

Pleasant Valley School District Merit System Rules and Regulations

Personnel Commission

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FOREWORD

The classified employees of the Pleasant Valley School District are a vital part of the educational program of this district. The caliber of the services they render has a significant effect on the quality of the education provided for the young people of this community.

It is the desire of the board of trustees, the Personnel Commission, and the administration that employees of the district be well informed on all phases of their employment. This copy of the rules and regulations of the Personnel Commission has been designed to provide that information. It clearly defines the regulations under which efficiency of performance is safeguarded in this large organization.

Capable, loyal employees, knowledgeable of the affairs of the district, are important links in our public relations. As representatives of the district, they should be able to testify to the democratic practices which are maintained and the friendly atmosphere which prevails. In short, they should be able to point with pride to their association with this district.

Careful study of this information will provide all classified employees with a sound understanding of their privileges and responsibilities. We therefore commend this handbook to your use and solicit from you a continuing flow of commentary of the rules and regulations set forth herein.

If, in these changing times, any of the sections prove to be unclear or unworkable in practice, they are subject to amendment as indicated by the judgment of the personnel administrator and the Personnel Commission. Your continuing assistance in making the personnel practices of the Pleasant Valley School District the fairest, most equitable, and evenly administered, will be greatly appreciated.

Personnel Commission:

D. Val Rains
Judy Willson
Vickie Bratcher

Valerie Barroso
Director of Classified Human Resources

THE MERIT SYSTEM

Classified personnel services for the Pleasant Valley School District are administered under the Merit System, which is a type of civil service. The Merit System became effective in the district on December 1, 1966, as a result of a vote of the district's employees.

The merit system is administered by the Personnel Administrator, who is responsible to a three-person Personnel Commission. The Commission is responsible for establishing employment policies and procedures as follows:

45260. The Commission shall prescribe and amend, subject to this article (commencing at section 45240), such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall be binding upon the governing board.

45261. 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 analysis and specifications, service ratings, public advertisement of examinations, rejection of unfit applicants, and any other matters necessary to administer the system.

The Personnel Commission members are appointed for staggered three-year terms. Qualifications for Commission members are as follows:

45244. To be eligible for appointment or reappointment to the Commission a person shall (a) be a registered voter and resident within the territorial jurisdiction of the school district and (b) be a known adherent to the principle of the merit system. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During his/her term of service, a member of the Commission shall not be an employee of the school district.

The Personnel Commission establishes employment rules and policies for non-teaching employees within the framework of the California law. The Commission meets monthly to discuss and recommend changes in policy and to rule on various personnel matters brought to its attention.

The purpose of the merit system is to foster the unbiased selection of the best candidates available for the classified service. Whenever possible, promotions are to

be made from within the classified service. Employment or promotion shall not be denied because of religious creed, race, color, national origin, ancestry, sex, age, or handicap.

Positions are filled by giving a combination of examinations, including written, oral and/or performance tests. Those candidates who successfully pass all testing requirements are then placed on an eligibility list which is approved by the Personnel Commission. When a position becomes open in the district, the immediate supervisor is given the names of the top three ranks on the appropriate eligibility list from which a final selection is made.

This handbook is the result of eighteen months' work by the Personnel Commission and personnel office to update the district rules and regulations concerning Pleasant Valley's employment practices related to classified personnel.

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CHAPTER 10

DEFINITIONS AND PRELIMINARY STATEMENT

10.100. DEFINITIONS, GENERAL

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

ACT or THE ACT: The Act shall mean those sections of the education code of the State of California applying the merit system to classified employees in certain school districts.

It shall include all the provisions of Article 6 and applicable provisions of Articles 1-10 of Chapter 5 and Articles 1 and 2 of Chapter 1, of Part 25-Division 3-Title 2: applicable provisions of Article 1 of Chapter 9, Part 27-Division 4-Title 2.

ADMINISTRATOR: Any employee who is responsible for the practical management, direction, and control of a major segment of district operation, such as an assistant superintendent, director, or principal. The term concerns itself with interpretation and effectuation of district policy. The term implies the regular and customary exercise of independent judgment of one who operates under general direction.

ALLOCATION: The official placing of a position in a given class.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment. See Rule 70.200.2.

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

APPOINTING AUTHORITY: The Board of Trustees of the Pleasant Valley School District and the Personnel Commission when referring to Commission employees and positions.

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

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

BEREAVEMENT LEAVE: a paid leave of limited duration granted to an employee upon death of a member of his immediate family or household.

BUMPING RIGHTS: The right of an 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.

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

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

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

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

CLASSIFICATION: The action of the Personnel Commission in placing a position into a "Class."

CLASSIFIED SERVICE: All positions in the district's service to which the Act applies and which are not exempted by the Act.

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

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

COORDINATOR: Any employee who regulates and combines in harmonious fashion the details of a district operation to fit a predetermined schedule or set of guidelines. The term implies cognizance and the authority to deal with matters judicially, pursuant to established organizational patterns. The term concerns itself with the relating of actions, processes, or conditions, but generally lacks the element of control.

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.

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

DISCHARGE OR DISMISSAL: Separation from service for cause.

DISTRICT: The Pleasant Valley School District.

DUAL CERTIFICATION: A procedure which provides for simultaneous certification of open and promotional candidates in accordance with the examination scores attained by the candidates.

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

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

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

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

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

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

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

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

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

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

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 in designated 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.

MANAGER: Any employee who is accountable and responsible for the administration and direction of a department or program. The term concerns itself with general control, direction, and responsibility for the functions of a department or program, which includes among other things planning, organizing, and motivating of the activities of the department or program and its staff. The term implies a general authority to control the total operation.

MERGING: The act of combining two or more eligibility lists for the same class, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one (1) year following the date on which they were merged.

MERIT SYSTEM: A personnel management system in which comparative merit and fitness govern each individual's selection and progress through the 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/reemployment without serving a probationary period.

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

PERSONAL NECESSITY LEAVE: A leave of absence with pay for a limited duration which may be taken for reasons of personal need; as specified in the Education Code and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave bank.

PERSONNEL DIRECTOR: (Also referred to as "Director of Classified Personnel"). As used in these rules, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the "Merit System" under the provisions of law and the rules and regulations established by the Personnel Commission.

PERSONNEL STAFF: As used in these rules, the term applies to those persons employed 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.

PROBATIONARY PERIOD: The trial period as established by the Personnel Commission per education code section 45301 immediately following an original or promotional appointment to a permanent position from an eligibility list.

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

PROMOTIONAL APPLICANT: Any permanent employee of the district who meets the prescribed qualifications for the class. For the purpose of this definition, the salary range for the class may be lower than, the same as, or higher than the employee's current salary range. Lateral movements, or a movement to a class having a lower salary range shall not, for the purposes of this definition, be regarded as a voluntary demotion.

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 45287, 45288, 45289.)

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

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

REEMPLOYMENT LISTS: 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 EMPLOYEE: An employee who has probationary or permanent status.

REINSTATEMENT: A reappointment within a period of 39 months following the date of resignation, in a regular or limited term status without examination, to a position in the employee's former class, or in a lower related class.

RESTORATION: Includes "reemployment" (see above). Also the reassignment to duty of an employee to the same class and status he/she held when her/she resigned. Also, the reassignment of an employee who had demoted to his/her 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 location in a salary range, not the dollar amount. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees.)

SENIORITY: Status secured by length of service (in a classification) to which certain rights attach; including, but not limited to, determining the order of layoff when positions within a classification are eliminated.

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

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

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

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

SUPERVISORY EMPLOYEE: Any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action if, in connection with the foregoing function, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

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

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

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

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

VETERANS CREDIT: Points for military or related service rendered during time of war or national emergency, and which are to be added to the final passing score of such person or persons competing in an "open examination" for an entry level classification.

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

10.200 PRELIMINARY STATEMENT

10.200.1 Statutory Authority of the Commission (Rev. 8/78)

The rules contained herein are established in accordance with Chapter 1010 of the Statutes of 1976, enacting the education code: Title 2, Article 6, and other provisions contained therein related to the responsibilities of the Commission. The purpose of rules is to insure compliance with the letter and the spirit of those specifications, to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.

The rules contained herein shall be binding upon the employees of the classified service, the district administration, and the governing board in regards to matters bearing upon provisions of Title 2, Article 6, Supra, of the education code.

For any member of a unit covered by collective bargaining under provisions of section 3543.2 of the government code, for so long as a valid collective bargaining agreement is in force, any of the terms of which are in conflict with these rules, the terms of such contract shall prevail over such rule which may be in conflict thereof.

10.200.2 Interpretation and Application of Rules (Rev. 8/78)

The Personnel Commission of the Pleasant Valley School district has sworn an oath to uphold the letter and the spirit of the provisions of the education code. That oath and those provisions shall be the Commission's constant guide.

The Commission recognizes and acknowledges the tripartite division of the authorities and duties bearing upon the conduct of the district's operation and governance, as stipulated in the education code, and as exemplified by the coordinated duties and cooperative authorities of the Commission, the governing board, and the district administration.

In the exercise of its authority and in carrying out its duty, the Commission shall seek the counsel of, and be open to testimony or suggestion from, the governing board, the district administration, the employees of the district, and the public at large.

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 findings or amendments shall not affect the validity of other rules or provisions or have retroactive effect, unless so stipulated.

10.200.5 Affect 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 written material contained in the addendum to these rules are to be interpreted as constituting commission rules in the same manner and effect as if they were a part hereof.

CHAPTER 20: THE PERSONNEL COMMISSION

20.100 Organization of Commission

- 20.100.1 The Personnel Commission
- 20.100.2 Qualification
- 20.100.3 Appointment of Personnel Commission
- 20.100.4 Announcement of intended Appointees
- 20.100.5 Vacancies
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CHAPTER 20

THE PERSONNEL COMMISSION

20.100 ORGANIZATION OF COMMISSION

20.100.1 The Personnel Commission (E.C. Section 45243) (Revised 7/11/06)

The Commission shall be composed of three members and shall be appointed in the manner prescribed by E.C. 45245, 45246, and 45247.

20.100.2 Qualifications for membership on the Personnel Commission (E.C. Section 45244) (Revised 7/11/06)

- A. To be eligible for appointment or reappointment to the Commission a person shall (a) be a registered voter and resident within the territorial jurisdiction of the school district, and (b) be a known adherent to the principle of the merit system.

“Known adherent to the principle of the merit system,” with respect to a new appointee, means 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.

“Known adherent to the principle of the merit system, “with respect to a candidate for reappointment, means 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.

- B. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During his or her term of service, a member of the Commission shall not be an employee of the school district.

20.100.3 Appointment of Personnel Commission (E.C. Section 45245) (Revised 7/11/06)

One member of the Personnel 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 noncertificated employees in a unit or units within the district. If there is no exclusive representative within the district, the governing board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

20.100.4 Announcement of Intended Appointees E. C. Section 45246)
(Revised 7/11/06)

- A. When a vacancy will exist on December 1, by not later than September 30, the governing board shall publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee.

At a board meeting to be held after 30 and within 45 days of the announcement of the board’s appointee, the governing board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the governing board for appointment. The board at the time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

- B. When a vacancy is the position nominated by the classified employees, the classified employees shall submit the name of its nominee to the governing board at least 30 days before the date on which the vacancy will occur and the governing board shall appoint that nominee to be effective on the date on which the vacancy would occur.

In the case of the nominees of the classified employees, the board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. The board then shall appoint the new nominee.

- C. Where the joint appointment vacancy will exist on December 1, by not later than September 30, the appointee of the governing board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint. At a commission meeting to be held after 30 and within 45 days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make a substitute appointment or recommendation without further notification or public hearing.

If the governing board and the classified employees of the district are unable to agree upon a nomination by September 30, the Superintendent of Public Instruction shall make the appointment within 30 days.

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

20.100.5 Vacancies (E.C. 45248) (Revised 7/11/06)

- A. Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term.

The procedures required in Sections 45245 and 45246 shall be followed in the appointment and recommendation for appointment to fill vacancies occurring subsequent to the initial appointments.

- B. The governing board at the request of the personnel director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy or vacancies to insure the continuance of the functions of the Personnel Commission. An interim appointment shall terminate on the date the notification of permanent appointment is received by the appointee.
- C. An interim appointee must meet the requirements of Section 45244 and be free of the restrictions contained therein. An interim appointment in no event shall be valid for more than 60 days.

