RULES AND REGULATIONS
FOR THE
CLASSIFIED SERVICE
SIMI VALLEY UNIFIED SCHOOL DISTRICT

Updated:  August 14, 2013
# Table of Contents

**ARTICLE 1** ..................................................................................................................................................................6
DEFINITIONS AND PRELIMINARY STATEMENT .............................................................................................................6

### 1.10 DEFINITIONS, GENERAL  ..................................................................................................................................6

### 1.20 PRELIMINARY STATEMENT  ..........................................................................................................................10
1.20.1 Statutory Authority for These Rules .................................................................................................................10
1.20.2 Interpretation and Application of Rules ...............................................................................................................10
1.20.3 Generic Terminology .............................................................................................................................................10
1.20.4 Judicial Review .....................................................................................................................................................10
1.20.5 Effect of Data Contained in Addendum to Rules .................................................................................................11

**ARTICLE 2** .............................................................................................................................................................12
THE PERSONNEL COMMISSION ..................................................................................................................................12

### 2.10 ORGANIZATION OF COMMISSION ..............................................................................................................12
2.10.1 Terms (Ed Code 45247) .....................................................................................................................................12
2.10.2 Officers .................................................................................................................................................................12
2.10.3 Quorum and Majority ..........................................................................................................................................12

### 2.20 MEETINGS ..........................................................................................................................................................13
2.20.1 Regular Meetings ..................................................................................................................................................13
2.20.2 Adjourned Meeting ..............................................................................................................................................13
2.20.3 Special Meetings ..................................................................................................................................................13
2.20.4 Public Meetings ...................................................................................................................................................14
2.20.5 Closed Session .....................................................................................................................................................14
2.20.6 Agenda and Supporting Data .............................................................................................................................15
2.20.7 Amendment, Deletion, or Addition to Rules ......................................................................................................15
2.20.8 Minutes .................................................................................................................................................................15
2.20.9 Payment for Meeting Attendance (Ed Code 45251) ............................................................................................15

### 2.30 COMMISSION EMPLOYEES ...........................................................................................................................16
2.30.1 Status of Commission Employees (Ed Code 45264) ...........................................................................................16
2.30.2 General Duties of the Personnel Director (Ed Code 45266) ............................................................................16

### 2.40 MISCELLANEOUS PROVISIONS ......................................................................................................................16
2.40.1 Communications ..................................................................................................................................................16
2.40.2 Budget (Ed Code 45253) ..................................................................................................................................17
2.40.3 Annual Report .....................................................................................................................................................17

**ARTICLE 3** .............................................................................................................................................................18
POSITION CLASSIFICATION PLAN ..................................................................................................................................18

### 3.10 THE CLASSIFIED SERVICE ................................................................................................................................18
3.10.1 Positions Included (Ed Code 45256) ......................................................................................................................18
3.10.2 Exemption from the Classified Service (Ed Code 45256) ..................................................................................18
3.10.3 "Part-time" Defined (Ed Code 45256) ...................................................................................................................19
3.10.4 Effect of Exemption (Ed Code 45256) ....................................................................................................................20
3.10.5 Professional Expert Assignment (Ed Code 45258) .............................................................................................20
3.10.6 Apprentices (Ed Code 45263) .............................................................................................................................20
3.10.7 Restricted Positions and Employees (Ed Code 45105) ........................................................................................20
3.10.8 Weekend/Holiday Positions (Ed Code 45204) ......................................................................................................21

### 3.20 GENERAL CLASSIFICATION RULES ..............................................................................................................21
3.20.1 Assignment of Duties (Ed Code 45109) ................................................................................................................21
3.20.2 General Nature of the Classification Plan (Ed Code 45256) ..............................................................................22
3.20.3 Class Descriptions ..............................................................................................................................................22
3.20.4 Interpretation of Class Description .....................................................................................................................22
ARTICLE 4 ................................................................................................................................................................ 30

APPLICATION AND EXAMINATION ................................................................................................................ 30

4.10 APPLICATION FOR EMPLOYMENT ............................................................................................................. 30

4.20 EXAMINATIONS ........................................................................................................................................... 33

ARTICLE 5 ............................................................................................................................................................ 39

EMPLOYMENT LISTS .......................................................................................................................................... 39

5.10 ELIGIBILITY LISTS ......................................................................................................................................... 39
5.20 CERTIFICATION FROM EMPLOYMENT LISTS .................................................................41
  5.20.1 Order of Precedence .................................................................................................41
  5.20.2 Dual Certification (Ed Code 45284)........................................................................42
  5.20.3 Procedure When Fewer Than Three Names Remain ................................................42
  5.20.4 Other Sources of Eligibility .....................................................................................42
  5.20.5 Waivers of Certification ..........................................................................................42
  5.20.6 Procedure of Certification and Appointment ..........................................................43
  5.20.7 Certification of Additional Eligibles ........................................................................43
  5.20.8 Withholding Names from Certification ....................................................................44
  5.20.9 Reinstatement to Certification ................................................................................44
  5.20.10 Duties of Eligible ..................................................................................................45
  5.20.11 Subjects Regarding Which No Questions Shall be Asked (Ed Code 45293) ............46
  5.20.12 Certification of Eligibles for Position Where Language or Valid Driver's License is Required (Ed Code 45277) .................................................................46
  5.20.13 Most Appropriate Eligibility List ........................................................................46

