempt, Temporary, or Limited Term Position

- 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 his regular position, and such assignments shall not be considered separation from service.
- B. The employee may, with the approval of the appointing authority, voluntarily return to his position or a position in the class of his 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.

60.700.16 Procedure for Request for Leave of Absence

- A. A request for leave of absence, paid or unpaid, shall be made on the approved leave of absence request form.
- B. Every leave request shall be approved by the immediate supervisor. Leave request, except for illness or emergency leave, shall be submitted to the Personnel Commission Office in advance of the absence. Appropriate documents (subpoenas, military orders, etc.) shall be attached.
- C. Certification of illness shall be made on an Absence Report, and a certificate of attending physician shall be completed when required.
- D. Emergency leave shall be reported to the supervisor and the Personnel Commission Office on the appropriate request form immediately upon return from the leave. A statement of the circumstances requiring the leave will be required.

60.700.17 Transfer of Sick Leave from Another District

Any classified employee of any school district or county superintendent of schools who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently within one year of termination of his former employment, accepts a classified position with another school district or county superintendent of schools shall be credited with all of the earned but unused sick leave which was credited to him by his former district employer.

REFERENCE: Education Code Section 88202

60.800 LAYOFF

60.800.1 Procedure Regarding Layoff

- A. When classified employees are laid off for lack of work or lack of funds, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.
- B. For service commencing or continuing July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis. Service prior to this date will be computed according to the Rules and Regulations in effect prior to the date.
- C. The names of permanent and probationary employees thus laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the relative order of seniority.
- D. Employees who are terminated due to a reduction in staff shall have a termination date which includes all accumulated vacation and overtime.
- E. When employees have equal seniority, for a class (plus higher classes), the employee with the greatest total amount of seniority credit with the District shall be considered to have the most seniority. If a tie still exists, the employees will draw lots to determine preference.
- F. "Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service except service in restricted positions as defined by the commission.

REFERENCE: Education Code Sections 88014, 88015, 88127

60.800.2 Rights of Employees Laid Off for lack of Work or Funds

In addition to the procedure and rights prescribed in Rule 60.800.1, permanent employees in the classified service shall have the following rights:

- A. Bumping - A permanent employee in the classified service who is laid off from a class and who has previous service in an equal or lower class shall have the right to bump an employee with less seniority in that class. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which layoff occurs and in higher classes.
- B. Voluntary Demotion or Transfer - A permanent classified employee who will suffer a layoff for lack of work or funds despite the exercising of bumping rights in order to avoid layoff may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that he is qualified to perform the duties thereof and provided further that the Personnel Commission approves the voluntary demotion. (See also Rule 60.200.3C)
- C. Employees who are laid off for lack of work or lack of funds shall have the right to participate in promotional exams in the district and shall retain the same eligibility for promotional credit as regular employees.
- D. When, as the result of the expiration of a specially funded program, classified positions must be eliminated at the end of the school year, and classified employees will be subject to lay-off for lack of funds, the employees to be laid off at the end of such school year shall be given a written notice on or before April 29, informing them of their lay-off effective at the end of the school year and of their displacement rights, if any, and reemployment rights. However, if the termination dates of any specially funded program is other than June 30, such notice shall be given not less than 45 days prior to the effective date of their lay-off.
- E. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 45 days prior to the effective date of lay-off and informed of their displacement rights, if any, and reemployment rights.

REFERENCE: Education Code Sections 88017, 88117

60.800.3 Limited-Term Positions

No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class in the same organizational unit unless the regular employee declines the limited-term position.

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

REFERENCE: Education Code Section 88017

- A. When an employee desires to resign from his position, he shall present his resignation in writing, to the appointing power, and such resignation shall immediately be filed by the appointing power with the Personnel Director.
- B. A resignation relates only to the specific position from which the employee resigns and does not impair his rights to other positions which he may hold on eligibility lists except that an employee who resigns shall have his name removed from promotional eligibility lists. A resignation may be withdrawn by the employee at any time prior to acceptance by the Board of Trustees.
- C. When an employee resigns due to ill health, the date of resignation shall be at the end of the accumulated sick leave. In such case, the resignation must be accompanied by a physician's certification.
- D. Classified employees who are retiring may be given credit on accumulated vacation, where the period of employment would not extend beyond the date of retirement

REFERENCE: Education Code Section 88201

60.1000.1 Causes for Suspension, Demotion, Dismissal

No person in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the commission as detrimental to the efficiency of the service. This section shall not be construed to prevent layoffs for lack of work or lack of funds.

- A. Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:
 - 1. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code or of rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission pursuant to it; provided that specific instances must be set forth as to any of the causes enumerated under this heading.
 - 2. Dishonesty, habitual drunkenness, immoral conduct, or addiction to the use of narcotics.
 - 3. Political activities engaged in by an employee during his assigned hours of employment.

4. Conviction of a serious crime by a court of law; a record of one or more convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading information on application forms or examination and employment records concerning material matters.
5. Frequent unexcused absence or tardiness.
6. Illness leaves, when habitually taken for trivial indispositions.
7. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges.
8. Failure to report for review of criminal records or for health examination after due notice.
9. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
10. Membership in the Communist Party.
11. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which would have precluded acceptance as an eligible for assignment.
12. Abandonment of position. (Ten working days of unexcused absence)

REFERENCE: Education Code Section 88121, 88122

60.1000.2 Procedure for Disciplinary Action

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his political or religious acts or opinions or affiliations, or race, color, sex, national origin or ancestry, or marital status, subject to the provisions of Paragraph A.3, Rule 60.1000.1.
- B. When a regular classified employee is recommended for suspension, demotion, or dismissal, specific written charges shall be prepared and presented for action of the Board of Trustees. The charges shall contain a statement in ordinary and concise language of the specific acts and omissions upon which the employee is being recommended for disciplinary action, so that the employee may be expected to respond to them.
- C. When formal disciplinary action has been taken by the Governing Board, the action and the charges shall be immediately reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting.