20.100.6 Officers

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

20.100.7 Quorum and Majority

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

20.200 MEETINGS

20.200.1 Regular Meetings (Rev. 4/5/82)

Subject to cancellation or proper change, the Commission shall hold a regular meeting each month, the specific day, place, and

time to be determined each December for the ensuing year. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. The Commission may meet at some other time and/or place, provided that whenever possible at least 72 hours notice is given 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 Chairperson and shall be called upon the written request of any two members. Written notice shall be delivered personally or by mail to each member of the Commission. 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 other business shall be considered at such meeting by the Commission.

20.200.4 Public Meetings

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, 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 Closed Sessions

The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in closed session relating to an employee unless the employee has been notified of his/her right to a public hearing and has declined the public hearing or properly filed to request same.

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/her, a Commissioner's dissent or approval and reasons therefore 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 (E.C. Section 45250)

The members of the Personnel Commission shall serve without remuneration.

20.300 COMMISSION EMPLOYEES

20.300.1 Status of Commission Employees (E.C. Section 45264)

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 (E.C. Section 45266)

- 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 conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.
- B. The personnel director shall conduct classification, salary, and rule 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 45312.
- 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.

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 (E.C. Section 45253)

- A. The personnel director shall prepare and submit to the Commission a proposed operating budget for the Commission for the ensuing fiscal year. The budget shall be submitted not later than the April Commission meeting.
- B. The Commission shall designate its May meeting for a public hearing on its proposed budget. At the time the Commission schedules the public hearing, as required in education code section 45253, 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 the 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 45253.

20.400.3 Annual Report (E.C. Section 45266) (Revised 2/15)

- A. The personnel director shall prepare, as required by education code section 45266, 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 not later than a meeting by the end of the calendar year. The report shall cover commission activities for the preceding fiscal year.

CHAPTER 30: POSITION CLASSIFICATION PLAN

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CHAPTER 30

POSITION CLASSIFICATION PLAN

30.100 THE CLASSIFIED SERVICE

30.100.1 Positions Included (E.C. Section 45104, 45105, 45256, 45263)

- A. All positions established by the governing board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemption established in the law shall be employed outside the classified service.

30.100.2 Exemption From the Classified Service. (E.C. Section 45256, 45257, 45258) Revised 3/11/08

- A. General - Positions required by law to have certification qualifications, part-time playground positions where the employee is not otherwise employed in a classified position, full-time day students employed part time, apprentices, and professional experts employed on a temporary basis for a specific project by the governing board or by the Commission when so designated by the Commission, shall be exempt from the classified service.
- B. Special Categories - Staff assistants and field representatives employed by the governing board shall be members of the classified service, except that such representatives or assistants shall be exempt from the provisions of these rules insofar as they relate to obtaining a permanent status in any position in the district and all procedures as they pertain to recruitment, appointment, classification and salary setting.

A staff assistant shall serve at the pleasure of a majority of the governing board, and field representatives shall serve at the pleasure of an individual board member. (E.C. Section 45112)

30.100.3 "Part Time" Defined (E.C. Section 45256)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an average weekly basis, is less than 87.5% of the normally assigned time of the majority of employees in the classified service.

30.100.4 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.

30.100.5 Professional Expert Assignments (E.C. Section 45256)

- A. When a professional expert assignment is to be made, the administration shall submit to the personnel director, who shall report to the Commission on or before the next commission meeting, 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. Professional expert status shall be determined on an individual basis.
- B. When the person is known who is to be appointed as a professional expert, his/her name and data relative to his/her qualifications shall be submitted to the personnel director, who will then report to the Personnel Commission on or before the next commission meeting. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Authorization for service as professional expert shall not exceed six months. Additional required service shall be subject to approval by the Commission.
- C. No final appointment shall be made until this procedure has been completed.

30.100.6 Apprentices (E.C. Section 45263)

Class not currently in use.

30.100.7 Restricted Positions and Employees (E.C. Section 45105, 45108)

- A. If positions properly a part of the classified service are specially funded, and as a result of the special funding provisions, employment is restricted to persons in low income groups, from 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".
- B. 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, and (4) they are not eligible to compete in promotional examinations in the regular classified service.
- C. Notwithstanding sub-Rule B above, employees serving in "Restricted" positions shall, after completion of six months of satisfactory service, be given the opportunity to take the qualifying examinations which are given for the class in which they are serving. If an employee successfully completes the examinations and attains placement on the eligibility list, as a result thereof, and regardless of his/her numerical standing on the eligibility list, he/she shall be considered a part of the regular classified service, even though he/she may continue to serve in a restricted position, and be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted as of the date of initial appointment to the restricted position.

30.200 GENERAL CLASSIFICATION RULES

30.200.1 Assignment of Duties (E. C. Section 45109, 45276)

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 this position, the personnel director shall report the facts to the appropriate administrator in order that corrective action may be taken.

30.200.2 General Nature of the Classification Plan (E.C. Section 45104, 45256)

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.

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, 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 minimum qualifications for service in the class. The minimum 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.
- 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/her qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
- H. Minimum qualifications may never require a teaching, administrative or other credential, nor may they require work experience which essentially would restrict applicants to

credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

30.200.4 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 graduation 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, honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests, and in the evaluation of the qualifications of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.
- F. The class title shall always be used with the meaning set forth

in the remainder of the specifications.

30.200.5 Allocation of Positions to 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.

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 with a view toward determining whether the positions should be allocated to different classes.

30.200.7 Working Out of Classification (E. C. Section 45110) (Rev. 1/18)

Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the governing board in accordance with section 45109 of the education code, unless the duties reasonably relate to those fixed for the position by the board, for any period of time of four or more consecutive hours, or for any period of time which exceeds five working days within a 15-calendar-day period.

Any employee may be required to perform duties inconsistent with those assigned to the position by the governing board for a period of four or more consecutive hours, or for a period of more than five working days within a 15-calendar-day period, provided that his/her salary is adjusted upward for the entire period he/she is required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside his/her normal assigned duties.

This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

30.200.7.1 Salary Placement When Assigned Out of Class

- A. If an out-of-class assignment is to an existing classification at a lower salary range, salary placement shall be on the same step of the next higher salary range.
- B. If an out-of-class assignment is to an existing classification at a higher salary range, placement shall be at that step of the higher range consistent with the employee receiving a minimum of a one-step salary increase, provided, however, that in no case shall placement be at less than the first step of the higher salary range.

- C. If an out-of-class assignment requires the assumption of duties and responsibilities the nature of which are not part of the current classification structure, the personnel director shall make a determination as to the appropriate salary rate. Such determination shall be subject to appeal to the Personnel Commission.

30.200.8 Review of Positions (E.C. Section 45285)

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 periodically as required. If the director finds that a position or positions should be reclassified, he/she shall advise the administration of his/her 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/her findings and recommendations to the commission. He/she shall also report his/her findings in cases where his/her review indicates that no change in classification is necessary.

30.200.9 Creation of New Positions (E.C. Section 45101, 45109, 45276)

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 work experience requirements for the position. The personnel director shall present recommendations to the Commission, which shall:

- A. Classify the position and determine whether it should be allocated to an existing class or to a new class.
- B. Write a job description for any new position not covered by existing classes. The personnel director shall set forth the minimum qualifications. The minimum qualifications approved by the Commission must reasonably relate to the duties assigned the position by the Board.
- C. Recommend the proper salary placement, if a new class is established.
- D. Notify the Board of its action.

30.200.10 Positions Requiring Multiple Languages (E.C. Section 45277)

- A. 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 write a language in addition to English.

- B. The board must clearly set forth valid reasons for placing language requirements on a position.
- C. An announcement calling for an examination for a class with position(s) containing language requirements will contain appropriate information and will indicate that successful candidates possessing language requirements will be given preference over other successful candidates, as authorized in Rule 50.200.12, but only as to those specific positions.
- D. When a vacancy occurs in a position which has approved language requirements, the Board will notify the Commission that the need for language requirements continues to be part of the position.
- E. 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.

30.200.11 Mandatory Title (E.C. Section 45342)

As required by Article 7, Chapter 5, Part 25, Division 3 (commencing with section 45240) all teacher aide classes of positions shall be assigned a basic title of Instructional Aide. The Commission, in classifying all such positions, shall determine subclasses thereof, if any, and additions to the basic title as well as completing other classification requirements.

30.300 RECLASSIFICATION (E.C. Section 45285)

30.300.1 Requests for Study

Request for classification study of existing positions shall be presented to the personnel director, together with a statement of the reasons for requesting the 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.

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 (E. C. Section 45285) (Rev. 4/86, 3/99, 8/18/04, 3/13/07, 5/8/07)

- A. For an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or duty changes by the Board. The Commission shall decide at the time the reclassification occurs as to whether the reclassification meets this rule.
- B. When all of the positions in a class are reclassified upward, those incumbents with two or more years' service in the class shall be automatically reclassified with the positions. When a portion of the positions in a class is reclassified upward, those incumbents with two or more years' service in one or more of the positions being reclassified may 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 be reclassified upward again until at least two years have 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 transfer or demote without examination, to the class to which his/her position is reclassified.
 - 2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly held permanency, provided that he/she had greater seniority in that class.
 - 3. The right to bump the employee with the least seniority in the same class the incumbent held prior to reclassification, provided that the incumbent has greater seniority in the class.
 - 4. The employee may choose to transfer, demote, or exercise bumping rights as his/her option.
- E. An employee who is reclassified to a higher class or whose salary for a classification is adjusted upward (salary adjustment within class), shall be placed on that step of the adjusted salary range that is next above the rate the employee received prior to the adjustment, but in no case less than step 1 of the new range.

The director of personnel may, upon certification by the employee's supervisor that he/she has performed at the reclassified level for 4 years or longer, approve placement higher than that step of the adjusted salary range next above the rate the employee received prior to the adjustment.

1. Transactions resulting in the reclassification of an employee or an adjustment of salary within class shall not affect an employee's anniversary date.
2. Employees whose positions are reclassified upward and who must qualify for reclassification through merit system exams (i.e., those employees having served less than two years in the reclassified position) shall serve a regular probationary period in the reclassified position before becoming permanent. Such transactions shall not affect an employee's anniversary date.

H. Minimum qualifications may never require a teaching, administrative or other credential, nor may they require work experience which would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

30.300.4 Reemployment List for Displaced Incumbents (E. C. Section 45308)

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

CHAPTER 40: APPLICATION AND EXAMINATION

40.100 Application for Employment

- 40.100.1 Filing of Application
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- 40.100.3 Elimination of Unfit Applicants, Candidates and Eligibles
- 40.100.4 Rejection and Appeal From Rejection
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CHAPTER 40

CHAPTER 40 APPLICATION AND EXAMINATION

40.100 APPLICATION FOR EMPLOYMENT

40.100.1 Filing of Application

- A. 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.
- B. 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, except as otherwise provided by law, possess all requirements that may be specified in the minimum 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/she 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 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, 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 the 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. Discharge other than honorable 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 at a hearing or investigation before the personnel commission or board of trustees.
- Q. Violation of education code section 45310

40.100.4 Rejection and Appeal From Rejection (Rev. 8/26/16)

- 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/her right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days, to the personnel commission. Applicants, candidates, and eligibles who omit or provide false information with regards to criminal history on the conviction report are exempt from this appeal process. 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 Application 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 Applicants' Names Not Made Public

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

40.100.8 Veterans' Preference (E.C. Section 45294, 45295, 45296)
(Rev. 10/99)

- A. Veterans' preference points shall be added to passing scores in open examinations in the amount prescribed by education

code section 45296. At least 30 days of active service in the United States 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
Vietnam August 4, 1964 to May 7, 1975
Persian Gulf / Southwest Asia Service Medal

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

B. Credit is added to the total adjusted score, 5 points for approved military service, 10 points for service with disability. 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 where such proof is presented thereafter.

40.200 EXAMINATIONS

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 a classification or has designated position duties of a new class. The Commission must also have completed the position classification including the establishment of minimum education and work experience requirements.

40.200.2 Promotional Examinations (E.C. Section 45272, 45281)

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. No applicant shall be eligible to compete in a promotional examination unless his/her service rating at the time of the last regular report was satisfactory.

40.200.3 Examinations for Certain Positions or Classes (E.C. Section 45280)

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 subparagraphs 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 minimum 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 included.

40.200.4 Notice of Examination (E.C. Section 45278) (Rev. 11/84)

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 shall be given. The personnel office shall be responsible for publishing and distributing to all work locations notices of examinations at least once each month. Records of employee requests for transfers and location changes shall be maintained and names of all candidates for transfer and/or change of location shall be certified to the appointing authority along with names of appropriate applicants from employment lists. 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. Minimum 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.