5.30 PROVIDENTIAL APPOINTMENTS .............................................................................47
  5.30.1 Restrictions ............................................................................................................47
  5.30.2 Terminating Provisional Appointments ..................................................................48
  5.30.3 Emergency Appointments ......................................................................................48

ARTICLE 6 ...........................................................................................................................................49

INSERVICE STATUS AND TRANSACTIONS .............................................................................49

6.10 PROBATIONARY PERIOD (Ed Code 45301) .................................................................49
  6.10.1 Duration of Probation ..............................................................................................49
  6.10.2 Rights of Probationary Employees ..........................................................................49

6.20 CHANGES IN POSITION AND CLASS .........................................................................50
  6.20.1 Transfer ..................................................................................................................50
  6.20.2 Demotions ..............................................................................................................51
  6.20.3 Reinstatement ........................................................................................................52
  6.20.4 Changes in Assigned Time (See Unit Contract) .........................................................53

6.30 LIMITED-TERM EMPLOYMENT ..................................................................................54
  6.30.1 Types of Limited-Term Employment (Ed Code 45286) .............................................54
  6.30.2 Compensation for Employees in Limited-Term Assignments ....................................55
  6.30.3 Rights and Benefits (Ed Code 45136) ......................................................................55
  6.30.4 Terminations ..........................................................................................................56

6.40 ASSIGNMENTS OF DISABLED EMPLOYEES .............................................................56
  6.40.1 General Policy ........................................................................................................56
  6.40.2 Reassignment ..........................................................................................................56
  6.40.3 Effect of Refusal by Employee ................................................................................56

6.50 RETIREMENT (Ed Code 45134) ....................................................................................57
  6.50.1 Employment of PERS Retirees (Ed Code 45135) .......................................................57

6.60 PERFORMANCE EVALUATIONS ....................................................................................57
  6.60.1 When Evaluations are to be Made ............................................................................57
  6.60.2 Who Makes Evaluations .........................................................................................57
  6.60.3 Procedure to be Followed ........................................................................................57
  6.60.4 Special Evaluations ..................................................................................................58
  6.60.5 Procedure When a Probationary Employee's Work Performance Becomes Unsatisfactory .........................................................58
  6.60.6 Procedure When a Permanent Employee's Work Performance Becomes Unsatisfactory ..................................................58
  6.60.7 Appeal ....................................................................................................................59

6.70 DISCIPLINARY ACTION AND APPEAL ........................................................................59
  6.70.1 Causes for Suspension, Demotion, Dismissal ............................................................59
  6.70.2 Procedure for Disciplinary Action (Ed Code 45304) ..................................................60
  6.70.3 Appeal ....................................................................................................................63
  6.70.4 Hearing Procedure ....................................................................................................64
  6.70.5 Disqualification of Hearing Officer or Commission Member ....................................66
ARTICLE 7 ................................................................................................................................................................ 85

6.80 LEAVES OF ABSENCE ........................................................................................................................................... 67
6.80.1 Vacation (Ed Code 45190 and 45197) (See Unit Contract) ................................................................. 67
6.80.2 Illness and Bereavement Leave While on Vacation (Ed Code 45200) ............................................. 69
6.80.3 Paid Illness Leave (Ed Code 45191) ............................................................................................................. 69
6.80.4 Additional Illness Leave - Personal Illness 50% Paid (Ed Code 45196) ............................................. 70
6.80.5 Termination of Illness Leave ........................................................................................................................ 71
6.80.6 Industrial Accident and Industrial Illness Leave (Ed Code 45192) .................................................. 72
6.80.7 Bereavement Leave (Ed Code 45194) ......................................................................................................... 73
6.80.8 Personal Necessity Leave (Using Accumulated Sick Leave) ............................................................. 74
6.80.9 Family and Emergency Leave (Management/Confidential) ................................................................ 74
6.80.10 Jury Duty and Witness Leave (Ed Code 44037) .................................................................................. 75
6.80.11 Absence for Examination ........................................................................................................................... 76
6.80.12 Absence for Graduation ............................................................................................................................ 76
6.80.13 Military Leave (See Unit Contract) ......................................................................................................... 76
6.80.14 Leave of Absence Without Pay (See Unit Contract) ...................................................................... 76
6.80.15 Pregnancy Leave (Ed Code 45193) .......................................................................................................... 77
6.80.16 Leave of Absence to Serve in an Exempt, Temporary, or Limited Term Position ...................... 78
6.80.17 Unauthorized Leave ................................................................................................................................. 78
6.80.18 Transfer of Illness Leave from Another District (Ed Code 45202) ................................................. 79
6.90 LAYOFF .............................................................................................................................................................. 79
6.90.1 Procedure Regarding Layoff (Ed Code 45308 and 45117) ............................................................... 79
6.90.2 Rights of Laid-off Employees (Ed Code 45298) ............................................................................... 81
6.90.3 Certification from a Reemployment List (Ed Code 45298) ................................................................ 83
6.90.4 Limited-Term Positions ............................................................................................................................ 84
6.100 RESIGNATIONS .................................................................................................................................................. 84