- D. Notice to the employee shall include a copy of the charges as indicated in B above, a statement of the cause for the action taken and, if it is claimed that an employee has violated a rule or regulation of the district, such rule or regulation shall be set forth in said notice. A mere quoting of the rules or regulation(s) violated is not sufficient. The actual violations must be outlined in detail. Failure to do so, will allow for a proceeding to be brought by, or on behalf of, the employee to restrain any further proceedings under any notice of disciplinary action violative of this section.
- E. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board and approval of charges which must be transmitted to the employee within 10 days after the date of suspension. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.
- F. A regular employee charged with the commission of any sex offense as defined in Section 87010 or any narcotics offense as defined in Section 87011 of the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 88123 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in the Code section. Such suspension shall be reviewed by the Personnel Commission every 90 calendar days.
- G. Dismissal shall cause removal of the employee's name from all employment lists.
- H. Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive.
- I. Suspension, without pay, shall not exceed the time limitations prescribed in Education Code Section 88123.

REFERENCE: Education Code Section 87010, 87011, 88123

60.1000.3 Appeal

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made only on the following grounds:
 - 1. That the procedures set forth in these rules have not been followed.
 - 2. That the action was taken because of political or religious acts or opinions and affiliations, or race, color, national origin or ancestry, sex, age, non-job-related physical or mental disability, or marital status.
 - 3. That there has been abuse of discretion.

4. That the action taken was not in accord with the facts.
 5. Penalty invoked is excessive.
- B. A permanent employee who has not served the full probationary period for the class to which promoted and who is demoted from this class may request an investigation by the Commission within 14 days after the receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the five grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Governing Board and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding on Governing Board.

REFERENCE: Education Code Section 88124

60.1000.4 Hearing Procedure

- A. The Personnel Commission may conduct hearings on appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. All such hearings shall be electronically tape recorded. Tape recordings of proceedings shall be confidentially stored for a period of at least 90 calendar days following the date of the decision by the Personnel Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present his witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representative.
- G. The Commission may, and shall if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence. (Ed. Code 88130)

- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- I. An employee may request the hearing be held in either a public or an executive session. The Commission, after it concludes the hearing, may deliberate its decision in executive session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If any staff member is not serving full time for the Commission and/or was a witness in the proceedings, he shall also be barred from the Commission's final deliberations. If its counsel also served as counsel for the Board, he shall be barred from the Commission's final deliberations.
- J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event later than 14 days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore.
- K. If the Commission sustains the employee, it may order paid all or part of his full compensation from the time of suspension, demotion, or dismissal, and it shall order his reinstatement upon such terms and conditions as it may determine appropriate. The Commission may direct such other action as it deems appropriate to effect a just settlement of the appeal, including, but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause, and charges which were not sustained by the Commission.
- L. The Commission's order of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision. If a disciplinary action is not sustained, its order shall set forth the effective date of the action ordered by the Commission. Upon receipt of the Commission's written decision the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision it shall so notify the Commission in writing.
- M. The employee or his representative may obtain a copy of the transcript of the hearing upon written request within 90 calendar days of the decision of the Commission and agreement to pay for all necessary costs.

REFERENCE: Education Code Sections 88125, 88126, 88130

60.1100 DISMISSAL

- A. When a classified employee is dismissed, the last working day shall be considered the effective date of dismissal, except as otherwise stated in the law or these rules.
- B. Payment for accumulated vacation shall be made as a lump sum payment.

60.1200 UNEMPLOYMENT INSURANCE

- A. Every regularly employed classified employee hired by the Board of Trustees or Personnel Commission of the District shall be eligible for unemployment insurance pursuant to Sections 135, 605(1), and 802 of the Unemployment Insurance Code.
- B. Regularly employed classified employees for purposes of this Section include all persons employed pursuant to Section 30.100.1 of these Rules and pursuant to Education Code Sections 88004, 88005, 88008, 88076, and 88247.
- C. Persons serving as substitute, short-term, part-time play-ground, full-time day students employed part-time where enrolled, apprentice, temporary professional expert, emergency, limited term, provisional, or volunteer employees are excluded from unemployment insurance coverage.
- D. Unemployment insurance benefits, extended duration benefits, and federal/state extended benefits based on service performed in an eligible classified position shall not be payable to any individual with regard to any week if any day of the week is within any school vacation, summer or special school session, recess or holiday and the employee is scheduled to return to work at the end of the recess period. If the employee is not returned to work by the District at the end of the recess period or is laid off within 30 days thereafter, the employee may be eligible for unemployment benefits.

REFERENCE: Education Code Sections 88004, 88005, 88008, 88076, 88247, 88209, Unemployment Insurance Code Sections 135, 605(1), 802

60.1300 REQUIRED TRAINING OR INSERVICE EDUCATION

- A. The Personnel Commission through its Personnel Director shall cooperate with the employees of the school district in devising and fostering programs of training for and in the classified service of the school district with the object of attaining an improved quality of service to the public.
- B. Any classified employee who is required by the District to attend training or in-service sessions shall receive his/her regular rate of pay or overtime rate, and shall be reimbursed for registration fees, supplies if any and travel if the location of the training is different from their normally assigned place of duty.

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CHAPTER 70
WAGE AND SALARY PROVISIONS

70.100 DETERMINATION OF SALARY SCHEDULES

70.100.1 Factors in Salary Determination

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

- A. Wages and salaries paid for similar work in private industry in the recruitment area.
- B. Wages and salaries paid by other governmental agencies which may be in competition with the District in the labor market.
- 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.

REFERENCE: Education Code Sections 88076, 88087

70.100.2 Salary Studies

- A. A salary study shall be made:
 - 1. Whenever a new class is created;
 - 2. Annually, all classes in the classified service;
 - 3. When directed by the Commission.
- B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.
- C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The staff shall indicate its tentative recommendations to, and shall meet and confer with, employee organization representatives and district administration.

An effort shall be made to ameliorate all differences before recommendations are submitted to the Commission.

REFERENCE: Education Code Sections 88076, 88087

70.100.3 Salary Recommendations

- A. The commission shall recommend to the governing board salary schedules for the classified service. The governing board may approve, amend, or reject these recommendations. No amendment shall be adopted until the commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of like pay for like service. No changes shall operate to disturb the relationships among classes as established by the classification plan by the commission.
- B. Salary recommendations for the classified service shall be presented to the Board in October each year, with a prospective effective date of January 1. A salary recommendation shall also be made each time a new class is created. Salary recommendations at other times of the year shall be based on clear evidence that the class in question is substantially overpaid or underpaid in relation to community rates or alignment with other classes. 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.
- C. By adoption of this rule, the Governing Board reserves the right to increase or decrease the salaries of classified employees at any time during the school year, pursuant to Education Code Section 88162, in accord with its approval of the recommendations of the Personnel Commission.