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

40.200.5 Who May Compete (E.C. Section 45134) (Rev. 4/99)

- A. Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum 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.

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 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 (E.C. Section 45273) (Rev. 11/84)

- A. Examinations shall be administered objectively and shall consist of test parts that relate to job performance.
- B. Examinations may be written and/or oral and/or in the form of practical demonstration of skill and ability or any combination of these; or any investigation of education, experience, character, or identity, and test of technical knowledge, manual skill, or physical or mental fitness which, in the judgment of the personnel commission, serves this end, may be employed.

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/her 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/her 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 periodically as required, as applicants are available, and applicants shall be accepted on every working day. Procedures for review of written tests shall be suspended. The qualifications appraisal board may consist of two or more persons who may be employees of the district or the commission. (E.C. Section 45292, 45289)

40.200.9 Examination Weighting

The relative weights of the different parts of the examination shall be determined by the personnel director in consultation with the Personnel Commission, and set forth in the announcement of the examination. Relative weights of the various parts of the examination will be assigned based on the relationship each part of the examination bears to the requirements of the position. In making this determination, papers shall be prepared and rated under the direction of the personnel director and eligibility lists developed there from certified by the Personnel Commission.

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 succeeding part. Normally the minimum passing score for written, performance, or oral exams shall be 70%. This percentage figure may be normalized to accommodate the staffing requirements of the district.

40.200.11 Review of Written Test (Rev. 10/99)

- A. Protest forms shall be available at all examination processes. These forms shall be for the purpose of protesting the inclusion or content of any examination question and/or section. Failure to file a protest as described in paragraph B (below) shall constitute a waiver of the right to appeal that part of the selection process. No candidate may copy and remove from the interview room any questions or answers.
- B. The protest sheets, if any, shall be filed with the personnel director within 24 hours. The personnel director shall review and act upon all protests. The director may allow more than

one answer to a question or may disqualify a question if the protest is found to be valid. If protests result in any change, the test papers of all applicants will be reviewed and re-rated accordingly.

- C. The personnel director shall inform the protestant of the decision.

If the director rules against the protest, the applicant may appeal to the personnel commission, but the appeal shall not delay other parts of the examination.

40.200.12 Examination Papers

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

40.200.13 Qualifications Appraisal Interview (Oral Examination) (E.C. Section 45273)

- 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. Under no circumstances shall a supervisory employee, under whom a successful competitor may serve, be designated as an oral examiner. Members of the governing board or the Personnel Commission shall not serve on an oral examination board.
- C. A QAI board will be instructed by the personnel director about questions which may or may not be asked of candidates, (E.C. Section 45293) Each candidate being interviewed by the QAI board is to be informed that the interview is being recorded as required by school law and that such record shall be kept for a period of 90 days.
- D. Unless specifically directed to evaluate the candidate's technical knowledge and skills, the QAI panel shall confine itself to evaluating general fitness for employment in the class. When the QAI panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specific occupation areas.

40.200.14 Seniority Credit - Promotional Examination (E.C Section 45281)

In promotional examinations only, seniority credit shall be added

to the final passing scores of candidates in the amount of one-fourth of one point for each year of service, not to exceed a total of five points. Credit shall be granted for time spent in regular status (see definitions) 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.

40.200.15 Ties in Examination Scores (Repealed 4/7/87)

40.200.16 Notice of Final Score

Each competitor shall be notified of his/her score for each portion of the examination, additional Veteran's or seniority credits, the total thereof, and his/her 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 (E.C. Section 45300) (Rev. 5/00)

- A. After an examination, the names of successful competitors shall be arranged on a list in order of examination scores, plus additional points where applicable. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Certification shall be made from those eligibles in the first three ranks on the list who are ready and willing to accept the position. The personnel director may certify such eligibles prior to presentation of the list to the Personnel Commission for ratification.
- 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. Notwithstanding the provisions of Section B above, the Personnel Commission may establish an eligibility list for a period of six months' duration, provided that the six-month duration of such list is noted in the recruitment bulletin announcing the examination. Any list established under this provision may be extended for a period not to exceed one additional year at the discretion of the Commission.

50.100.2 Reemployment Lists (E.C. Section 45308)

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 permanent 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.

50.100.3 Termination of Eligibility Lists (E.C. Section 45300) (Rev. 5/00)

- A. An eligibility list is automatically terminated one year, or six months for lists established under Section C of Rule 50.100.1, from the date of its approval unless extended by the Commission.
- B. An extended eligibility list is automatically terminated at the expiration of its extended period, but in no case in excess of one year after its original termination date.

50.100.4 Consolidation of Eligibility Lists (E.C. Section 45291)

- A. Combinations of successive lists may be made during their first year. Eligibles on lists established within the first year of life of another list may be placed in order of their relative excellence in the examination on a like list, if lists so merged have been promulgated under conditions and techniques sufficiently similar to preserve their competitive character. Like lists shall be merged with like lists, except that, where "dual certification" applies, open and promotional lists may 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. The Commission reserves to itself the right to extend the eligibility of the names incorporated from the earlier list to be co-terminal with the names from the most recent list, provided no name is carried for more than two years on any list. Decision of co-terminality shall be made at the time of publication of the list.

50.100.5 Eligibility After Appointment (E.C. Section 45286)

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.

50.100.6 Removal of Names From Eligibility Lists (revised 10/2000)

- 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 declare availability for certification shall be deemed a waiver. Three such waivers serve to remove the applicant from the eligibility list. At the time of the third waiver, the eligible will receive notification of removal by certified mail.
 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.

50.200 CERTIFICATION FROM EMPLOYMENT LISTS

50.200.1 Order of Precedence

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

- A. Reemployment list (one name).
- B. Promotional eligibility list (three ranks). (E.C. Section 45256, 45272)
- C. Open eligibility list (three ranks). (E.C. Section 45256, 45272)

50.200.2 Dual Certification (E.C. Section 45284)

When the same examination is held on an open competitive and promotional basis to provide a list of eligibles for any class having fewer than three permanent positions or for which the most

recent promotional eligibility list failed to provide sufficient available eligibles to fill all the vacancies occurring in permanent positions during the first year of life of the eligibility list, the Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists. The three ranks certified shall be those of open and promotional eligibles who have the highest examination scores, 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 adjusted accordingly. (See also Rule 40.200.2.)

50.200.3 Procedure When Fewer Than Three Names Remain (E.C..Section 45256, 45272)

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

50.200.4 Other Sources of Eligibility

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

50.200.5 Procedure of Certification and Appointment From Eligibility Lists

- A. When a position is to be filled, the appointing power shall notify the personnel director of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours, and location of employment, and other pertinent information.
- B. The personnel director shall ascertain the availability of eligibles and shall certify three ranks to the appointing power in accordance with these rules.
- C. The appointing power shall make its selection and shall notify the director, who shall see that the necessary employment procedures are carried out.
- D. If a candidate who has been certified as eligible for appointment to a position fails to keep his/her interview

appointment, or at the interview declines the position, the appointing authority may fill the vacancy from the remaining certified eligibles or may request additional certification in accordance with Rule 50.200.6.

50.200.6 Certification of Additional Eligibles (E.C. Section 45256)

- 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 names 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. The director shall:
 - 1. If the request is found to be valid:
 - a. Certify additional ranks of eligibles as may be required and appropriate.
 - b. Remove from the eligibility list, at his/her discretion, the names of eligibles who failed to report for the interview or who refused appointment, and notify the eligibles of his/her action and their right of appeal to the Commission.
 - c. Notify the Commission of the action taken.

 - 2. If the director finds that a refusal of appointment was not voluntary and free of any type of duress, he/she shall:
 - a. Notify the appointing authority of any findings and refuse to certify additional eligibles, citing the provisions of this rule.
 - b. Refer the matter to the Personnel Commission together with any findings and recommendations which may include suggested action under education code Section 45317.

- c. Advise the appointing authority of the date of his/her report to the Commission in order to enable appropriate representation.

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 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 knowledge were adequately tested in the examination.

50.200.8 Withholding Names from Certification (revised 10/2000)

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

- A. The eligible expresses unwillingness or inability to accept an appointment.
- B. The eligible is notified by suitable form of communication of the certification and fails to respond to the classified personnel office within 24 hours of such communication.
- C. The eligible fails to report for duty at the time agreed upon after having accepted an appointment.
- D. The eligible cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. The eligible 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/her availability to appear for interview or to report for duty, and the applicant presents a good valid reason and certifies to the Personnel Commission that he/she 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 (Rev. 5/00; 10/00)

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification.
1. In the event an eligible is notified by suitable form of communication of the certification, he/she shall report to the appointing power for interview, or reach the appointing power with some form of communication within 24 hours after the sending of the communication.
 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 rank 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 the eligible is unable or unwilling to report by the end of two weeks (one month in the case of administrative and executive classes), he/she may be considered to have refused appointment and the appointing power may request certification of another rank from the eligibility list or name from the 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/her selection.
 2. Notification may be made by telephone, telegram, registered, certified, or regular mail.

3. The appointing power may allow a period longer than two weeks at its discretion.
 4. When appointment is to be 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/her 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/she shall promptly notify the office of the Commission, stating the list or lists upon which his/her name appears, together with the 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/director of personnel, operate as a cancellation of eligibility.

50.200.11 Subjects Regarding Which No Questions Shall Be Asked (E.C. Section 45293)

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 therefor.

50.200.12 Selective Certification (E.C. Section 45260, 45261, 45272, 45277) (Rev. 2/93)

- A. If a position within a classification requires a license or special skill, or has a multiple language requirement 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 Rank of 3 may be suspended by the Commission. The personnel director shall determine which eligibles possess the required license, language, or special skill for presentation to the Commission who shall certify the names of 3 qualified eligibles, in the order of their respective standing on the list, who are ready and willing to accept the position.
- C. If there is an insufficient number of eligibles who meet the license, language, or special skill requirements and who are ready to accept the position, the personnel director shall

certify for appointment the top eligible(s) plus those possessing the license, language, or special skill requirements who are ready and willing to accept the position, provided that the total number certified shall not exceed three (3).

A provisional appointment may be made pending completion of the recruitment and examination process.

50.300 PROVISIONAL APPOINTMENTS (EC. Section 45287, 45288, 45289)

50.300.1 Restrictions (Rev. 6/85)

- A. The appointing authority may make a provisional appointment upon certification of the Personnel Commission that:
1. No eligibility list exists for the class, or
 2. An eligibility list exists, but there are less than 3 ranks of available eligibles and the appointing authority declines to appoint an available eligible.
- The Personnel Commission, in implementing this rule, shall ascertain the probable duration of the appointment and shall exercise prudent and reasonable care when certifying provisional appointees for permanent positions when such appointments might tend to afford unfair competitive advantage to those appointed.
- 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/she shall be ineligible to serve in any full provisional capacity.
- C. Notwithstanding the provisions of paragraph A above, the personnel director may, in the absence of an eligibility list for the class, certify candidates for provisional appointment under the following circumstances and conditions:
1. The request is specifically for a substitute to fill a position during the absence of a regular employee.
 2. The Personnel Commission has given first consideration to regular classified employees who have requests on file and who possess the minimum qualifications.
- D. 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 E.C. Section 45256, 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.

- E. 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.
- F. 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.
- G. The commission shall be provided timely reports of transactions occurring under this rule.

50.300.2 Terminating Provisional Appointments (E.C. Section 45287)

- 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 50.300.1F.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

50.300.3 Emergency Appointment (E.C. Section 45290)

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent stoppage of public business, the Board of Trustees may, acting as a body,

inform the Commission, in writing, regarding the nature and necessities of the emergency. Upon receipt of such a request from the board of trustees, the Commission shall schedule an emergency meeting, which shall convene as soon as possible.

- B. Should the emergency be of such a nature that the procedure outlined above would likely result in the stoppage of public business, the chairperson of the board of trustees may verbally inform the chairperson of the Commission of the special nature of the emergency. The chairperson of the Commission is herein authorized to advise and consent regarding emergency appointments, in these circumstances subject to the review of the entire commission.
- C. When emergency appointments are made in accordance with Sections A or B above, it shall be the duty of the board of trustees to notify the Personnel Commission in writing, naming the appointee or appointees, the date of appointment, the probable duration of the appointment (not to exceed 15 working days), along with a statement justifying the emergency nature of such appointments.
- D. The Personnel Commission may authorize the extension of emergency appointments, along the lines of education code Section 48288, if, in the commission's judgment, the situation warrants such action, and providing that education code Section 45288 subparts A, B, 1, 2, 3 are either satisfied or in planning and/or execution, and if all provisions of this section have been followed.