ARTICLE 7 ................................................................................................................................................................ 85

WAGE AND SALARY PROVISIONS .......................................................................................................................... 85

7.10 DETERMINATION OF SALARY SCHEDULES ...................................................................................... 85
7.10.1 Factors in Salary Determination (Ed Code 45268) ............................................................................... 85
7.10.2 Salary Studies ........................................................................................................................................... 85
7.10.3 Salary Recommendations (EC 45268) ................................................................................................. 86
7.10.4 Appeals of Recommendations ............................................................................................................... 86

7.20 APPLICATION OF SALARY SCHEDULES ............................................................................................ 86
7.20.1 Initial Placement ....................................................................................................................................... 86
7.20.2 Step Advancement ................................................................................................................................. 87
7.20.3 Promotions ................................................................................................................................................. 87
7.20.4 Additional Appointments ........................................................................................................................ 87
7.20.5 Placement After Leave of Absence ....................................................................................................... 88
7.20.6 Placement When Demoted ..................................................................................................................... 88
7.20.7 Differential Pay ......................................................................................................................................... 88

7.30 WORK PERIOD AND OVERTIME (Ed. Code 45132 and 45133) (See Unit Contract) ............. 89
7.30.1 Workday and Workweek ........................................................................................................................ 89
7.30.3 Overtime Defined (Ed Code 45128 and 45131) ............................................................................... 90
7.30.4 Compensation for Overtime (See Unit Contract) ............................................................................ 90
7.30.5 Classification Excluded from Overtime ............................................................................................. 91

7.40 HOLIDAY PAY .................................................................................................................................................. 91
7.40.1 Eligibility .................................................................................................................................................. 91
7.40.2 School Holidays ..................................................................................................................................... 92
7.40.3 Exchange of Holidays by Board Action ............................................................................................... 92

7.50 PAYROLLS ............................................................................................................................................................ 93
7.50.1 Official Roster ........................................................................................................................................... 93
7.50.2 Payroll Audit ........................................................................................................................................... 93

7.60 BENEFITS FOR PART TIME EMPLOYEES (See Unit Contract) ..................................................... 94
ARTICLE 8

EMPLOYER-EMPLOYEE RELATIONS PROCEDURES

8.10 PROCEDURE FOR THE ADJUSTMENT OF COMPLAINT OF CLASSIFIED PERSONNEL

8.10.1 Intent of This Article

8.10.2 Purpose of the Adjustment of Complaint Procedure

8.10.3 Consideration of the Complaint

8.10.4 Matters Excluded from the Adjustment of Complaint Procedure

8.10.5 Steps in the Adjustment of Complaint Procedure

8.20 EMPLOYER-EMPLOYEE RELATIONS

8.20.1 General Provisions

8.30 POLITICAL ACTIVITY

8.30.1 Political Activity Freedom

8.30.2 Cause for Disciplinary Action

8.30.3 Personal Candidacy

8.30.4 Leave of Absence

8.30.5 Election to a Political Office

8.30.6 Intent

8.40 NEW EMPLOYEE CLEARANCES

8.40.1 Physical Examinations

8.40.2 Criminal Records Check (Ed Code 45125)

8.40.3 Availability of Personnel Records

8.50 VIOLATIONS (Ed. Code 45317)

ARTICLE 9

AMENDMENT

9.10 PROVISIONS FOR AMENDMENT

9.10.1 Provisions for Amendment
ARTICLE I
DEFINITIONS AND PRELIMINARY STATEMENT

1.10 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 which apply to the merit system for classified employees in certain school districts. It shall include all of the provisions of Title 2, Division 3, Part 25, Chapter 5, Articles 5 and 6.

**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. This is the first day of the pay period following completion of the required period of service.

**Applicant:** A person who has filed an application to take a merit system examination.

**Appointing Authority:** The Board of Education of the Simi Valley Unified School District.

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

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

**Certificated Service:** All positions and employees required by law to possess credentials issued by the State Department of Education.

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

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

**Classified Service:** All positions in the District's service to which the Act applies and which are not exempted by the Act. (See Rule 3.10.2)

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

**Commission:** The Personnel Commission established pursuant to the Act for the Simi Valley Unified School District.
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.