REFERENCE: Education Code Sections 88076, 88087, 88129, 88162, 88181

70.100.4 Appeals of Recommendations

- A. An employee or his representative may appeal the recommendation of the Personnel Director in regard to the salary of his class. He shall have the opportunity to present his case in writing and orally at a regular meeting of the Commission. The administration shall have the same privilege.
- B. If the Governing Board desires reconsideration of salary recommendations, it may return the recommendations to the Commission, which shall reconsider them at its next meeting. After reconsideration, the Commission will advise the Board of its finding and the reasons therefore.

REFERENCE: Education Code Section 88087

70.200.1 Initial Placement

All new employees shall be appointed at the hiring rate for the class as approved by the Commission. The hiring rate shall be the first step of the schedule except for classes where recruitment efforts have indicated difficulty in recruiting at that step. An accelerated hiring rate may be set, with the approval of the Board and the Commission, at any step of the schedule of the class. If an accelerated hiring rate is approved, all current employees in the class shall be advanced to that rate and shall begin a new cycle of step advancement.

70.200.2 Step Advancement

Employees placed on Step 1 of a range will advance to Step 2 on the first of the pay period (month) following completion of six months of service in the class. Each succeeding step will be attained one year from the preceding step. New employees placed above Step 1 of any range will advance on one-year intervals until the maximum step has been achieved.

70.200.3 Promotions

An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the step of the salary range that is next above the rate the employee received in the previous class or the first step of the salary range of the new position, whichever is the higher rate. Additional advancement will be at the beginning of the seventh month, regardless of step placement, and at one-year intervals thereafter until the maximum is achieved. For the purpose of this rule, appointment of an employee to a class with a salary range equal to or below his current range shall not be considered a promotion and shall not warrant a salary increase; in such cases, placement will be made on the same rate formerly earned by the employee, not to exceed the maximum of the range of the class to which he is appointed.

70.200.4 Placement After Leave of Absence

- A. Upon return from leave of absence, an employee shall be placed on the same step of the range for the class which he had achieved prior to the leave, regardless of changes in rate or range applicable to the class; except that step advancement within range shall be granted when:
1. The time period required for step advancement has elapsed and the employee had served in active duty on at least (75) percent of the working days in his assignment in the required time period prior to the leave, or
 2. The law and/or these rules provide that credit for step advancement shall accrue during the leave of absence.

- B. Credit for step advancement shall accrue during leaves of absence for military service or to serve in limited-term assignments in the District and during any paid absence, industrial accident, and industrial illness leaves.
- C. When an employee is restored, after leave of absence, to his previous salary step, he shall receive credit for step advancement for service prior to the leave. His anniversary date shall be adjusted accordingly in order that he shall be granted step advancement after having completed the amount of service required by Rule 70.200.2.

REFERENCE: Education Code Section 88192

70.200.5 Salary on Reclassification

- A. The salary of an employee who remains assigned to a position which has been reclassified to a class on a higher salary range shall be treated as a promotion and governed by section 70.200.3.
- B. The salary of an employee who remains assigned to a position which has been reclassified to a class on a lower salary range shall be treated as a demotion and governed by section 70.200.7A.

REFERENCE: Education Code Section 88104

70.200.6 Salary on Reallocation

- A. When a class has been reallocated to a higher salary range, employees shall be placed on the same step of the new salary range which they held prior to the time of the reallocation. The employee's anniversary date shall not change.
- B. When a class has been reallocated to a lower salary range, employees shall be placed on the step nearest to the salary they held prior to the reallocation. The employee's anniversary date shall not change.

70.200.7 Placement Upon Demotion

- A. When a regular classified employee, whether probationary or permanent is demoted to a position in a lower salary range and the employee has been performing satisfactorily and no vacancy exists to which he can be transferred without a salary change, the employee's salary shall be continued as a Y-rate. The Y-rate shall terminate on the earlier of these dates:
 - 1. The effective date of an annual salary increase or;
 - 2. The effective date of an annual salary increase which results in the Y-rate falling within the salary range of the class to which the employee was reclassified or;

3. The date a vacancy exists in the same class from which the employee was Y-rated; if the employee does not accept the vacancy, but elects to remain in his present position.
- B. An employee who accepts voluntary demotion shall be placed on the range of the lower class which is closest to the rate he earned in the higher class, provided that he shall not receive a salary increase thereby. He shall retain the anniversary date established in the higher class.

An employee who accepts voluntary demotion, a downward adjustment may be made by this rule of Y-rating the impacted incumbent's current salary rate until the new lower salary rate catches up to the incumbent's salary rate. The impact of this rule would mean that an incumbent so "Y" rated would receive no general cost of living or normally entitles salary step increase until the older higher rate was matched and/or exceeded by the new lower rate.

- C. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed.

70.200.8 Differential Pay

- A. All positions whose regularly assigned time requires the incumbents to work four or more hours between 4:30 p.m. and 12:00 midnight shall be granted a monthly rate of seven percent above the monthly rate for daytime employees in that class. All positions whose regularly assigned time requires the incumbents to work four or more hours between 12:00 midnight and 8:00 a.m. shall be granted a monthly rate of ten percent above the monthly rate for daytime employees in that class.
- B. Such increase shall be computed from the entry level rate for the affected class.
- C. Employees assigned to night work on a continuous basis who are ordered to temporary daytime work for periods not to exceed 20 working days each shall suffer no reduction in compensation by reason of the change. On the 21st working day, the employee shall revert to the daytime rate.
- D. Assignment to duties for which differential compensation is designated, other than a temporary assignment of less than 20 working days, shall be made on the basis of seniority among those employees within the appropriate class who request such an assignment.
- E. For purpose of this rule, all positions which require the incumbent regularly to work on the evening shift for more than 2 days in the week, shall be granted shift differential,

REFERENCE: Education Code Section 88181, 88183, 88185

70.200.9 Longevity Increments

Longevity increments for classified employees as follows:

- A. Each classified employee, after ten (10) years of service shall be paid a longevity increment of \$115.00 per month.
- B. Each classified employee, after fifteen (15) years of service shall be paid longevity increment of \$125.00 per month.
- C. Each classified employee, after twenty (20) years of service shall be paid a longevity increment of \$135.00 per month.
- D. Each classified employee, after thirty (30) years of service shall be paid a longevity increment of \$145.00 per month.
- E. The first longevity increment shall become effective on the first of the pay period (month) following the completion of years of service.
- F. Periods of time taken by classified employees for leaves of absence without pay, for a major portion of a month, exclusive of leave for military service and industrial accident or illness, will not be included in computing total years of service for longevity recognition.
- G. Longevity increment payments shall be continued for each classified employee who becomes eligible until that employee leaves the services of the District.