50.300.4 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.

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CHAPTER 60

INSERVICE STATUS AND TRANSACTIONS

60.100 PROBATIONARY PERIOD

60.100.1 Duration of Probation (E.C. Section 45301) (Rev. 2/86)

- A. New employees appointed from an eligibility list and employees who have been promoted shall serve a probationary period of six months or 130 days of paid service, whichever is longer, in one class before attaining permanency in the classified service or in that class. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from an eligibility list.
- B. For those classes designated by the commission as executive or administrative, the probationary period shall be one year or 250 days of paid service.
- C. Satisfactory completion of probation by employees in the classified service shall be reported to the commission by the personnel director with a copy to the employee.

60.100.2 Rights of New Probationary Employees (E.C. Section 45305) (Rev. 10/97, 3/15)

- A. A new employee who resigns in good standing during the initial probationary period shall, upon request, have his or her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee. If the eligible is rehired prior to expiration of the list, time already served in a paid status shall be credited toward the employee's probationary period.
- B. A new employee who is suspended or dismissed during the initial probation period may request an interview with the personnel director, and to be notified in writing of the action taken and the reasons thereof. There shall be no right of appeal, except in those cases where an employee alleges that:

1. The action was taken because of political acts, opinions, or affiliations not prohibited by the code or these rules, religious acts or persuasions, race, color, national origin, ancestry, sex, marital status, physical handicaps, or age.
2. The action was not in accord with the facts.

It shall be the duty of the personnel director to report to the commission, in closed session, any such suspension, demotion, or dismissal, meeting the requirements of the noted exceptions.

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

60.100.2.1 Rights of Promotional Probationary Employees (E.C. Section 45305) (Rev. 10/97)

- A. 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/her former class for not meeting district standards of the new classification with no right of appeal in the probationary status.
- B. A promotional probationary employee who has been suspended, dismissed or demoted to other than his/her former class during a probationary period, for other than not meeting district standards of the new classification, retains full rights of appeal.
 1. The employee shall be notified in writing of the action and the charges, and shall have the right of appeal provided promoted probationary employees as cited in rule 60.100.3.1.
 2. It shall be the duty of the personnel director to report to the commission, in closed session, any such suspension, demotion, or dismissal, meeting the requirements of the exceptions noted below:
 3. The action was taken because of political acts, opinions, or affiliations not prohibited by the code or these rules, religious acts or persuasions, race, color, national origin, ancestry, sex, marital status, physical handicaps or age.

4. The action was not in accord with the facts.

60.200 CHANGES IN POSITION AND CLASS

60.200.1 Transfer (revised 12/00, 4/01)

- A. When a new position is created or an existing position becomes vacant, all vacancies shall be posted by the district for not less than 5 working days at all work locations prior to being filled. Any permanent employee may apply for transfer to that position by filing a written notice with the classified personnel office of the district.
 - 1. If any permanent employee on leave during the period of the posting has requested a transfer, he/she shall be mailed a copy of the notice by the classified personnel office on the date the position is posted. Failure to do so shall nullify the position appointment.
- B. A permanent employee may ask to be transferred to a position in a related class on the same salary schedule. Such transfers shall be made only with the approval of the district and the party involved. The district when considering transfer requests, shall give weight to the following factors.
 - 1. Seniority - uninterrupted service with the district.
 - 2. Experience in related areas in or out of the district.
- C. Probationary employees may request transfer only if the transfer would result in an increase in assigned hours and/or eligibility for health benefits.
- D. If a voluntary transfer is denied, upon request, the classified personnel office shall provide the employee with specific reasons for the denial, in writing, within 5 working days of the decision.
- 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/her rights, as provided in law and these rules.
- F. The personnel commission and personnel director shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum 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 minimum requirements for the class.
- G. A permanent employee who transfers to a position in a class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of six months. At any time during the probationary period, he/she may be returned (transferred) to his/her 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/she 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/her immediate supervisor.

60.200.2 Demotions (E.C. Section 45260, 45261)

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate in which the employee has previously held status. Such requests require the approval of his/her department head and that of the head of the department to which he/she is to be assigned.
- B. The personnel commission shall make final determination with respect to the comparability of classes in cases of voluntary demotion to classes other than those in which the employee has previously held status.

The commission shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field.

In general, more latitude in voluntary demotions is permitted under any of the following circumstances:

1. When the request is based on reclassification, impending layoff, or reasons of health.
 2. When the class is in the same or a similar occupational group.
 3. When the employee meets the minimum requirements for the class.
 4. As the employee's seniority in the classified service increases.
- C. Voluntary demotion is a privilege available to a probationary employee only in cases when he/she would otherwise be laid off for lack of work or lack of funds.
- D. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

60.200.3 Restorations (E.C. Section 45309)

- A. A former permanent employee who resigned in good standing may be reinstated in a vacant position in his/her former class and status within 39 months of the last date of paid service. Also, he/she 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/her former class or in a vacant position in a related lower class, as determined by the commission, within 39 months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the appointing authority.
- C. Employees who take a voluntary demotion in lieu of layoff or voluntary reduction in assigned time to remain in their present position shall be granted the same rights as persons laid off. Intervening reassignments to other classes shall not abrogate that right. Persons not reemployed in their former class within 39 months shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months at the discretion of the appointing authority.

- D. Reinstatement or reemployment of a former employee shall have the following effects:
1. Restoration to a former step in the current salary range for the class, or, if restored in a lower class, to the rate closest to that of the step to which he/she would be assigned if he/she were restored in his/her 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.

60.200.4 Changes in Assigned Time (E.C. Section 45137)

- A. If an employee is required to work in excess of the normally assigned time for 30 minutes or longer per day for 20 consecutive work days, the assigned time of the position will be changed to reflect the longer hours.
- B. When a class contains permanent positions of varying hours of work per day, week, or month, in which time is increased, preference in assignment will be given to the incumbent in the position.
- C. 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 effect 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. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal or greater time who has the least seniority in the class, provided he/she has

greater seniority. If no such option is available, he/she 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/she has greater seniority. An employee so bumped shall have similar bumping rights.

3. 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 increases in assigned time.

60.300 LIMITED TERM EMPLOYMENT

60.300.1 Types of Limited Term Appointments (E.C. Section 45286) (Rev. 6/11/85)

A. Positions

Whenever the appointing authority establishes positions the duration of which will not exceed six months, such positions shall be designated "limited term." Positions so established are subject to classification by the personnel commission except that the personnel director may classify such positions, subject to later ratification by the commission when, for the good of the service, expeditious action is appropriate.

B. Employees

Whenever the appointing authority shall require the appointment of a person to a position the duration of which is not to exceed six months, or in case of an appointment to replace an absent employee and which is not to exceed the authorized absence of said employee, a request shall be submitted to the personnel director, who shall inform the commission, stating the probable duration of the appointment. Eligibles shall be certified by the director in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited term employees. Appointments shall be made in accord with Rule 60.300 2.

60.300.2 Eligibility for Limited Term Employment (E.C. Section 45286)

- 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 position, 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 60.800.1 subject to appeal to the personnel commission.

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/she loses eligibility for such appointments.
- C. All other limited term appointments shall be paid at the hiring rate for regular appointments in that class.

60.300.4 Rights and Benefits (E.C. Section 45136)

- A. Regular employees who are serving in a limited term assignment while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.
- B. All other limited term employees shall be granted only those benefits provided by law. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited term assignment, except as provided under Paragraph A of this rule.

60.300.5 Termination (E.C. Section 45286)

- 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 action.
- C. It shall be the duty of the personnel director to inform the commission of termination for cause, in writing, prior to a hearing or the next commission meeting. Limited term employees shall have a right to a hearing before the commission (ref. 60.300.4) if it is alleged that:
 - 1. The termination was because of political acts, opinions, or affiliations not prohibited by the code or these rules, religious acts or persuasions, race, color, etc.
 - 2. The action was not in accord with the facts.

60.400 ASSIGNMENTS OF HANDICAPPED EMPLOYEES

60.400.1 General Policy

When a permanent employee becomes unable to perform the duties of his/her classification because of illness or injury as determined by medical authority designated by the district, effort shall be made to place the employee in a position in which the duties are within his/her capabilities. Reassignment, if any, shall be at the discretion of the district with due consideration given the following alternatives.

60.400.2 Reassignments

- A. The duties of a handicapped employee's regular position may be altered in accordance with the nature of the 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 district.
- C. A handicapped employee may be assigned to a position in a higher class, with the approval of the district, but shall receive no increased salary benefit from such assignment until appointment to the higher class can be made in accordance with the rules and procedures on eligibility and appointments.

60.400.3 Effect of Refusal by Employees

A handicapped employee may refuse assignments to other

classes without effect on his/her 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 PERS RETIREES (E.C. Section 45135)

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 are needed, or during an actual emergency to prevent the stoppage of public business.
- B. The retired person must certify that he/she understands he/she is restricted to 90 working days in any calendar year with the district and other employers subject to PERS and that his/her employment and continuance in employment is discretionary with the governing board.
- C. For the purpose 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 all employees. He/She shall be entitled to fringe benefits applicable to employees with limited term status only, except retirement contributions.
- B. Retired personnel shall normally be paid on the first step of the hiring step of the salary schedule of the class to which assigned, but may be paid on a higher step upon the recommendation of the appointing authority and the approval of the commission, but in no case will the compensation be at a rate other than one payable to a regular employee in that class.

60.500.3 Assignment (E.C. Section 45135)

- A. A retired employee employed under this rule is not subject to reinstatement to PERS 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/her combined calendar-year employment by all employers subject to PERS does not exceed 90 working days. The appointing authority shall secure an affidavit from the prospective employee as to his/her eligibility through PERS.

60.600 PERFORMANCE EVALUATIONS

60.600.1 When Evaluations are to Be Made (Revised 11/02, 4/03, 3/15)

The classified personnel office shall send a list of evaluation due dates to the classified employees' immediate supervisors in accordance with the following:

- A. Probationary employees - at the end of the second and fourth months and two weeks before the end of the probationary period. In administrative and executive classes, at the end of the fourth, eighth and tenth months of service.
- B. Permanent employees – once a year within 30 days of the employee's anniversary date. Permanent employees whose anniversary dates fall during the months of July through September shall have their evaluation schedules adjusted as follows: those falling due in July will be due by the last day of school in June of each year. Those falling due in August or September will be due by October 1 each year.

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/her 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 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/her. The evaluation form shall be signed by the employee to indicate receipt, and he/she 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. No evaluation of the employee shall be placed in any personnel file without an opportunity for discussion between the employee and the evaluator. No evaluation shall be made based upon hearsay statements, but shall be based upon the observation and knowledge of the evaluator. Any negative evaluation shall include specific recommendations for improvements and provisions for assisting the employee in implementing any recommendations made. The employee shall have the right to review and respond to any evaluation and appeal to the next highest supervisor.

60.600.4 Special Evaluations

At any time a supervisor may, with the approval of his/her 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/her immediate supervisor whenever practical. 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 (Revised 8/02, 3/15)

- A. If the employee is not satisfied with his/her performance evaluation, he/she may respond in writing and attach to the evaluation placed in his/her personnel file. Written responses must be received within ten (10) business days to be placed in the personnel file. Written responses received after ten (10) business days will be only placed in the employee's personnel file at the discretion of the Director of Classified Personnel.
- B. An employee who is not satisfied with his/her evaluation may request an interview with the Director of Classified Personnel and to be notified in writing of any action taken and the reasons thereof. There shall be no right of appeal to the Personnel Commission regarding evaluations.

60.600.6 Availability of Personnel File

- A. Any member of the classified service may, by request, inspect his/her personnel file, whether maintained by the commission in the district office, at a school, or other district location.
- B. The employee's request for inspection shall be during a time when he/she is not required to render service to the district unless it is impossible to arrange for such service during his/her off-duty hours and he/she has the written permission of his/her immediate supervisor to be absent from work for a

specified time and proper arrangements have been made for him/her to inspect his/her file.

- C. Prior to the employee's examination of his/her file, all of the following data shall be removed: Ratings, reports or records which (a) were obtained prior to his/her employment with the district (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination.