Director of Personnel: Personnel Director and Secretary to the Personnel Commission, also known as Director of Classified Personnel Services.

Discharge or Dismissal: Separation from service for cause.

District: The Simi Valley Unified School District.

Dual Certification: A special procedure which provides for certification, in specified cases, from an open list while a promotional list exists. (See Rule 5.20.2)

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 reinstated after voluntary demotion or reduction to limited-term status.

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

Exempt Service: All positions and employees not in the Classified or Certificated Service, i.e., those exempted by law.

Governing Board: The Board of Education of the Simi Valley Unified 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.

Layoff: Separation from a regular 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.

Limited Term Position: A position created by the appointing authority for a period not to exceed six months or a substitute employee during the authorized absence of a permanent employee, which may exceed six months.

Limited-Term Employee: An employee who is serving as a substitute for a regular employee on approved leave, or in a position established for a limited period of less than six months.
**Permanent Employee:** In reference to District employment status, an employee who has completed his initial probationary period 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.

**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 Education.

**Probationary Period:** The trial period immediately following an original or promotional appointment to a regular 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 rate.

**Promotional List:** An eligibility list resulting from a promotional examination limited to qualified employees of the District.

**Provisional Appointment:** A temporary appointment made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances. (See Ed Code Sections 45287, 45288, and 45289).

**Provisional Employee:** An employee employed under a provisional appointment.

**Reclassification:** A change in classification that could result in the reallocation of a position to a new class or to a class at a higher, lower or equal level according to the duties and responsibilities assigned.

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

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

**Regular Employee:** An employee who has probationary or permanent status.

**Regular Position:** A position established for a continuing and indefinite or unlimited period of time.

**Reinstatement:** A reappointment to a regular or limited-term status, without competitive examination, after resignation to a position in the employee's former class, or in a lower related class.

**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).
**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.

**Separation**: Leaving a position - includes resignation, dismissal, layoff, retirement, etc.

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

**Status**: An employee’s status may be either Regular (Probationary or Permanent) or Temporary (Provisional or Limited-term), and determines the employees rights to certain benefits.

**Suspension**: An enforced absence of an employee without pay for disciplinary purposes.

**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.

**Transfer-Administrative**: Movement of a person and/or position from one location to another for the good of the service.

**Waiver**: The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.
1.20 PRELIMINARY STATEMENT

1.20.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45261, and other provisions governing the Merit System Act in the Education Code.

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

A. The rule obviously requires Board approval, and

B. It is difficult to define the division of Commission and Board authority regarding the rule in question.

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

1.20.2 Interpretation and Application of Rules

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

The Merit System for the Simi Valley Unified School District is entered into force in a spirit of cooperation, is based upon the principle of equality, and is intended to pervade the performance of the Classified Personnel, the Personnel Commission, and the Board of Education throughout the life of the system. On the basis of this spirit and principle, any reasonable request of the Classified Personnel, Personnel Commission, or Board of Education shall be duly considered and acted upon by the other parties providing it is mutually acceptable.

1.20.3 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.

1.20.4 Judicial Review

If judicial review or a change in law invalidates any portion of these rules, such finding or amendment shall not affect the validity of other rules or provisions.
1.20.5 Effect of Data Contained in Addendum to Rules

The salary schedule and related data, class placement on the salary schedule, a classification plan, job descriptions, and other written material contained in the addendum to these rules are to be interpreted as having the same force and effect as Commission Rules.
ARTICLE 2
THE PERSONNEL COMMISSION

2.10 ORGANIZATION OF COMMISSION

2.10.1 Terms (Ed Code 45247)

A. By law, the term of each Commissioner is for three years and expires at noon, December 1st. The term of one Commissioner expires each year. On or about September 1st of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner appointed by the Board or nominated by the Classified employees and whether or not he/she will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Section 45247.

B. One member of the Commission shall be appointed by the Governing Board of the district and one member, nominated by the Classified employees of the district, shall be appointed by the Governing Board of the district. Those two members shall publicly announce the name of the person they intend to appoint and in an open hearing, provide the public and employees and employee organization the opportunity to express their views on the qualifications of each candidate recommended for the vacancy.

Those two members may make their appointment or recommendation without further notification or public hearing.

2.10.2 Officers

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

Revised: 02/10/10

2.10.3 Quorum and Majority

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

2.20.1  Regular Meetings

Subject to cancellation or proper change, the Commission shall meet twice per month. Dates and times will be established by the Commission on an annual basis for each ensuing year. Meetings will be held at the Educational Services Center, 875 E. Cochran Street, Simi Valley, California. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least 48 hours notice is given to employee and administration representatives and posted on the Commission's official bulletin board. A copy of the regular meeting notice shall be posted on the Commission's official bulletin board and exterior door of the Educational Services Center.

2.20.2  Adjourned Meeting

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

2.20.3  Special Meetings

A. 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 organizations. 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 and exterior door of the Educational Services Center. The order shall specify the time and place of the special meeting and business to be transacted. No other business shall be considered at such meeting by the Commission.