*Revised November 2005

70.300 WORK PERIODS AND OVERTIME

70.300.1 Workday and Workweek

The workweek of a classified employee shall be 40 hours. The workday shall be eight hours. 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. Nothing in this section shall be deemed to bar the district from establishing a workday of less than eight hours or a workweek less than 40 hours for all or any of its classified positions.

REFERENCE: Education Code Section 88026, 88030

70.300.1.1 Four Day Work Week

The Board of Trustees may establish a 10 hour per day, 4 consecutive day, 40 hour work week for specified classes of employees when their services are not required on the fifth day. The assignment of employees to a 10 hour per day, 4 consecutive day work week shall be with the concurrence of the concerned employee(s) or classes of employees as ascertained through the employee organization representing a majority of the concerned employee(s) or class of employees.

REFERENCE: Education Code Section 88026, 88030

70.300.2 Overtime Defined

- A. Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week.
- B. In determining the eligibility of an employee to receive the prescribed overtime rate, the number of hours "worked" by an employee shall include, in addition to actual hours worked, time during which the employee is excused from (and paid for) holidays, sick leave, vacation, compensating time off, or any other paid leave of absence.
- C. The foregoing overtime provisions do not apply to positions classified by the commission as provisional and positions exempt from the classified service which a workday is seven hours or less and a workweek of thirty-five hours or less has been established.

REFERENCE: Education Code Sections 88026, 88027, 88030

70.300.3 Compensation for Overtime

- A. An employee who works authorized overtime shall be paid at a rate equal to one and one-half times his regular rate of pay for the overtime worked. Shift and special assignment differentials regularly received by the employee shall be included in determining his regular rate of pay.
- B. An employee having an average workday of 4 hours or more during the work week, shall be compensated at a rate equal to one and one-half times the regular rate for any work required to be performed on the sixth and seventh days,
- C. An employee having an average workday of less than 4 hours during the work week, shall be compensated at a rate equal to one and one-half times the regular rate for any work required to be performed on the seventh day.
- D. When compensatory time off is authorized in lieu of cash compensation for overtime, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the District. Compensatory time off shall be at the rate of time and one-half.

REFERENCE: Education Code Section 88027, 88030

70.300.4 Classification Exempt from Overtime

- A. The following classes are exempted from the overtime provisions as relates to hours worked in excess of eight per day, but not for hours worked in excess of 40 per week:

Security Officer
Senior Security Officer
Swimming Instructor/Lifeguard
Community Services Coordinator
Student Center Facilities Coordinator
Swimming Pool Supervisor
Affirmative Action Representative,
Classified

- B. The Personnel Commission may specify certain positions or classes of positions as supervisory, administrative, or executive and exclude the employees serving in those positions and the positions from the overtime provisions.

To be exempted from overtime, positions or classes of positions must clearly and reasonably be management positions. The classes of established positions listed below are clearly and reasonably management positions. The duties, flexibility of hours, salary, benefit structure, and authority of these classes are of such a nature that they should be set apart from positions subject to overtime and will not be unreasonably discriminated against as a result of this exemption.

1. Director of Internal Audit
2. Vice President of Business Services
3. Director of Business Services
4. Director of Fiscal Affairs
5. Manager of Business Operations
6. Manager of Accounting
7. Vice President of Administrative Services
8. Manager of College Information Systems
9. Director of Financial Aid
10. Chief of Police
11. Associate Vice President of College Operations
12. Director of Maintenance and Operations
13. Manager of Procurement

14. Executive Director of Personnel Commission

C. Weekend/Holiday Positions

If such positions or class of positions are established for which employees are required to work exclusively on weekends and holidays, and for which a special salary rate is established that recognizes the exclusive weekend and holiday peculiarity, the employees and positions are exempt from overtime pay for holidays only, as provided for in Rule 30.100.13.

REFERENCE: Education Code Section 88029, 88204

70.400 HOLIDAY PAY

70.400.1 Eligibility for Holiday Pay

- A. All probationary or permanent employees a part of the classified service shall be entitled to payment for authorized holidays, provided that they were in paid status during any portion of the working day immediately preceding or succeeding the holiday.
- B. Holidays shall include:
1. New Years Day
 2. Martin Luther King Day
 3. Lincoln's Day
 4. Washington's Day
 5. Memorial Day
 6. Independence Day
 7. Labor Day
 8. Veteran's Day
 9. Thanksgiving Day
 10. Christmas Day
 11. And all other holidays approved by the Board

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

- C. The holidays listed in B are guaranteed holidays for all members of the classified

service who establish eligibility for same under A, above, except that employees serving positions created under Rule 30.100.13 are exempt from guaranteed holidays.

- D. Pay for a holiday shall be the same the employee would have received had the day not been a holiday. Exception: See Rule 70.600, Benefits for Part-Time Employees.
- E. Classified employees required to work on holidays shall be paid for such work as prescribed in Rule 70.300.2, or Rule 70.300.4, as relates to positions lawfully exempted from overtime.
- F. Any classified employee to work a workweek other than Monday through Friday, or if the classified employee consents to a workweek including Saturday or Sunday, or both, and as a result thereof the employee loses a holiday to which he or she would otherwise be entitled, shall provide a substitute holiday for the employee, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his or her normal work schedule.

REFERENCE: Education Code Sections 88203 to 88206

70.400.2 School Holidays

Regular employees who are not normally assigned to duty during the school holidays which include December 25 and January 1 shall be paid for those two holidays, provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

REFERENCE: Education Code Section 88203

70.400.3 Exchange of Holidays by Board Action

- A. Prior to July 1, the governing board may designate other days during that year as the holidays to which classified employees are entitled "in lieu" of the holidays known as Lincoln's Day, Washington's Day, Memorial Day, or Veteran's Day.
- B.
 - 1. 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.
 - 2. The day designated as an "in lieu" holiday shall provide classified employees with at least a three-day weekend.
- C. If the Board fails to comply with Rule B (1) and B (2) 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 time and one-half for time required to be worked.