60.700 LEAVES OF ABSENCE (E.C. Section 45190) (Rev. 8/86, 5/88,12/92,7/93)

60.700.1 Vacation

- A. Every regular classified employee, permanent and probationary shall earn vacation at the prescribed rate as part of his/her compensation. Regular employees who are on leave to serve in limited term assignments, or who serve in limited term assignments during periods when they are not regularly assigned, shall earn vacation during such limited term assignments. Vacation shall also be earned during any paid leave of absence.
- B. Vacation for every regular classified employee shall be earned and accumulated on a monthly basis in accordance with the following schedule established by the board of trustees.
 - 1. One day per month for the first 5 years of service.
 - 2. One and one-fourth days per month for six (6) to fifteen (15) years of service.
 - 3. One and one-half days per month after fifteen (15) years of service.
 - 4. Part-time employees' vacation will be prorated.
- C. Vacation is earned on a monthly basis and must be used within twelve (12) months of the close of the fiscal year in which earned. Any employee may elect and shall be permitted to carry over a maximum of ten (10) days of vacation to the following fiscal year.

Part-time employees may elect to take vacation during the school year at a time convenient to the employee and consistent with the needs of the district. Part-time employees' vacation pay for unused vacation shall be included with their last paycheck of the fiscal year.

- D. Vacation schedules shall be prepared and approved by the administration. Prime effort shall be made to assure needed

operation of the district. Effort shall be made to allow vacation to be taken at times convenient to the employee, consistent, as stated above, with the needs of the service and work load of the department.

Mandated use of vacation leave on a regularly scheduled workday must be consistent with the needs of the service of the department necessitated by a lack of work load for the department.

If there is a conflict in scheduling between employees in the same or similar operations or departments, the employee with the greater seniority shall be given his/her preference.

- E. The rate at which vacation is paid shall be the employee's current rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation credit by reason of subsequent changes in conditions of employment during that vacation.

If for any reason, other than an emergency, the district shall require an employee to work during any portion of that time initially scheduled and approved as the employee's vacation period, the employee shall be compensated at the rate of time and one-half his/her regular rate of pay for all hours worked during that period.

In such case, the employee shall be permitted to reschedule for approval, his/her vacation request to be taken prior to the close of the fiscal year. If the district is unable to approve such rescheduled vacation request, the employee's vacation account shall be charged and the employee shall be paid at his/her regular rate for any unused vacation remaining as of June 30, except that ten(10) days of which the employee is allowed to carry over.

- F. Upon separation from service, an employee shall be paid for his/her accumulated vacation credit at the rate of pay applicable to his/her last regular assignment.

- G. Illness and Bereavement While on Vacation (E.C. Section 45200)

- 1. Any classified employee who commences his/her prescribed vacation period and subsequently becomes ill or is bereaved before his/her vacation period has been completed, shall be placed on sick leave or bereavement leave under the following conditions:

- a. If the illness or bereavement is for three (3)

consecutive days or more,

- b. If the illness or bereavement is such that had the employee been working, he/she would have been absent on sick or bereavement leave.
 - c. If the employee normally is required to return to duty immediately following the vacation period,
 - d. If the request is filed with the district within two weeks of the illness or bereavement or within, at the latest, one week of his/her return to duty unless extraordinary extenuating circumstances exist which prevent such filing,
 - e. If the filed request fully outlines the reasons for the request and is fully substantiated to include medical reports in the case of illness.
2. When all or part of an employee's vacation is to be converted to illness or bereavement leave the appropriate vacation credit shall be restored to the employee's earned vacation balance. If possible he/she shall be granted opportunity to use this vacation credit in order not to exceed the limit on accrued vacation.

60.700.2 Paid Sick Leave (E.C. Section 45191, California Labor Code 233)
(Rev. 7/86, 2/01, 5/03)

- A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.
- B. Employees may use sick leave to attend to the illness of a child, parent, spouse, or domestic partner of the employee. An employee can use in any school year the employee's accrued and available sick leave entitlement, in an amount no more than twenty (20) days at the employee's then current rate of entitlement to attend to an illness of his or her child, parent, spouse, or domestic partner. All conditions and restrictions upon the use of sick leave also shall apply to the use of sick leave by an employee to attend to an illness of his or her child, parent, spouse, or domestic partner.
 - 1. Family sick leave and family sick leave pay are subject to the following conditions:
 - a. The total number of days allowed in one school year for such leave shall not exceed twenty (20) days.
 - b. The days allowed shall be deducted from, and may not exceed, the number of full days of regular sick leave to which the employee is entitled.

- c. The leave may be taken in one-half hour increments.
 - d. The district reserves the right to require the employee to furnish evidence of the nature of the absence. The district may take whatever steps it deems necessary to satisfy itself that the absence is consistent with the purposes of this leave.
- C. Every regular classified employee shall earn sick leave at the rate of one day per month. Unused sick leave shall be accumulated without limit.
- D. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid leave he/she would normally earn in the ensuing fiscal year, except that to prevent a permanent deficit balance the employee's sick leave "bank" may be adjusted and credited on an "as earned" basis. An employee's sick leave "bank" shall be adjusted if a change in assignment alters the amount of sick leave earnable.
- E. Sick leave may be taken at any time, except that new employees with probationary status may use only six days of paid sick leave during their initial probationary period.
- F. Pay for any day of sick leave shall be the same pay the employee would have received if he/she had worked that day, except as provided by education code 45137 for part-time personnel.
- G. In order to receive compensation while absent on sick leave, the employee shall notify the district of his/her absence as soon as possible but not later than 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.
- H. At least one day prior to his/her expected return to work, the employee shall notify his/her supervisor in order that any substitute employee may be terminated, If the employee fails to notify his/her 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.
- I. An employee absent for five consecutive 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.

- J. Employees who have a questionable attendance record which indicates a high incidence of sick leave usage, or where there appears to exist an abuse of sick leave privileges, may be required to submit medical justification for any absence upon the recommendation of the district.

60.700.2.1 Entitlement to Extended Sick Leave (E.C. Section 45196) (Rev. 7/86, 11/91)

- A. Regularly employed classified employees shall once a year, on July 1, be credited with 100 days of sick leave in addition to the sick leave provided under Rule 60.700.2(B).

Except that employees who remain absent because of continued illness shall not again become eligible for paid leave because of the commencement of a new fiscal year until he/she has again rendered service.

Benefits of extended sick leave are not cumulative and do not extend beyond June 30th of the fiscal year in which credited.

Except that employees who remain absent and are receiving benefits under this section at the close of a fiscal year shall be entitled to only that amount of leave remaining at the end of the fiscal year in which the illness or injury occurred, to a maximum of 100 days.

Benefits of extended sick leave shall not accrue to a probationary employee.

- B. Paid sick leave authorized under this rule is in addition to regular sick leave earned and accumulated under Rule 60.700.2 and to all other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled.
- C. All days of paid sick leave in excess of regular sick leave earned and accumulated under Rule 60.700.2 shall, for the purposes of this rule be considered entitlement to "other sick leave," and shall be compensated at 50% of the employee's regular salary to a maximum of 100 days of paid sick leave per year.
- D. "Other sick leave" entitlements granted under this rule shall, for employees who work less than full time, be prorated pursuant the provisions of Rule 70.600.
- E. An employee's entitlement to "extended sick leave," shall be adjusted in accordance with any circumstance which might alter the balance of an employee's regular sick leave

entitlement under Rule 60.700.2.

60.700.3 Unpaid Health Leave (E.C. Section 45195) (Rev. 7/86)

A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory time and all other available paid leave and who is absent because of continued accident or illness may be granted additional leave paid or unpaid with the approval of the board. Such additional leave may be granted for any period not to exceed 18 months in increments not in excess of 6 months. If placed on unpaid leave, the employee shall not again become eligible for paid leave because of the commencement of a new fiscal year until he/she has again rendered service.

60.700.4 Termination of Sick Leave (E.C. Section 45195) (Rev. 7/86)

- 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/she is able to resume the assigned duties, and, if the leave has been for more than 20 working days, provided that he/she has notified the district of his/her intention to return at least three working days in advance.
- B. If, after the exhaustion of all sick leave and additional leave, paid or unpaid, granted under these rules, the employee is still unable to assume the duties of a position within his/her classification, he/she will be placed on a reemployment list for a period of 39 months in the same manner as if he/she were laid off for lack of work or lack of funds.

60.700.5 Industrial Accident and Industrial Illness Leave (E.C. Section 44043, 45192) (Rev. 7/86) (Rev.11/19/08)

- A. An employee 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 in the opinion of the district the illness or injury constitutes an industrial accident or illness or, if contested by the district, it is ultimately determined to be work connected.
- B. A permanent or probationary employee suffering an injury or illness arising out of and in the course and scope of his/her employment shall be entitled to a leave of up to 60 working days in any one fiscal year for the same accident or illness. This leave shall not be accumulated from year to year, and when any leave will overlap a fiscal year, the employee shall be entitled to only that amount remaining at the end of the

fiscal year in which the injury or illness occurred.

- C. 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.
- D. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on regular sick leave if he/she is eligible therefore. Accumulated sick leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from the State Compensation Insurance Fund.
- E. After all paid sick leave has been exhausted following a paid industrial accident leave, an employee shall then receive pay from accrued vacation, earned compensatory time, and all other earned leave to the extent necessary to make the employee's regular salary when receiving a temporary disability allowance without penalties from the State Compensation Insurance Fund.
- F. Upon return to service from any paid or unpaid leave, resulting from an industrial accident or industrial illness, an employee shall be assigned a position in his/her former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his/her former class, he/she 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 shall be reassigned or placed on a suitable reemployment list.
- G. 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 rule. An employee shall continue to receive seniority credit for all purposes while on such paid or unpaid leave of absence.
- H. When all available leaves of absence, paid or unpaid, have been exhausted following an industrial accident or industrial illness and the employee is still unable to assume the duties of his/her position, the employee's name shall be placed on the reemployment list for the class from which he/she was on leave for a period of 39 months.
- I. An employee who fails to accept an appropriate assignment after being medically approved therefor shall be removed

from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his/her 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.

- J. 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 Worker'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/her basic daily assignment. An employee who is not permanent shall have his/her regular salary computed on the basis of the average number of hours in paid status per day during his/her period of employment.
- K. 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.
- L. Allowance for permanent industrial disability settlements shall not be subject to remittance to the district under this rule.

60.700.6 Bereavement Leave (E.C. Section 45194) (Rev. 7/86)

Bereavement leave, without loss of pay, will be granted for 5 days for the death in the immediate family or 7 days leave if out-of-state travel is required to attend the funeral. Member of the immediate family means the mother, step-mother, father, step-father, son, daughter, brother, brother-in-law, sister, sister-in-law, grandmother, grandfather or a grandchild of the employee or of the spouse of the employee, and the spouse, son-in-law, daughter-in-law, of the employees or any relative living in the immediate household of the employee. Bereavement leave shall be taken within one week of the funeral arrangements.

60.700.7 Personal Necessity Leave (E.C. Section 45207) (Rev. 7/86, 11/93)

- A. An employee shall, at his/her election, be placed on personal necessity leave within the limits and conditions of this rule because of any of the following emergencies:
 - 1. The death of a member of the employee's immediate

family when the number of days of absence exceeds the limit provided in bereavement leave.

2. An accident or occurrence involving the employee's person, not otherwise chargeable to sick leave or industrial accident leave. Such accident or occurrence must: (1) be serious in nature, (2) involve circumstances the employee cannot reasonably be expected to disregard; and, (3) require the attention of the employee during his/her assigned hours of service.
3. An accident or occurrence involving the employee's property or the person or property of a member of the employee's immediate family. Such accident or occurrence must:
 - a. Be serious in nature.
 - b. Involve circumstances the employee cannot reasonably be expected to disregard.
 - c. Require the attention of the employee during his/her assigned hours of service.
4. The illness or injury of a member of the employee's immediate family when the illness or injury constitutes:
 - a. A serious illness - any illness or injury involving major surgery or imminent death or which requires hospitalization.
 - b. A situation arising from the sudden illness or injury of a member of the employee's immediate family, where the time element is such that the employee must absent himself/herself from work to determine if the illness constitutes a serious illness as defined in 4 (a) above. No more than the actual and necessary amount of leave time required to make this determination shall be allowed for each situation, and in no case shall it exceed one day.
5. An appearance of the employee in court as a litigant.
6. An appearance of the employee as a witness under an official governmental order for which salary is not allowed, jury duty and court appearance, provided that:
 - a. Each date of necessary attendance under such order, other than the date specified in a subpoena, shall be certified to by the clerk or other authorized officer of a court or other governmental jurisdictions.

- b. In any case in which a witness fee is payable, such fee shall be collected by the employee and remitted to the district accounting office.
- 7. An appearance of an employee under an official order from the selective service board.
- 8. The personal obligations of an employee which cannot be met outside of school hours. These may include:
 - a. Leadership positions in community or youth activities.
 - b. Traditional observances consistent with one's personal beliefs and practices.
 - c. Family obligations that are not annual observances.
 - d. Personal business demands.