B. Continuance of Hearing

A hearing that is being held, or is noticed or ordered to be held, by the Commission at any meeting may be continued, or recontinued, to any subsequent meeting. Within 24 hours after the continuation, a copy of the notice of continuation shall be posted on the Commission's official bulletin board and exterior door of the Educational Services Center. If the hearing is continued to a time less than 24 hours after the item specified in the notice of hearing, a copy of the notice of continuance must be posted immediately following the meeting at which the declaration of continuance was made.
C. Emergency Meetings

Emergency meetings may be called when two members of the Commission determine that an emergency situation exists in which prompt action is necessary due to the disruption or threatened disruption of public facilities. At least one hour before the meeting, notice must be given to each of the following who have filed written request for notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. If telephone services are not functioning, notice requirements are deemed waived but the Commission or its designee, must notify those newspapers, radio stations, or television stations of the fact that the meeting has occurred as soon after the meeting as possible. A copy of the notice of the emergency meeting shall be posted on the Commission's official bulletin board and exterior door of the Educational Services Center. The order shall specify the time and place of the emergency meeting and business to be transacted. No other business shall be considered at such meetings by the Commission.

The Commission may not meet in closed session during an emergency meeting.

2.20.4 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 meetings of the Commission, except as provided in Rule 2.20.5 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 view orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

2.20.5 Closed Session

A. 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 right to a public hearing and has declined the public hearing or properly failed to request same.

B. The Commission may hold closed sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding negotiable items, such as salaries, salary schedules, or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives.

C. During the examination of a witness, the Commission may also exclude from any public or closed meeting any or all other witnesses in the matter being investigated.
2.20.6 **Agenda and Supporting Data**

The agenda will be posted on the Commission's official bulletin board and the exterior door of the Educational Services Center at least 72 hours prior to every regular meeting or 24 hours prior to every special Commission meeting and distributed to the news media which have requested it. Insofar as possible, at least 48 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall also be provided the designated representatives of all employee organizations representing District classified employees. When practicable, supporting data will be furnished in advance.

2.20.7 **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 tentative 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 the meeting.

B. At the "first tentative 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.

2.20.8 **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, a Commissioner's dissent or approval and reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representatives who have requested them.

2.20.9 **Payment for Meeting Attendance (Ed Code 45251)**

Each Commissioner shall receive the sum of $50.00 for each meeting attended in any one month, including regular, adjourned or special meetings, but not to exceed a total of $250.00 per month.
2.30 COMMISSION EMPLOYEES

2.30.1 Status of Commission Employees (Ed Code 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.

2.30.2 General Duties of the Personnel Director (Ed Code 45266)

A. The Personnel Director shall be responsible to the Commission and shall perform all of the duties and carry out all of the functions imposed by law and these rules and shall be free of prejudgment or bias in order to ensure the impartiality of the Commission. He shall act as Secretary to the Commission and shall issue and receive all notifications on its behalf. He shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Commission.

B. The Personnel Director shall conduct classification, salary and rules studies and shall make such other investigations as directed by the Commission or as he deems necessary to his responsibilities. He may be designated as a hearing officer in accordance with Education Code Section 45312.

C. The Personnel Director shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under Section 45305, if the Personnel Director is the party who brought the action against the employee.

D. 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.

2.40 MISCELLANEOUS PROVISIONS

2.40.1 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.
The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April. The annual budget of the Personnel Commission may include amounts for the purpose of Section 45255.

The Commission shall hold a public hearing not later than May 30 of each year, or at a date agreed upon between the governing board and the personnel commission to coincide with the process of adoption of the school district budget.

Prior to the public hearing, the Commission shall submit a copy of its proposed budget to the Board of Education for review. The Commission shall indicate to the Board of Education the time and place of the public hearing and invite the Board of Education and Administration to attend and present their views.

The Commission shall fully consider the views of the Board of Education prior to adoption of its proposed budget.

When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 45253.

If the County Superintendent of Schools proposes to reject the budget as submitted by the Commission, he shall, within 30 days of the Commission's submission of the budget, hold a public hearing on the proposed rejection. He shall have informed both the Commission and the Governing Board of the date, time, and place of the hearing. He may after such public hearing either reject, or with the concurrence of the Commission, amend the proposed budget. In the absence of agreement between the Personnel Commission and the County Superintendent of Schools the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission.

2.40.3 Annual Report

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

B. The report shall be prepared for Commission approval as soon after each calendar year as possible and not later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

Revised: 12/08/04
ARTICLE 3

POSITION CLASSIFICATION PLAN

3.10 THE CLASSIFIED SERVICE

3.10.1 Positions Included (Ed Code 45256)

A. All positions established by the Governing Board which are not exempt from the Classified Service by law shall be 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 exemptions established in the law shall be employed outside the Classified Service.