REFERENCE: Education Code Section 88205

70.500 PAYROLLS

70.500.1 Official Roster

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

70.500.2 Payroll Audit

- A. The Personnel Director shall audit all initial assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing law 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 Personnel Director”. Each payroll following the initial assignment and certification by the Personnel Director shall bear the certification of the department authorized to submit the payroll that all payments thereon are in accordance with the original certification by the Personnel Director.
- B. No warrant shall be drawn by or on behalf of the governing board for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the personnel director that the person named in the assignment has been employed and assigned pursuant to the rules of the commission.
- C. The Personnel Director shall make periodic audits of all payrolls, and if he finds assignments not in accordance with law and rules, he shall withdraw his certification and order payment stopped in accordance with the procedure described in Rule 70.500.2D.
- D. 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 Governing Board and the County offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful.

REFERENCE: Education Code Section 88129

70.600 BENEFITS FOR PERMANENT PART-TIME EMPLOYEES

- A. All permanent part-time classified employees shall be entitled to sick leave, and all other benefits conferred by law on classified employees.

- B. Sick leave and all other benefits accorded members of the classified service are to be prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such permanent part-time employees bear to eight hours per day, 40 hours per calendar week, four calendar weeks per month, or 12 calendar months during the school year.
- C. If an employee works 30 minutes or more for 20 consecutive workdays in excess of the assigned time, the assigned time will be adjusted to reflect actual work time and become “assigned time”. (See Rule 60.200.4)
- D. If Rule C does not apply but an employee works, on an average, 50 minutes or more above the assigned time in any one quarter, he shall receive fringe benefits in the following quarter based on the average actual time worked in the preceding quarter.
- E. Vacation pay shall be granted on the basis of the average number of hours worked in a school year by the part-time employee to be computed each calendar quarter.
- F. This section shall not apply to employees properly designated as substitute, short-term, provisional, limited-term, or exempt employees by the personnel commission.

REFERENCE: Education Code Sections 88035, 88036

70.700 HEALTH AND WELFARE BENEFITS

The Board of Trustees shall grant a health and welfare benefit in accordance with Government Code Section 53200 to all probationary and permanent (regular) classified employees.

- A. Such classified employees serving in part-time positions, whose assignment is half-time or more, shall be granted the health and welfare benefit on a prorated basis commensurate with their scheduled assignment.
- B. Full-time substitute classified employees who are appointed for a minimum of one year shall be granted the health and welfare benefit on the same basis as regular classified employees.
- C. The health and welfare benefit shall be paid proportionately during the months of September through June, inclusive. New employees appointed during the months of July or August shall receive a benefit prorated proportionately to 1/12th of the yearly benefit for each of these months.
- D. Classified employees assigned to probationary or permanent status in categorically (non-district) funded positions shall be entitled to receive the health and welfare benefit; and the funding agency shall normally reimburse the District for such health and welfare benefit, unless the reimbursement is waived by the District.
- E. Health and welfare benefit shall not be paid to an employee in any month in which he is on no-pay status for more than 50% of the month.

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CHAPTER 80 MISCELLANEOUS PROVISIONS

80.100 PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES OF CLASSIFIED PERSONNEL

80.100.1 Purpose of the Grievance Procedure

The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies or administrative procedures, working conditions, or job relations, including the complaint of one employee against another employee. Because complaints should be adjusted as promptly as possible, various time limits have been established to minimize delays in the various steps that have been provided. There is an obligation on the part of an aggrieved employee to make known the existence of his complaint and the facts pertaining to his complaint within 30 working days of any specific or documented incident or at the earliest possible date after the recognition of a nonspecific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships.

Matters excluded from the adjustment procedure shall be:

- A. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Board of Trustees.
- B. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission.

In cases where the Personnel Commission rule regulates less than the total procedure, the Commission may waive that rule and thereby provide that the dispute be settled through the adjustment procedure.

- C. Complaints about the subject matter of a Board rule or policy or administrative procedure, rather than the administration of the Board rule or policy procedure. An employee with such a complaint should direct his suggestions for change through administrative channels to the Board or to the administrator who established it.

80.100.2 Steps in the Adjustment Procedure

A. Review

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt to resolve the problem. The conference shall be confined to the parties immediately concerned.

A prompt and courteous examination of the facts to reach a satisfactory adjustment shall be attempted within one working day. The supervisor shall promptly communicate his decision and supporting reasons to the employee(s).

B. Administrative Review

1. If the appellant remains dissatisfied following the informal review, he may submit a written complaint within five working days after receipt of the decision, requesting a formal administrative review.
2. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the informal review, the reasons why the decision is being appealed, and the name of the appellant's representative, if any. The appellant may obtain assistance from the District's classified personnel department throughout the course of the adjustment procedure.
3. The appellant shall submit the complaint directly to his department head and route one copy of the complaint through the appellant's administrative chain of command, one to his division head (Dean) for information purposes only, and one to the respondent.
4. The department head or his designated representative shall hold a conference with all interested parties on the complaint within five working days of receipt, unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved.
5. The department head or his designated representative shall submit written notice to the appellant and the appellant's supervisors of the decision in the matter within five working days after the conclusion of the conference. The department head shall implement the decision.

C. Hearing Procedure

1. If the appellant is dissatisfied with the decision of the administrative review, he may send to the superintendent, within five working days after receipt of the decision, a written request for a hearing before a hearing officer. A copy shall be sent to the respondent.

2. The Superintendent or his designated representative shall make arrangements for the selection of a hearing officer.

The hearing officer may be selected jointly by the appellant or his representative and the respondent. He may be a District employee or a hearing officer not employed by the District. If a hearing officer is not selected jointly within five working days after the request for a hearing officer was filed with the Superintendent, the services of a hearing officer shall be requested by the Superintendent or his designated representative from the American Arbitration Association, the State of California's Office of Administrative Procedure, or other agency approved by the Board of Trustees.