Absence under Item B is limited to a total of 7 days (in increments of 1/2 hour or more) per year; it is not cumulative and is included as part of the seven (7) days allowed under section B-1 of this rule.

- B. Personal necessity leave and personal necessity leave pay are subject to the following conditions:
 - 1. The total number of days allowed in one school year for such leave shall not exceed seven (7).
 - 2. The days allowed shall be deducted from, and may not exceed, the number of full days of regular sick leave to which the employee is entitled.
 - 3. The leave may be taken in one-half hour increments.
 - 4. Payment for such absences shall be made only upon certification by the classified personnel office that the absence was due to circumstances in conformance to those outlined in items 1 through 8 of this rule. The employee shall be required to sign on a form provided, a statement detailing the reasons for such absence. The district reserves the right to require the employee to furnish evidence of the nature of the absence. The district may take whatever steps it deems necessary to satisfy itself that the absence occurred within the limits of this rule.
 - 5. Item A 8 applies to personal necessity absence where it is not necessary for the employee to explain the purposes

for which such leave is used. However, all such absences must be approved by the immediate supervisor 24 hours in advance, whenever possible.

Notwithstanding any of the above purposes, accumulated sick leave shall not be used to compensate any employee whose absence results from his/her participation in a strike, work stoppage, or organized work absences.

60.700.8 Jury Duty and Witness Leave (E.C. Section 44037) (Rev. 7/86)

- A. Leaves of absence for jury service shall be granted to 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 immediate supervisor.
- B. Leave of absence to serve as a witness in a court case shall be granted an employee when he/she 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/herself available for work during hours when his/her presence is not required in court.
- E. When an employee whose regular shift commences at 3:00 p.m. or after, is required to serve all of the day on jury duty, he/she shall be relieved from work with pay.

60.700.9 Absence for Examination (Rev. 7/86)

Every employee in the classified service shall be permitted to be absent from his/her duties during working hours in order to take

any merit system examination without deduction of pay or other penalty, provided that he/she gives two days' notice to his/her immediate supervisor.

60.700.10 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. Military leave shall be restricted to the duration of the military service.

60.700.11 Miscellaneous

- A. No absence under any paid leave provisions of these rules shall be considered as a break in service for any employee who is in paid status and he/she shall be entitled to receive credit for his/her anniversary increment during leave.
- B. Unless otherwise provided in these rules, an employee on a paid leave of absence shall be entitled to receive during his/her leave all other classified employee's fringe benefits, including but not limited to insurance retirement benefits, to the extent not expressly prohibited by law.
- C. Unless otherwise provided in these rules, an employee on an unpaid leave shall be entitled to remain in the collective fringe benefit pool at no cost to the district.
- D. Any employee who seeks an extension of a leave shall make application no later than 4 weeks preceding the expiration of the original leave.

60.700.12 Leave of Absence Without Pay (E.C. Section 45190)

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the superintendent or his/her designated representative, subject to the following restrictions:
 - 1. Absence from duty without pay for a period not to exceed 15 days for reasons satisfactory to the appointing authority may be granted on recommendation of the supervisor and with the approval of the personnel director.
 - 2. Leave of absence without pay may be granted for any period up to six months, with the possibility of one six-month extension on suitable application or for two six-

month extensions in cases qualifying under Rule 60.700.3. The granting of such request shall be based on two primary considerations: (1) that granting such leave would not cause undue hardship on the district and (2) that this action is warranted on the part of the district. The original request for leave and the request for extension of leave must be accompanied by a letter from the employee's immediate supervisor, agreeing to the granting of the leave.

3. Leave of absence for military service shall be granted as provided by the education code and the military and veterans' code. The length of leave shall be limited to the duration of military service. Leave of absence 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.
 4. The granting of a leave of absence without pay gives the employee the right to return to a comparable level position within his/her class at the expiration of his/her leave of absence, provided he/she is physically and legally capable of performing the duties.
- 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 canceled 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/her class upon return from leave of absence, he/she shall have bumping and reemployment rights, in accordance with his/her seniority, in the same manner as if he/she had been laid off for lack of work or lack of funds, on the date his/her leave expires.

- F. Employees shall not accrue seniority during periods of unpaid leave of absence.
- G. Employees may not utilize the provisions of this rule in order to seek or engage in other employment.

60.700.13 Leave for Pregnancy Disability (E.C. Section 45193) (Rev. 7/86)

- A. Employees are entitled to use sick leave as set forth in these rules for disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from on the same terms and conditions governing leaves of absence for other illness or medical disability. Such leave shall not be used for child care, child rearing, or preparation for child bearing, but shall be limited to those disabilities as set forth above. The length of such disability leave, including the date on which the leave shall commence and the date on which the duties are to be resumed, shall be determined by the employee and the employee's physician. However, the district may require a verification of the extent of disability through a physical examination of the employee by a physician appointed by the district.
- B. Employees are entitled to leave without pay or other benefits for disabilities because of pregnancy, miscarriage, childbirth or recovery there from when sick leave, as set forth in these rules, has been exhausted. The date on which the employee shall resume duties shall be determined by the employee on leave and the employee's physician. However, the district may require a verification of the extent of the disability through a physical examination of the employee by a physician appointed by the district.

60.700.14 Leave to Serve in an Exempt, Temporary, or Limited Term Position (E.C. Section 45190)

- 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/her regular position, and such assignment shall not be considered separation from service.
- B. The employee may, with the approval of the appointing authority, voluntarily return to his/her position or a position in a class of his/her permanent status prior to the completion of service in an exempt, temporary, or limited term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

60.700.15 Child-Rearing Leave

Upon request, the district may provide an employee who is a natural or adopting parent an unpaid leave of absence for the purpose of rearing his/her child. Such leave may remain in effect at least 6 months following the birth or adoption of the child and no longer than one year.

60.700.16 Transfer of Sick Leave From Another District (E.C. Section 45202)

Any classified employee of any California school district who has been an employee of that district for a period of one calendar year or more and who terminated employment with that district for the sole purpose of accepting a classified position with this district and who, subsequently, within one year of termination of his/her former employment, accepts a classified position shall be credited with all of the earned but unused sick leave which was credited to him/her in his/her former school district.

60. 800 LAYOFF

60.800.1 Procedure Regarding Layoff (E.C. Section 45308, 45114, 45117, 45298) (Rev. 7/86, 12/01, 2/04)

- A. When classified employees are laid off for lack of work or lack of funds, the order of layoff within the affected classification shall be determined by length of service. The employee who has been employed the shortest time in the class, including service in higher classes, shall be considered to have the least seniority and, therefore, shall be laid off first.
- B. 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.
- C. Computing Seniority - seniority for the purposes of establishing retention lists shall be computed as follows:
 - 1. Seniority credits for all services shall be computed based on length of service while in a paid status in the class and in higher classes. Length of service shall be defined to mean the hire date of an employee in the affected classification and will include any time in higher classifications. Length of service shall not be interpreted to mean any services performed prior to entering into a probationary or permanent status in the classified service of the district.

- 2. Time on the following leaves of absence shall be

counted towards seniority: military leave, Red Cross leave, illness leave, leaves resulting from an industrial accident or industrial illness, retraining and study leaves. Time on leaves of absence for other purposes shall not be credited towards seniority.

3. Laid-off employees do not accumulate seniority credit while on reemployment lists.
4. The personnel division shall refer to the personnel director problems involving reclassification actions which have not indicated seniority status. Appeals from the director's findings may be made to the personnel commission. Problems of a policy-making or precedent-setting nature shall be referred to the personnel commission for determination.

When reclassification results either in the merger of two or more classes or the separation of a class into two or more classes, seniority rights of regular employees who are reclassified with their positions and whose former class or classes have been abolished or separated shall be computed from the date of their earliest entrance into regular service in such classes.

5. An employee transferred from one class to another shall not be credited in the new class with seniority accumulated in the class from which transferred.
6. When employees have equal seniority on a retention list for a class, the employee with the greatest amount of seniority credit in classes in the same group shall be retained. If a tie remains, the employee with the greatest total amount of seniority with the district shall be retained. If a tie still remains, the employee with the highest standing on the eligibility list from which appointed shall be retained.

60.800.2 Rights of Employees Laid Off for Lack of Work or Funds
(E.C. Section 45298 & 45115) (Revised 5/05)

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 a related equal or lower class shall have the right to bump an employee with less seniority in that class. Seniority shall be computed as prescribed in Rule 60.800.1.

Employees displaced through the exercise of bumping rights

and this rule shall, for status purposes, be considered "laid off" and shall be accorded all rights appertaining thereto.

- B. Voluntary Demotion or Transfer - a permanent 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 related class or transfer to a related equal class, provided that he/she is qualified to perform the duties thereof and provided further that the appointing authority approves the voluntary demotion. (See also Rule 60.200.2)
- C. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.
- D. Notwithstanding any other provision of law, any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employee's Retirement System shall be placed on an appropriate reemployment list. The district shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or of funds. If he is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the district shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed his request for reinstatement from retirement.

60.800.3 Limited Term Positions

- A. No regular employee shall be laid off from any position while employees serving under limited term appointment are retained unless the regular employee declines the limited term position.
- B. A limited term employee may be laid off at the completion of his/her assignment without regard to the procedure set forth in this rule.

60.800.4 Reduction in Assigned Time (E.C. Section 45308, 45101(G), 45298) (Rev. 7/86, 4/03)

- A. 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 a vacant position in his/her class. If a vacant permanent position of at least equal time is not available, the laid off employee may bump into a position in the same

class if they hold more seniority. Placement shall be determined by bumping in the following order:

1. The least senior incumbent with the same number of assigned hours/days.
2. The least senior incumbent with the greater number of assigned hours/days.
3. The least senior incumbent with the next fewer assigned hours/days.

Employees will be given only one option based on the bumping order listed above. If an employee waives the right to bump, he/she shall be placed on the 39-month reemployment list.

- B. A permanent employee who is reduced in assigned time who has no options available under paragraph A above 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 and on the same basis as outlined in paragraph A, above.
- C. 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 increases in assigned time or from waiving bumping rights.
- D. An employee who has suffered a layoff or a reduction in assigned time and has been placed on a reemployment list may refuse two offers of reinstatement prior to being administratively removed from the list. An employee may voluntarily elect to have his/her name removed from the list by submitting a written request to the personnel director.

60.900 RESIGNATION (Revised 3/15/02)

When an employee desires to resign from his/her position, he/she shall present his/her resignation, in writing, to the appointing power, and a copy of such resignation shall immediately be filed by the appointing power with the personnel director.

A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights to other positions which he/she may hold on eligibility lists except that an employee who resigns shall have his/her name removed from promotional eligibility lists. The Board of Trustees authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the

employee.

60.1000 DISCIPLINARY ACTION AND APPEAL

60.1000.1 Causes for Suspension, Demotion, Dismissal (E.C. Section 45302, 45303, 45310)

- A. Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:
1. Incompetence, 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 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/her assigned hours of employment.
 4. Conviction of a serious crime by 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 leave, when habitually taken for trivial indisposition.
 7. Continuing illness of a disabling nature after the exhaustion of all 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 of 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.
13. Violation of E.C. Section 45310 or the rules of the commission, especially as they apply to examination and appointment.

60.1000.2 Procedure for Disciplinary Action (E.C. Section 45304, 45309)

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her political or religious acts or opinions or affiliations, or race, color, sex, national origin, ancestry, marital status, or handicap, subject to the provisions of Paragraph A 3, Rule 60.1000.1.
- B. For reasonable cause, an employee may be suspended without pay for not more than 30 days except as provided in this section or may be demoted or dismissed. In such case the personnel director shall, within 10 days of the suspension, demotion, or dismissal, file written charges with the commission and give to the employee, or deposit in the United States registered mail with postage prepaid, addressed to the employee at his/her last known address, a copy of the charges and notice to the employee of the right to appeal.

Whenever an employee of a school district is charged with the commission of any sex offense as defined in E.C. Section 44010, or any narcotics offense as defined in E.C. Section 44011, or a violation of subdivision 1 of Section 261 of the penal code, E.C. Sections 11357 to 11361 inclusive, 11363, 11364, or 11377 to 11382 inclusive, insofar as such sections relate to any controlled substances in paragraph (4) or (5) of subdivision (b) of E.C. Section 11056, or any controlled substances in subdivision (d) of E.C. Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, of the health and safety code by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgment, provided that the suspension may be extended beyond such 10-day period in case the governing board

gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he/she demands a hearing. An employee so suspended shall continue to be paid his/her regular salary during the period of the suspension of and during such time as he/she furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him/her during the period of the suspension in case the employee is convicted of such charges, or he/she does not return to service after such period of suspension. If the judgment determines that the employee is not guilty of such charges, or if the complaint, information, or indictment is dismissed, the school district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the school district shall pay to the employee his/her full compensation during the period of the suspension, provided he/she returns to service after such period of suspension.