3.10.2 Exemption from the Classified Service (Ed Code 45256)

General Categories

Positions required by law to have certification qualifications, part-time playground positions, full-time day students employed part-time, apprentices, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission, shall be exempt from the Classified Service.

Special Categories (Ed Code 45112)

A. Board Assistants: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual board members. Such positions, if created, are exempted from the provisions of these rules insofar as they relate to position classification, recruitment, employment, and salary setting.

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

If a permanent classified employee is appointed to serve in such an exempt position, he shall retain status as a permanent employee. If s/he is terminated from the exempt position, s/he shall have bumping rights in his former class in the same manner as if s/he had been laid off for lack of work or lack of funds.
B. Senior Management (Ed Code 45256.5)

Under provisions of Education Code Section 45100.5, 45104.5, 45108.5 and 45256.5, the Board of Education may designate up to three positions as senior management of the Classified Service. Senior management positions may involve the fiscal advisor to the Superintendent and the highest positions that have district-wide responsibility for formulating policies or administrating a principal district program area, as determined by the Board of Education.

The Governing Board may adopt a resolution designating certain positions as senior management. Employees whose positions are designated as senior management shall be part of the Classified Service and shall be afforded all rights, benefits and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status in a senior management position.

Positions in senior management of the Classified Service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the District Superintendent and determined by the Personnel Commission.

Employees who have attained status in a permanent position in the Classified Service and are designated as senior management shall have the following rights if any or all of the senior management positions are abolished by a resolution adopted by the Board of Education or the assignment of an incumbent to a senior management position is terminated pursuant to the provisions of Education Code Section 35031:

1. To a position which the employees would be entitled if their position and classification had not been designated as senior management.
2. To a position which the employee holds bumping rights under the provisions of Merit System Rule 6.90.
3. To a vacant position which is similar to their former position in the regular Classified Service upon approval of the Personnel Commission.

Displaced incumbents of senior management positions who have not attained permanent status in the Classified Service may be placed in a position only in accordance with the Education Code and rules of the Personnel Commission.

3.10.3 "Part-time" Defined (Ed Code 45256)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on a weekly basis, is less than 87 1/2 percent of the normally assigned time of the majority of employees in the Classified Service.
3.10.4 Effect of Exemption (Ed Code 45256)

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 Education.

3.10.5 Professional Expert Assignment (Ed Code 45258)

A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.

B. When the person is known who is to be appointed as a professional expert, his/her name and data relative to his qualifications shall be submitted to the Personnel Director. In order to be exempt from the Classified Service as a professional expert, reputable members of his/her own profession must recognize an individual as such. The appointing authority shall make the determination as to whether or not a person should be hired to perform the duties of a professional expert and is qualified for the position to be filled. Authorization for service as a professional expert shall not exceed six months. Additional required service shall be subject to approval by the Commission.

C. A community services instructor position to be filled as a professional expert position shall be a person who is recognized by members of his/her profession and meets teaching standards for Community Services. The Commission or Personnel Director shall review and approve the qualifications of the position in order to determine whether or not the position fits in the professional expert category.

3.10.6 Apprentices (Ed Code 45263)

The establishment of an apprenticeship program shall be subject to the provisions of Education Code Section 45263.

3.10.7 Restricted Positions and Employees (Ed Code 45105)

A. If positions, properly a part of the Classified Service are specially funded and, as a result of special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas, or other criteria which restricts the privilege of all citizens to compete for employment in such positions, the position shall, in addition to the assigned title, be designated as "Restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions as part of the regular school program, except that persons employed in restricted positions as defined in Education Code Section 45343, (Instructional Aides), shall not be subject to examination procedures as prescribed in Education Section 45273.
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 serve as provisional employees, 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, after completion of six months of satisfactory service, shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular Classified Service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, s/he shall be accorded full rights, benefits, and burdens of a regular Classified employee. Seniority rights shall be counted as of the date of his initial appointment to the "restricted" position.

D. Anniversary date for salary increments for persons serving in a "Restricted" position shall be in accordance with Personnel Commission Rule 7.20.2.

3.10.8 Weekend/Holiday Positions (Ed Code 45204)

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

1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required to work.

2. Exempt employees serving in such positions are exempt from overtime pay for work required to be performed on a holiday. The overtime exemption shall not apply to hours required to be worked in excess of eight on any Saturday, Sunday or Holiday unless the class is specifically exempted in accordance with Education Code Section 45127 (for example, recreation and security classes).

3. Insure itself that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is being created to avoid overtime payment, it shall refuse to classify the position(s) and will notify the Governing Board accordingly.

3.20 GENERAL CLASSIFICATION RULES

3.20.1 Assignment of Duties (Ed Code 45109)

The Board of Education 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.
3.20.2 General Nature of the Classification Plan (Ed Code 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. The Personnel Commission and/or Personnel Director, 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.