3. All fees for the service of an outside hearing officer shall be paid from the appropriate funds of the District.
4. The District shall provide the hearing officer with all necessary technical and clerical staff assistance in preparing for and conducting the hearing and in preparing the findings.
5. The hearing officer shall convene a hearing at the earliest practicable date after his selection. He shall establish his own procedures. He shall review the written statements submitted by the parties to the grievance. The appellant and the respondent may request the presence of witnesses. The hearing officer shall be empowered to direct the attendance of any District's employee at the hearing without loss of salary to the employee.
6. The hearing shall be conducted in an informal manner with only those having legitimate interest in the problems at issue, as determined by the hearing officer, admitted. The appellant and the respondent shall each be limited to two days to present their respective positions. The hearing officer may admit evidence and testimony regarding incidents and occurrences that antedate the event giving rise to the grievance if he concludes that they have sufficient relevance as background information. He may also take such additional time as necessary to take such further testimony as he deems necessary. The hearing shall be conducted in accordance with fundamental rules of fairness and due process.
7. The hearing officer shall render written findings, conclusions, and the recommendations within 10 working days of the termination of the hearing. The findings, conclusions, and recommendations shall be sent to the parties concerned and to the Superintendent for implementation.

D. Board of Trustees Review

1. If the appellant, the respondent, or the concerned division heads are not satisfied with the recommendations submitted by the hearing officer, a written appeal may be made to the Board of Trustees within five working days after receipt of the findings, conclusions, and recommendations. A copy of the appeal shall be submitted to the Superintendent.

2. A copy of the appeal shall be provided to the responding party, and he shall be required to submit his written reply to the points made in the appeal within five working days of receipt thereof.
3. The Board of Trustees may review the records of the hearing including the findings, conclusions, and recommendations, or conduct its own hearing or investigation of the appeal.
4. When the Board of Trustees has reached a decision, the Clerk of the Board of Trustees shall notify the Superintendent and the individuals involved as soon as possible after the completion of the review of the appeal. The Superintendent shall implement the decision.
5. The decision of the Board of trustees on an appeal shall be final and conclusive.

80.200 EMPLOYER-EMPLOYEE RELATIONS

80.200.1 General Policy

The Employer-Employee Relations rules adopted by the Board of Trustees as they relate to classified employees are included herewith. It shall be the policy of the Personnel Commission to cooperate with these rules and policy and/or with other lawful procedures established under Government Code Sections 3540 through 3549.3.

REFERENCE: Government Code Sections 3540 through 3549.3

80.200.2 Employee Relations Policy and Rules of the Board of Trustees

A. With the expiration of the Winton Act on July 1, 1976, the Rodda Act (SB 160) came into effect. The Rodda Act permits exclusive representation, collective bargaining and mandatory employee contributions of financial support to employee organizations. However, it also gives employees the option, if they so desire and if the employer is willing, of continuing in effect the procedures that they have previously enjoyed. It is the intention of this District to provide such an option, and to maintain it as long as the employee's desire. Therefore, the following shall be the policy and rules of the District with respect to employee and organizational rights:

1. Each employee shall have the right to form, join and participate in the activities of the employee organization of his or her own individual choice for the purpose of representation in all matters of employer-employee relations; or matters of interest.
2. Each employee also has the right to refuse to join or participate in such organization and activities. Any financial support by employees of such organization and activities shall be voluntary.
3. Each employee shall have the right to represent himself or herself in all employment matters. Employees are encouraged to bring any concerns or

problems to the attention of the administration at any level.

4. Each and every employee organization to which District employees belong shall have the right to represent its members in their employment relations with the District, including grievance procedures, the meet and confer process described below, and at Board meetings.
5. All employee organizations shall have the right to have membership dues deducted from consenting members' pay checks pursuant to Education Code Sections 87833 and 88167. However, such financial support is to be voluntary. No employee shall be required to pay employee organization dues, fees or assessments in order to retain his or her employment with the District.
6. Employee organization representatives shall have the right of access to school property to contact employees so long as they do not interfere with the conduct of normal business.

Such representatives are to announce their presence and purpose to the Office of the Superintendent or his designee immediately upon entering the premises and prior to making contact with employees. Also, both individual employees and employee organizations shall have the right to use District bulletin boards and mailboxes, subject to the reasonable restrictions prescribed in other policies.

7. Individual employees shall have the right to conduct organizational business and contact other employees and organization representatives regarding such matters so long as such activities do not interfere with employees who are working or with the conduct of normal business.
8. Meetings of employee organizations may be held during working hours, as long as the frequency and length are reasonable, in College facilities upon proper prior arrangement with the Superintendent or his designated representative
9. All personnel are to have the right freely to discuss and exchange personal opinions and factual information for and against exclusive representation, collective bargaining, employee organizations, the meet and confer process and all other aspects of employment relations. However, no management employee is to encourage employees to join one organization in preference to another.
10. Meeting and Conferring: Upon request, designated representatives of the Board of Trustees shall meet and confer at a reasonable time and place with representatives of qualified employee organizations, or with individual employees, concerning any matter within the scope of meeting and conferring as set forth below. "Meet and Confer" means that all participants shall have the mutual obligation to exchange freely information, opinions and proposals, and to make and consider recommendations under orderly procedures in a conscientious effort to reach joint agreement upon terms and conditions of employment to be effectuated by appropriate Board rules, regulations and

policies.

The scope of representation in the meet and confer process shall cover and be limited to matters relating to wages, hours of work, health and welfare benefits, leave and transfer policies, safety conditions of employment, class size, employee evaluation procedures and grievance procedures and other matters of interest. The scope of representation shall not be construed to include those areas reserved by law to the Personnel Commission. For certificated employees the scope of meeting and conferring shall also include educational objectives, course and curriculum content, and textbook selection to the extent such matters are within the District's control under the law.

At the request of a classified organization, there shall be established a Classified Negotiating Council for the purpose of meeting and conferring to be comprised of representatives of qualified employee organizations. If meetings are scheduled during working hours, the representatives are to be permitted to attend with no loss of pay. Meet and confer sessions shall be conducted during the period commencing March 1 of each year and ending with the adoption of the final budget unless extended by mutual agreement. Nothing herein shall preclude the Board of Trustees from changing Board rules and policies for emergency reasons as determined by the Board pending completion of the meet and confer process.