- C. Dismissal shall cause removal of the employee's name from all employment lists.
- D. Any permanent classified employee of a school district who voluntarily resigns from his/her permanent classified position may be reinstated or reemployed by the governing board of the district, within 39 months after his/her last day of paid service and without further competitive examination, to a position in his/her former classification as a permanent or limited term employee, or as a permanent or limited employee in a related lower class or a class in which the employee formerly had permanent status.

If the governing board elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, it shall disregard the break in service of the employee and classify him/her as, and restore to him/her all of the rights, benefits, and burdens of a permanent employee in the class to which he/she is reinstated or reemployed.

60.1000.3 Appeal Permanent Employees (E.C. Section 45305) (Rev. 10/97)

- 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 may be made 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 or affiliations, or race, color, national origin or ancestry, sex, marital status, or handicap.
 3. That there has been abuse of discretion.
 4. That the action was not in accord with facts.
 5. Penalty invoked was excessive.
- B. Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission (see rule 60.1000.3.1). Nothing in this section shall operate to alter the protections guaranteed under E.C. Section 45309.

60.1000.3.1 Appeal Promotional Probationary Employees (E.C. Section 45305) (Rev. 10/97)

- A. A promotional probationary employee who has been suspended, dismissed, or demoted to a class other than that from which promoted, and for other than not meeting district standards of the new classification, 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 may be made 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 or affiliations, or race, color, national origin or ancestry, sex, marital status of handicap.
 3. That there has been abuse of discretion.
 4. That the action was not in accord with facts.
 5. Penalty invoked was excessive.
- B. A promotional probationary employee in the permanent classified service who has not served the time designated by the commission as probationary for the new class may be demoted to the class from which promoted, for not meeting district standards of the new classification, without recourse to an appeal or hearing by the commission and provided that

such demotion does not result in the separation of the employee from the permanent classified service, or demotion to a lower class than that from which promoted. Nothing in this section shall operate to alter the protections guaranteed under E.C. Section 45309.

Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission. An employee in the permanent classified service who has not served the time designated by the commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the commission, except as otherwise proved by rules of the commission, and provided that such demotion does not result in the separation of the employee from the permanent classified service. Nothing in this section shall operate to alter the protections guaranteed under E.C. Section 45309.

60.1000.4 Hearing Procedure (E.C. Section 45306, 45307)

- A. The commission shall investigate the matter on appeal and may require further evidence from either party, and may, and upon request of an accused employee shall, order a hearing. The accused employee shall have the right to appear in person or with counsel and to be heard in his/her own defense. Both the board and the employee will be allowed to be represented by legal counsel or other designated representative. The decision shall not be subject to review by the governing board.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the commission or its hearing officer shall be bound by the technical rules of evidence. Decisions made by the commission shall not be invalidated by any informality in the proceedings.
- C. The personnel commission may conduct hearings of appeals or may appoint a hearing officer to conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the commission.
- 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/her witnesses and evidence in defense.

- E. Each side will be allowed to examine and cross-examine witnesses.
- F. The commission shall, if requested by the board or the employee or on its own authority, subpoena witnesses and/or require the production of records or other material evidence.
- G. 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.
- H. Whether the hearing is held in a public or 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 the personnel director or any staff is not serving full time for the commission and/or was a witness in the proceedings, he/she shall also be barred from the commission's final deliberations. If its counsel also served as counsel for the board, he/she shall be barred from the commission's final deliberations.
- I. The commission shall render its judgment as soon after the conclusion of the hearings as possible and in no event later than 14 days. Its decision shall set forth which charges, if any, are sustained and the reasons therefor.
- J. If the commission sustains the employee, it may order paid all or part of his/her full compensation from the time of suspension, demotion, or dismissal, and it shall order his/her reinstatement upon such terms and conditions as it may determine appropriate. The commission may modify the disciplinary action, but may not make the action more stringent than that approved by the board. In addition, the commission may direct such other action as it may find necessary to effect a just settlement of the appeal, including, but not limited to, 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 expunging from the employee's personnel record of disciplinary actions, cause, and charges which were not sustained 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.
- K. The employee or his/her representative may obtain a copy of the transcript of the hearing upon written request.

CHAPTER 70: WAGE AND SALARY PROVISIONS

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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 government 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.

70.100.2 Salary Studies

- A. A salary study shall be made:
 - 1. Whenever a new class is created.
 - 2. Annually, of 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 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.

70.100.3 Salary Recommendations (E.C. Section 45268)

- A. After making its findings, the commission shall present salary recommendations to the governing board for approval. The board may approve, amend, or reject the recommendation, but may not alter the relationships among classes as established by the classification plan.
- B. Salary recommendations for the classified service shall be presented to the board in May each year, with a prospective effective date of July 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 45162, in accord with its approval of the recommendations of the personnel commission.

70.100.4 Appeals of Recommendations (E.C. Section 45268)

- A. An employee, or his/her representative, may appeal the recommendation of the personnel director in regard to the salary of his/her class. He/she shall have the opportunity to present his/her 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 shall advise the board of its findings and the reasons therefor.

70.200 APPLICATION OF SALARY SCHEDULES

70.200.1 Initial Placement (Revised 4/14)

- A. All new regular classified employees shall be paid in accordance with the salary range established for the class to which assigned. The hiring rate will normally be the first step of the salary range. However, a new employee may be approved for advanced step placement by the Administrator of Human Resources based upon such factors as:
 - 1. Additional qualifying experience beyond that required for entry into the class.
 - 2. Additional education at the college level but beyond the educational requirements established for entry into the class (limited to no more than one step for each two full-time years of education related to the position.) For classified management employees, a college degree beyond a bachelor's degree will be compensated per the stipends in 70.200.8 and not given credit towards a higher step for initial salary placement.
 - 3. Exceptional recruitment difficulties for the classification.
 - 4. Additional certifications or qualifications beyond that required for entry into the class that make the employee especially qualified for the position.

70.200.2 Step Advancement

- A. For the purpose of this rule, when the first day of service falls between the first and fifteenth day of the month, the appointment shall be considered as effective on the first day. Later appointments shall be considered as effective at the beginning of the following month.
- B. Upon completion of twelve months of satisfactory service from date of appointment or date of any other personnel transaction which does not change the employee's anniversary date, the employee shall be eligible for each succeeding step within his/her salary range, in accordance with paragraph A above. He/She shall continue to be eligible for such twelve-month increments until he/she reaches the maximum of his/her range, subject to the provisions of this rule.

- C. The new rule shall become effective July 1, 1971. July shall remain the anniversary date for all present permanent employees. For those employed after July 1, 1969, their first increment will follow at various dates after July 1, 1970, as they complete 12 months of service and meet the provisions of this rule.

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 of that class that is at least 5% above the rate the employee received in the previous class. Additional advancement will be at the beginning of the thirteenth 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/her current range shall not be considered a promotion and shall not warrant a salary increase; in such cases, placement will be made at the same rate formerly earned by the employee, not to exceed the maximum of the range of the class to which he/she is appointed.

70.200.4 Placement After Leave of Absence (E.C. Section 45192)

- A. Upon return from leave of absence, an employee shall be placed on the same step of the range for the class which he/she had achieved prior to the leave, regardless of changes in rate or range applicable to the class; except that step advance 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/her assignment in the required time period prior to leave; or,
 - 2. the law and/or these rules provide that credit for step advancement shall accrue during the leave 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 leave.
- B. When an employee is restored, after leave of absence to his/her previous salary step, he/she shall receive credit for step advancement for service prior to the leave. His/her anniversary date shall be adjusted accordingly in order that he/she shall be granted step advancement after having completed the amount of service required by Rule 70.200.2.

70.200.5 Placement When Demoted

- A. An employee who accepts voluntary demotion shall be placed on the next lower step of the range of the lower class which is closest to the rate he/she earned in the higher class, provided that he/she shall not receive a salary increase thereby. He/she shall retain the anniversary date established in the higher class.
- B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 70.200.2.

70.200.6 Longevity Pay

Longevity pay shall begin on the first of the month following the completion of the required time period, as stated on the district's current salary schedule.

70.200.7 Differential Pay (E.C. Section 45182) (Revised 4/05)

The governing board of any school district may provide differential compensation to those classified employees who perform duties of a distasteful, dangerous, or unique nature when, in the opinion of the board, such compensation is reasonable justified.

In a merit system district, such differentials shall be based upon findings and recommendations of the personnel commission and shall not be applied in a manner contrary to the principle of like pay for like service.

Positions designated to require a special skill, license, or language by the Personnel Commission shall be compensated at a differential salary rate to compensate incumbents in such special positions for his/her special requirement. Positions designated as requiring a special, skill, license, or language shall receive a two and one half (2.5%) percent differential in pay.

When a vacancy occurs in a position which has been designated as requiring a special skill, license, or language the position shall maintain the pay differential unless the Board of Education certifies that the requirement is no longer necessary for the position.

Layoffs in classifications designated as requiring a special skill, license, or language shall be conducted pursuant to Rule 60.800.

70.200.8 Stipends (Revised 4/14)

Classified Management employees will be paid the following stipends for advanced degrees related to the position:

Master's Stipend = \$500.00 per year

Doctorate Stipend = \$1,000.00 per year

70.300 WORK PERIODS AND OVERTIME

70.300.1 Workday and Workweek (E.C. Section 45127)

A. The maximum number of hours of regular employment of an employee shall consist of not more than eight hours in any day, 40 hours in any calendar week, 5 working days in any calendar week for any employee having an average workday of four hours or more, or 6 working days in any calendar week for any employee having an average workday of less than four hours. However, the governing board may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight hours in any one day, 40 hours in any calendar week, or 5 days in a calendar week.

B. Rest Periods

1. All employees shall be granted rest periods, which insofar as is practicable, shall be in the middle of each work period at the rate of 15 minutes per 3-3/4 hours worked or major fraction thereof.
2. Specified periods may be designated only when the operations of the district require someone to be present at the employee's work site at all times. Such times shall be determined by the supervisors.
3. Rest periods are a part of the regular workday and shall be compensated at the regular rate of pay for the employee.

C. Lunch Periods

All employees who work 6 consecutive hours or more per day shall be entitled to an uninterrupted, unpaid lunch period. The length of time for such period shall be for a period of no less than 30 minutes.

70.300.2 Overtime Defined (E.C. Section 45128)

A. Overtime is defined as ordered and authorized working time in excess of 8 hours in any one day, or 40 hours in any one calendar week of 5 or 6 working days in a calendar week as applicable under Rule 70.300.1. No one shall order or

authorize overtime unless it is compensable as provided in Rule 70.300.3 below.

- 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 is paid for) holidays, sick leave, vacation, compensating time off, or any other paid leave of absence.

70.300.3 Compensation for Overtime (E.C. Section 45128, 45131)

- A. An employee who works authorized overtime shall be paid at a rate equal to one and one-half times his/ her regular rate of pay for the overtime worked. Shift and special-assignment differentials regularly received by the employee shall be included in determining his/her regular rate of pay.
- B. Compensatory time shall be taken at a time mutually acceptable to the employee and the district within 12 months of the date on which it was earned. If the compensatory time has not been taken within 12 months of the date on which it was earned, the district shall pay the employee in cash for all such time at the appropriate overtime rate based on the employee's current rate of pay. Compensatory time earned on an overtime basis will be at the rate of 1-1/2 the regular rate of pay.
- C. Overtime in time of critical emergency shall be compensated for at the regular rates of pay for the duration of the emergency. A time of critical emergency may be declared by the governing board or by the district superintendent.

"Critical Emergency" means a civil disaster or other such major occurrence which requires the use of school employees to the detriment of the financial ability of the district to meet the requirements.

- D. No employee shall have his regular assignment altered solely to avoid the payment of overtime.

70.300.4 Classifications Exempt From Overtime (E.C. Section 45130)

- A. Security guard classes are exempted from overtime provisions as related to hours worked in excess of eight per day, but not from overtime provisions as related to hours worked in excess of 40 hours in a calendar week or 5 working days in any calendar week for any employee having an average workday of four hours or more, or 6 working days in any calendar week for any employee having an average workday of less than four hours.