3.20.3 Class Descriptions

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

1. The official class title.
2. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.
3. A statement of typical tasks to be performed by persons holding positions allocated to the class.
4. 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.
5. A statement of distinguishing characteristics which differentiates the class from other related or similar classes; and
6. License or other special requirements for employment or service in the class.
7. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
8. 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.
9. Each duty and responsibility shall be designated as “Essential” when necessary for compliance with ADA.

3.20.4 Interpretation of Class Description

The class descriptions 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 description for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the descriptions, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

C. Each class description is construed in its proper relationship to other descriptions, 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 positions, such as good physical condition, freedom from disabling defects, citizenship (see Labor Code and I.N.S. Rules and Regulations Section 1940 et. seq. for exceptions), honesty, sobriety and industry, even though not specifically mentioned in the descriptions, are implied in the minimum qualification requirements.

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

F. The class title shall always be used with the meaning set forth in the remainder of the class description.

3.20.5 Allocation of Positions to Classes

All positions substantially similar as to the duties performed, responsibilities exercised and qualification requirements shall be allocated to the same class.

3.20.6 Change in Duties of Positions

Any substantial change in the duties of existing positions shall be promptly reported in writing by the immediate supervisor to the Personnel Director who shall cause them to be reviewed toward determining whether the positions should be allocated to different classes.
**3.20.7 Review of Positions (Ed Code 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 as appropriate. If the Director finds that a position or positions should be reclassified, he shall advise the administration of his findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report his findings and recommendation to the Commission. S/he shall also report his findings in cases where his review indicates that no change in classification is necessary.

**3.20.8 Creation of New Positions**

When the Board creates a new position, it shall submit to the Classified Personnel Director, in writing, the duties and responsibilities officially assigned to the position. The Personnel Director shall present recommendations to the Commission, which shall:

A. Classify the position and determine whether the position should be allocated to an existing class or to a new class.

B. If a new class is recommended, the Personnel Director shall recommend minimum qualifications which shall take into consideration those recommended by the Board, if any. The minimum qualifications approved by the Commission must reasonably relate to the duties and responsibilities assigned to the position by the Board.

C. Designate the proper salary placement of a new class, if one is established.

D. Notify the Board of its action.

**3.20.9 Positions Requiring Multiple Languages (Ed Code 45277)**

A. The Board of Education may designate positions within a class which require the holder of the position to speak, read and write a language in addition to English, or to hold a valid School Bus Driver Certificate.

B. The Board must clearly set forth valid reasons for placing language requirements or valid School Bus Driver Certificate requirements for a position.

C. An announcement calling for an examination for a class with position(s) containing language requirements or a valid School Bus Driver Certificate will contain appropriate information and will indicate that successful candidates possessing the language requirements, or who possess a valid Bus Driver Certificate, will be given preference over other successful candidates, as authorized in Rule 5.20.12, but only as to those specific positions.

D. When a vacancy occurs in a position which has approved language requirements, or a valid Bus Driver Certificate, the Board will notify the Commission that the need for language requirements, or a valid Bus Driver Certificate, continues to be a part of the position.
E. If a request from the Board to designate a position for language requirements or a 
valid Bus Driver Certificate 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.

3.20.10 Mandatory Titles (Ed Code 45342)

All teacher aide positions shall be assigned a basic title of "Instructional Aide." The 
Commission, in classifying all such positions, shall determine sub-classes thereof, if any, and 
additions to the basic title as well as completing other classification requirements.

3.30 RECLASSIFICATION

3.30.1 Requests for Study

Requests for classification study of existing positions shall be presented to the Personnel 
Director together with a statement of the reasons for requesting study. Request 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 and responsibilities of the position(s) and any 
prospective changes. Studies which are incomplete or held by request of the incumbent or 
supervisor shall be terminated after 20 working days and a new request may be submitted.

3.30.2 Effects on Incumbents (Ed Code 45285)

A. For an employee to be reclassified upward with his position, the reclassification must 
have been occasioned by a gradual accretion of duties and not a sudden change 
resulting from reorganization or duty changes made by the Board. The 
Commission shall decide at the time the reclassification occurs as to whether the 
reclassification meets this rule.

B. 1. Incumbents with two or more years service in a class who are being 
reclassified as a result of gradual accretion of duties and responsibilities may 
be reclassified upward with their position without an examination.

2. Incumbents with less than two years of service in a class who are being 
reclassified as a result of a gradual accretion of duties and responsibilities 
may be reclassified upward with their position after completing a qualifying 
examination.

3. An employee who has been reclassified upward with his position without 
examination shall be ineligible to again be reclassified upward with his 
position until at least two years have elapsed from the last upward 
reclassification.
C. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:

1. The right to bump the employee in the same class with the lowest seniority in the class provided that the incumbent has greater seniority in the class.

2. The right to bump the employee with the least seniority in an equal or lower class in which the incumbent formerly served, provided that he has greater seniority in that class.