11. Persistent Disagreement: If the parties to the meet and confer process have reached a protracted and persistent disagreement on the matters being discussed, to the point that further meeting and conferring would be futile, then any party thereto may declare a persistent disagreement and request that the persistent disagreement be presented to a fact-finding committee. The District shall appoint one member of the committee, the employee organization (s) shall appoint one member, and the two appointees shall select the chairman by agreement or by alternately striking names from a list composed by both. The District will pay one-half. At the fact-finding committee hearing it may request attendance of witnesses and production of documents relevant to the dispute, and take testimony under oath. All matters are to be determined by majority vote of the committee.
12. Qualified Organizations: In order to be recognized by the District, an organization must by February 1 of any year, submit to the Superintendent a written application by an officer which includes the following:
 - a. A statement, and if necessary some proof, that the organization represents employees of the District and has as one of its primary purposes the representation of such employees in their relations with the District;
 - b. The name and mailing addresses of the organization and a complete list of names, titles and mailing addresses of officers;
 - c. Copies of the organization's articles of incorporation, bylaws, and constitution, together with any other written rules or regulations governing the organization and its membership;

- d. Such other information as the District reasonably may require to determine whether the applicant is a bona fide employee organization.

- B. Within ten days after receipt of an application, the District will notify the organization that it qualifies as an employee organization, or will provide a statement of reasons why it does not qualify. The list of names and mailing addresses of officers, the articles of incorporation, bylaws, etc., of all qualified organizations shall be kept current by submitting appropriate supplementary statements to the District.

REFERENCE: Education Code Sections 87833, 88167

80.200.3 Unlawful to Strike or Engage in Other Concerted Labor Activities

- A. The provisions of Section 923 of the Labor Code are not applicable to public school employees. Therefore, public school employees may not strike against the District, nor may they engage in other related types of activities in order to attempt to resolve grievances or differences, real or fancied.

- B. Any employee or groups of employees, either by their own initiative or through an employee organization, leaving their duty assignment or refusing to perform or failing to report to duty as a result of a strike or other concerted labor activities may be considered as having abandoned their positions and, if dismissed, shall not be eligible for reinstatement or subsequent employment with the District. The Board may bring charges against any employee or employees for abandonment of position under this rule.

- C. Any classified employee who absents himself from duty, for any reason, during the period of an unlawful strike, sit-down, slow-down, or other concerted activities shall be required to provide proper evidence that his absence was lawful and in no way an effort on the employee's part to further the strike or concerted activity.

- D. Any rule prescribed in this Act which permits personal or illness absences without evidence of necessity is suspended and void during any attempted strike or other concerted labor activity against the District.

80.300 POLITICAL ACTIVITY

80.300.1 Political Activity Freedom

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

80.300.2 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.

80.300.3 Personal Candidacy

Any employee may be a candidate for any political office for which he may file without, suffering any loss of employment status in the District unless he violates the provisions of Rule 80.300.2, and except as provided for in Rule 80.300.4B.

80.300.4 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 his candidacy is concerned.
- B. Such leave is required if the employee is a candidate for election to the Governing Board.

80.300.5 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the District, may request, and shall be granted an unpaid leave of absence which shall commence on the date he assumes the office and shall terminate not later than 30 days after his 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.

80.300.6 Intent

It is the Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The District has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights but, at the same time, to insure that

its employees do not wrongfully use their duty hours or District facilities for political purposes.

80.400 NEW EMPLOYEE CLEARANCES

80.400.1 Physical Examinations

Initial Employment

1. A medical examination or a complete health questionnaire will be required of every eligible initially employed in a regular classified position. A medical examination will be required for all eligibles to be appointed to classified positions involving strenuous physical activities, such as operations and maintenance classes. A medical examination may be required of any eligible at the discretion of the Personnel Director, such medical examination to be conducted by a District appointed physician at District expense.
2. Prior to employment, every person to be hired in a classified or exempt position must undergo an examination to determine that he is free from active tuberculosis. The examination must have been conducted within a 60-day period preceding the date of employment.

After Employment

Every employee is required to undergo an examination to determine that he is free from active tuberculosis at least once every four years after employment. The District shall provide the required examination.

The District shall maintain adequate records on each employee which indicate compliance with these rules and the law.

School Bus Drivers

1. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles in Chapter 29b of the Driver's License Examiner's Manual of Procedure.
2. The District shall arrange for and reimburse the costs of the school bus drivers' examination for its employees and shall reimburse new employees for the costs of the required examination but not to exceed the amount which it pays for the examination required of its regular employee bus drivers.

Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has applied for return from leave of absence may be appealed to the Commission.
2. The Commission may employ outside medical experts to give a medical advisory opinion.

3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained

REFERENCE: Education Code Sections 88006, 88021, 88022, 88023, 88024

80.400.2 Criminal Records Check

A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place no later than the tenth day of employment.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the person should be employed or retained in employment.

If the record discloses no information beyond that supplied by the person on his application form, and he was accepted for examination and/or appointment, he shall be considered employable.

3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore.

If it approves the recommendation, the Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefore. The Commission shall provide the person with an opportunity to appeal the decision in writing within 10 days of notification and may hold hearing at its discretion. The decision of the Commission shall be final.

REFERENCE: Education Code Section 88024

80.400.3 Availability of Personnel File

- A. Any member of the classified service may, by his request, inspect his personnel file.
- B. The employee's request for inspection shall be during a time when he is not required to render service to the district unless it is impossible to arrange for such service during his off-duty hours and he has the written permission of his immediate supervisor to be absent from work for specified period of time and proper arrangements have been made for him to inspect his file.
- C. Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee has the right to enter, and have attached to any derogatory statement, his or her own comments.
- D. Prior to examination of the personnel file, all of the following data shall be removed: Ratings, reports, or records which (a) were obtained prior to employment with the district, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination.

REFERENCE: Education Code Section 87031, Labor Code 1198.5

80.500 VIOLATIONS

Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Section 88060) is guilty of a misdemeanor, it is also unlawful for any person:

- A. Willfully, by himself or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article or Commission rule.
- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined or to be examined under this article or Commission rule.

REFERENCE: Education Code Section 88136

80.600 AFFIRMATIVE ACTION POLICY

The Compton Community College District is an Equal Opportunity/Affirmative Action employer and does not discriminate on the basis of sex, sexual orientation, race, color, religious creed, marital status, denial of Family & Medical Care Leave, national origin (including HIV and AIDS), denial of pregnancy disability leave or reasonable accommodation, or other protected classes, or obligations to the National Guard or Reserve Forces of the United States.