B. Weekend / Holiday Positions

If such positions are lawfully created, they are exempt from overtime pay for holidays only.

70.400 HOLIDAY PAY

70.400.1 Eligibility (Holidays) (E.C. Section 45203) (Rev. 8/86) (Rev. 6/00)

A. All employees, a part of the classified service, shall be entitled to payment for authorized holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday.

B. Holidays shall include:

Pre New Year's Day
(workday before New Year's)
New Year's Day
Martin Luther King's Birthday
Lincoln Day
Washington Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Friday following Thanksgiving
Pre-Christmas (workday before December 25)
Christmas

Other days as approved by the board of trustees

Regular classified employees shall also be entitled to three and one half floating holidays per fiscal year. Floating holidays shall only be used on assigned workdays and shall be prorated based on the employee's assigned hours per day. Floating holidays will be prorated for employees beginning employment after July 1. The floating holiday(s) shall be taken on or before June 30th and at times requested by the employee consistent with the needs of the district.

If the holiday falls on Saturday, the preceding workday shall be the holiday. If the holiday falls on Sunday, the following workday shall be the holiday.

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 in positions created under Rule 70.300.4 (B) 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.
- 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. On any school day during which pupils would otherwise be in attendance but are not, and for which certificated personnel receive regular pay, classified employees shall also receive regular pay, whether or not required to work that day.

70.400.2 School Holidays (E.C. Section 45203)

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 and any other days which the board from time to time may grant, 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.

70.400.3 Exchange of Holidays by Board Action (E.C. Section 45205)

- A. The board of trustees may, prior to July 1 of any year, specify if so authorized by law, that schools will be maintained and classified employees may be required to work on any holiday.

Holidays shall be those so designated by the education code and additional days as designated by the governing board.

- B. If the board lawfully takes such action, it shall designate another day, during the same school year, as a holiday for classified employees in lieu of the regular, normal holiday.
- C. The day specified as the "in lieu" holiday shall be a day when all classified employees who could normally have established eligibility for the regular holiday will also be able to establish eligibility for the "in lieu" holiday.

The day designated as an "in lieu" holiday shall provide classified employees with at least a three-day weekend.

- D. If the board fails to comply with Rule C 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 normal pay for the holiday, at the rate of time and one-half for the time required to be worked.

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 (E.C. Section 45310)

- A. The personnel director shall audit all initial assignments and changes of assignments 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. The personnel director shall make periodic audits of all payrolls and if he/she finds assignments not in accordance with law and rules, shall withdraw his/her certification and order payment stopped.
- C. If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification to the 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.

70.600 BENEFITS FOR PART-TIME EMPLOYEES (E.C. Section 45136, 45137)

- A. Benefits for persons employed less than full time are to be provided as authorized in education code sections 45136 and 45137.
- B. Sick leave and all other benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to 8 hours, 40 hours per week, weeks per month, or months to a calendar year.
- C. If an employee works 30 minutes or more for 20 consecutive work days 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/she shall receive fringe benefits in the following quarter based on the average actual time worked in the preceding quarter.
- E. Vacation - unless vacation pay is provided on the basis of actual hours of paid regular service, rather than on an assigned time basis, vacation pay shall be granted on the basis of the average number of hours worked in a school year by a part-time employee.
- F. The board need not, but may, grant part-time employees health and welfare benefits as authorized under Article 1, Chapter 2, Part 1, Division 2, Title 5, of the government code, if such benefits are provided full-time employees. The board rule shall provide whether such employees shall or shall not receive such benefits and the extent thereof.

70.700 MERIT AWARD PLANS (E.C. Section 44015)

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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 Procedure

The procedure outlined for the pursuit of a grievance or complaint is provided in order that an employee of the district may seek fair resolution of a problem. In making use of this procedure, it is assumed that the problem is of a serious enough nature that ordinary attempts at a resolution will not be sufficient. This procedure has been designed for those who may or may not have membership in an employee organization in the district.

It should be noted that provision has been made for the use of representation on behalf of the employee, either by an organization or non-affiliated individual. The employee is requested to use the informal procedure, and only after attempts in this area have failed, should the formal steps outlined be pursued.

It is the desire of the board of trustees and the personnel commission to provide the type of procedure that will assure complete freedom from reprisals or other punitive action when bringing a complaint to the appropriate person. Properly employed grievance as part of fair and reasonable personnel practices is an important element in maintaining employee morale and production.

Wherever "employee" is used in this policy, it includes also groups of employees.

80.100.2 Informal Procedure

- A. Any employee should go through his/her immediate supervisor or department head in filing a grievance. It is understood that nothing need be in writing during the informal procedure. After discussion and an effort to solve the problem at this level, the employee should have the right and be invited to go to the principal of the school, or the supervisor of his/her department. (The exception to this procedure would be a grievance or disagreement with the immediate supervisor of the employee. In this case, the employee should have the right to go directly to the department head, school principal, or the classified personnel director as in the following step.)
- B. After following these channels, if there is no solution to the

employee's grievance, he/she should refer the matter to the personnel director for discussion and further effort to solve the problem.

- C. If no solution has been reached in procedures A and B, the personnel director must take the matter to the superintendent of the district.
- D. In the event the superintendent is unable to resolve the problem, the grievance will be referred to the board of trustees or the personnel commission, as appropriate. All parties would then be advised formally of the proper procedure to follow.
- E. No more than a week should be allowed between the above steps except in extreme cases.
- F. Matters excluded from the above procedure shall be:
 - 1. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the board of trustees.
 - 2. Matters specifically reserved for action or review by the board of trustees.
 - 3. Complaints about the subject matter of a board rule, policy, or administrative procedure, rather than the administration of the board rule, policy, or procedure. An employee with such a complaint should direct his/her suggestions for change through administrative channels to the board.

80.100.3 Formal Procedure

- A. After previous informal attempts to solve a grievance have failed, formal procedures shall be instituted at this point. The employee shall file a letter with specific information as to the nature of his/her complaint, list dates, times, places, and all pertinent information concerning the grievances. This letter shall be sent to the personnel director for presentation to the personnel commission or to the board of trustees, as the need may dictate. Likewise, a letter or report shall be submitted by each of the people or groups meeting with the employee on an informal basis prior to this time.

This statement shall list the attempts made to solve the grievance informally and the conclusions drawn. If further action is desired by either party, immediate action should be provided to take the matter to the personnel commission or board of trustees, as the grievance dictates, at the earliest

possible meeting. In this formal meeting, as with the meetings on the informal basis as outlined earlier, the employee may have representation by a member of an organization to which he/she belongs or by an individual who may or may not be an employee.

- B. Regulations of the personnel commission governing the formal hearings shall apply to those cases the commission shall have referred to it. board of trustees policies govern the hearing of formal complaints filed with the governing body.
- C. All proceedings of formal grievance hearings shall be recorded.

80.200 EMPLOYER-EMPLOYEE RELATIONS

80.200.1 General Provisions

The officers and agents of the board of trustees and of the personnel commission are governed, as are employees and employee organizations, by the provisions of Chapter 10.7 (commencing with section 3540), Division 4, Title 1 of the government code.

80.200.1.1 Anti-Nepotism

In enacting this rule it is the objective of the personnel commission to eliminate any practices which prohibit or limit the simultaneous employment of two or more qualified members of the same family which have an adverse impact on one sex or the other in the employment of classified personnel. Nor shall any restriction imposed by this rule have an effect of denying equal employment opportunities to all classified persons, including advancement opportunities or benefits for classified employees.

It is the intent of this rule to impose reasonable restrictions on an individual's capacity to function as a judge or advocate in specific situations involving members of his or her family.

Classified employees shall neither initiate nor participate in institutional decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families, including persons residing within their household. Neither shall any classified employee exercise or receive direct supervision over or by another who is related by blood or kinship.

80.200.2 Board Rules

The employer-employee relations rules for classified personnel adopted by the board, in accordance with law, are added hereto

and made a part thereof. They shall apply in the same manner as if adopted by the commission. Refer to board of trustees policy file and accompanying administrative procedure manual.

80.200.3 Unlawful to Strike or Engage in Other Concerted Labor Activities

- A. This article shall not be construed as making the provisions of section 923 of the labor code applicable to public school employees. This section means that 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 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/herself from duty, for any reason, during the period of an unlawful strike, sit down, slowdown, or other concerted activities shall be required to provide proper evidence that his/her 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. (E.C. Section 44034)

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 on behalf of any candidate, including himself/herself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during his/her 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/she may file without suffering any loss of employment status in the district unless he/she violates the provisions of Rule 80.300.2.

80.300.4 Leave of Absence - Legislative (Rev. 7/86)

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/her candidacy is concerned.

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/her 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/she assumes the office and shall terminate not later than 30 days after his/her last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

An employee granted leave under this rule may request and shall be considered for substitute assignments during the period of the leave. All such assignments shall be made according to prevailing law and rules. Placement on the salary schedule shall be at the first step of the appropriate classification if the appointment is provisional or at the step closest to, but in no case lower than, the employee's current salary range if the employee holds permanent status in the classification or is appointed on a limited term basis.

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 (E.C. Section 49406, 45106, 45122, 45123, 45124, 45125)

80.400.1 Physical Examinations

A. Initial Employment

1. Every person being initially employed by the district, whether in a regular position as a substitute, relief, limited term, or a provisional employee, shall be required to comply with the provisions of education code section 49406.
2. Prior to employment, each person is required to submit adequate proof that he/she has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within no greater than a 60 day period preceding the date of employment.
3. The district shall provide information on intradermal tuberculin tests which, if positive, shall be followed by an X-ray of the lungs.
4. This examination is a condition of initial employment, and the expense incident thereto shall be borne by the applicant.

B. After Employment

1. Every employee shall be required to undergo an examination to determine that he/she is free from active tuberculosis at least once every four years after initial employment.
2. The district shall maintain adequate records on each employee which indicate compliance with these rules and the law.

3. The district shall provide information on intradermal tuberculin tests which, if positive, shall be followed by an X-ray of the lungs.
4. Any employee failing to submit adequate proof that he/she is free of active tuberculosis may be suspended from services until such proof has been submitted and the board is satisfied therewith.

This rule shall not apply to those classified employees who are employed for any period of time less than a school year, whose functions do not require frequent or prolonged contact with pupils.

C. 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 defray the costs of, the school bus driver's 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.

D. Physical Examinations

1. A pre-employment physical examination shall be required for every eligible initially employed in the classification of custodian, groundskeeper, maintenance worker, carpenter, painter, warehouse worker, mechanic, and any other classifications involving strenuous physical labor. Provisional and limited term appointees shall be exempt from these provisions except when the superintendent has reason to believe that a health problem might exist. In such case, a pre-employment physical examination may be required. The cost of such examination will be borne by the district.
2. A physical examination may be prescribed for any other classification of employees or individual employees when the superintendent has reason to believe that a health problem exists which might affect adversely the district, its employees, or pupils. The cost of such required

physical examination will be borne by the district,

When a physical examination is given at district expense and the employee is not satisfied with the results of the examination, he/she may have an additional examination at his/her own expense. The reports of both examinations will be considered by the superintendent before making any decision relative to the case.

3. Responsibilities of the classified personnel department include:
 - a. The identification and listing of all licensed physicians in the area who are willing to perform required physical examinations for a uniform fee to be negotiated annually.
 - b. Sending notices of required examinations along with medical report forms to employees, as required.
 - c. Initiating requisitions for payment to physicians, as appropriate.
 - d. Evaluating the significance of medical reports, making recommendations for initial employment or continued employment.

E. Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has been on 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.

80.400.2 Criminal Records Check (E.C. Section 45125)

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 fingerprints. Fingerprint clearance must be received prior to 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/her application forms and he/she was accepted for examination and/or appointment, he/she 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 therefor.

If it approves the recommendation, the commission shall provide the person with an opportunity to appeal the decision in writing within 10 days of notification and may hold a hearing at its discretion. The decision of the commission shall be final.

80.500 VIOLATIONS (E.C. Section 45317)

Any person who willfully or through culpable negligence violates any of the provisions of Article 5 of the education code (commencing at section 45240) is guilty of a misdemeanor. It is also unlawful for any person:

- A. Willfully, by himself/herself or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under this article or commission rule, or to aid in so doing or make any false representation concerning the same or the person examined.
- B. 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.

CHAPTER 90

AMENDMENT

90.100 PROVISIONS FOR AMENDMENT

90.100.1 Provisions for Amendment

These rules may be amended at any meeting or their provisions may be suspended by the personnel commission to permit extraordinary transactions not inconsistent with the law.

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