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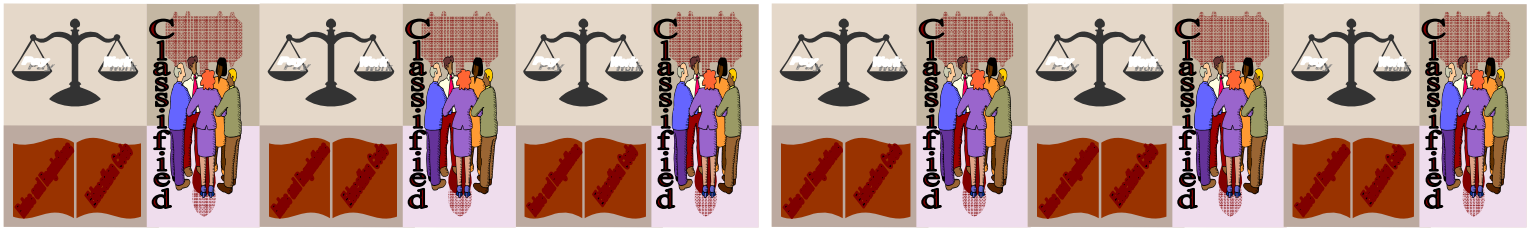
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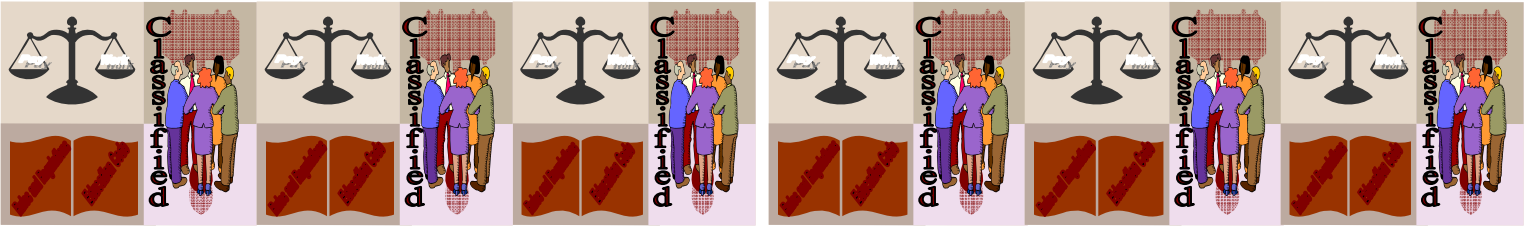


THE PRINCIPLES OF MERIT
AND
THE MERIT SYSTEM
OF
PERSONNEL ADMINISTRATION

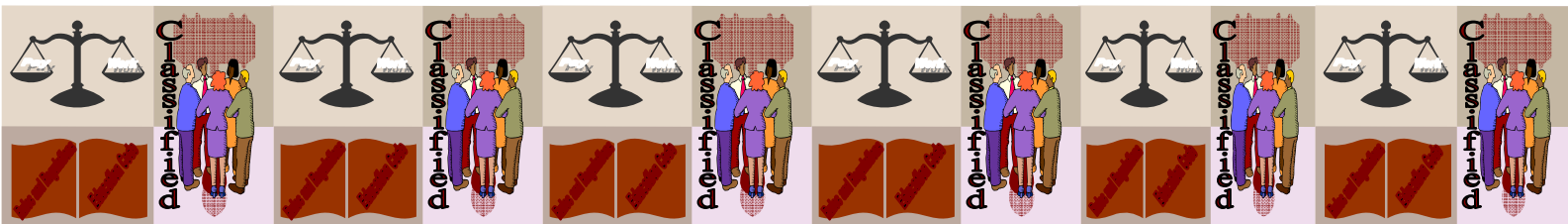


MERIT PRINCIPLES OF PERSONNEL ADMINISTRATION

- ❖ *Recruitment from all segments of society and advancement on the basis of relative ability, knowledge and skill under fair and open competition.*
- ❖ *Fair and equitable treatment in all personnel management matters without regard to politics, race, color, religion, national origin, sex, marital status, age, or handicapping condition and with proper regard for individual privacy and constitutional rights.*
- ❖ *Equal pay for work of equal value, considering both national and local rates paid by private employers, with incentives and recognition for excellent performance.*
- ❖ *High standards of integrity and conduct and concern for the public interest.*
- ❖ *Efficient and effective use of the work force.*
- ❖ *Retention of employees who perform well, corrections of the performance of those whose work is inadequate, and separation of those who cannot or will not meet required standards.*
- ❖ *Improved performance through effective education and training.*
- ❖ *Protection of employees from arbitrary action, personal favoritism, or political coercion.*
- ❖ *Protection of employees against reprisal for lawful disclosures of information.*



OVERVIEW OF THE MERIT SYSTEM AND THE ROLE OF THE PERSONNEL COMMISSION



PRIMARY ROLE OF THE PERSONNEL COMMISSIONER

- ❖ *Supports and defends the Principles of Merit*
 - *Is willing and able to defend employee selection based on the best qualified.*
 - *Votes for classifications that are impartial.*
 - *Votes for compensation issues based on impartial salary data.*
 - *Appeal decisions are based solely on facts of the case.*
- ❖ *Adheres to all related laws, federal and State guidelines, regulations and ordinances.*
- ❖ *Seeks out knowledge about Public Personnel Administration.*
- ❖ *Provides for reasonable, fair rules.*
- ❖ *Uses best judgment.*
- ❖ *Is a good listener.*
- ❖ *Provides guidance and support to Personnel Director*
 - *Supports staff training activities.*
 - *Provides for an equitable budget.*
 - *Assumes responsibility for actions of the Personnel Commission and its staff.*
 - *Provides honest on-going performance appraisal of Personnel Director.*
 - *Does not manage day to day activities.*

- ❖ *Abides by the Brown Act.*
- ❖ *Abides by Robert's Rules of Order.*
- ❖ *Maintains confidentiality of private and personal information.*
- ❖ *Does not use any information acquired through Personnel Commission activities for personal purposes.*
- ❖ *Does not use power of office to influence the appointment, selection or discipline of any employee.*
- ❖ *Considers the efficiency and productivity of the District in reaching decisions.*
- ❖ *Supports and understands the concepts of affirmative action and equal employment opportunity.*
- ❖ *Supports the needs of the students in reaching decisions.*
- ❖ *Maintains good working relations with all parties*
 - *Board Members*
 - *Administration*
 - *Union Representatives*
 - *Employees (certificated and classified)*
 - *Students*
 - *Public*