3. The right to be demoted or to transfer, without examination, to the class to which his position is reclassified. The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choice shall not affect his right.

D. When a position or group of positions has been studied for classification or salary purposes, the position or group of positions shall be ineligible for review until at least five years have elapsed unless otherwise directed by the Personnel Commission.

Revised: 11/10/04

3.30.3 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 not more than three months.

3.30.4 Placement When a Position is Reclassified

An employee whose position is reclassified upward or to a class with an equal or lower salary range shall remain on the same salary step s/he occupied in his original classification.

3.30.5 Reemployment List for Displaced Incumbents (Ed Code 45308)

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

B. This rule shall be followed in all instances of reclassification whether it results in an upgrade, or downgrade, lateral class movement, bumping or complete displacement of incumbents.

3.40 WORKING OUT OF CLASSIFICATION

3.40.1 Temporary Out of Classification Assignment

An employee assigned out of classification work on a temporary basis shall file for compensation within thirty (30) days of assignment using the following procedure:
A. The employee completes the Claim for Out of Classification Form and submits to supervisor.

B. The supervisor approves and submits to second level manager and forwards to Cabinet level administrator for approval.

C. The claim is forwarded to the Personnel Office for review and submitted to the Payroll Office for payment.

D. A claim is required each pay period

Temporary out of classification assignments will not exceed 90 working days.

Disputed claims will be reviewed by the classified Personnel Office and rejected or ordered paid within thirty (30) days.

3.40.2 Requirements for the Claim for Work Out of Classification (E.C.45110)

Any classified employee who has been temporarily assigned and has performed duties for two hours or more, for more than five working days within a 15 calendar day period, which s/he believes are inconsistent with those duties assigned to his position and do not reasonably relate to those of his classification may prepare a Claim for Work out of Classification Form.

3.40.3 Procedure for Processing a Request for Classification Study

1. The employee shall complete the Request describing in detail those duties assigned and performed which are inconsistent with his position and do not reasonably relate to his classification.

2. The employee shall forward the Request to his immediate supervisor or the authorized person who required him/her to perform the work out of classification. The immediate supervisor or authorized person shall either state the reasons for the assignment and certify the performance of the work specified by the employee or, if unwilling to do so s/he shall state his/her reasons in an attachment to the Request. The Director of Classified Personnel Services will conduct an investigation of the refusal to certify the Request and, based upon his/her findings, prepare a recommendation for action by the Personnel Commission.

3. The Request shall be forwarded to the employee's immediate supervisor and then to the second level supervisor for acknowledgement of the assignment, and after such acknowledgement the Request shall be transmitted to the employee's division head.

4. The division head having acknowledged the assignment, shall transmit the Request to the Office of Classified Personnel Services. In signing the Request, administrative representatives other than the duly authorized person
who assigned the work indicate their review of the content of the Request and not approval or disapproval.

5. When a Request for Classification Study is based on a permanent assignment of duties to a position, a duties statement, approved by the division head, shall be submitted with the Request. If the division head concurs in the permanent assignment of duties to a position and those duties do not fall within the classification of the position, the duties statement shall be forwarded to the Director for classification and salary study.

D. Personnel Commission staff shall review the Request for Classification Study and make a determination as to whether the duties described therein reasonably relate to those of the employee's classification.

1. Any Request which does not indicate sufficient information for a staff evaluation shall be returned to the division head, without further processing. If resubmitted, under provisions of this rule, it shall be reprocessed in accordance with the requirements of Paragraph C. above.

2. If the duties reported and certified are found to be at a higher level than the employee's classification and not within an existing class in the Classified Service, an appropriate salary differential, which reasonably reflects the level of responsibility of the assignment and the kind and level of duties performed, shall be determined by the Personnel Commission staff.

3. If the duties and responsibilities performed are determined to be within an existing higher class, the employee shall be paid the appropriate step of the schedule for the higher class in accordance with the provisions of Rule 7.20.3, Promotions.

4. In no instance shall an employee receive a greater benefit than that to which s/he would be entitled if he had been promoted from his regular position to a higher class.

E. Personnel Commission staff determinations as to work out of classification and appropriate salary differentials shall be submitted to the Personnel Commission for approval and, if approved, to the Board of Education for authorization of payment.

F. Payment for work out of classification shall be for the first five working days within a 15 calendar day period as well as each day in addition thereto in which the employee was required to perform work out of classification.

G. Nothing in this rule shall be construed as permission to circumvent the provisions and procedures of the Merit System Article as set forth in Title 2, Division 3, Part 25, Chapters 5 and 6 or applicable section of Personnel Commission Rules. Furthermore nothing in this rule shall be construed as permitting an employee to refuse to perform duties assigned by a duly authorized person.
3.40.4 Salary When Working out of Classification

A. A regular employee assigned to work temporarily (six months or less) in a higher related classification for a period of time which exceeds five working days within a fifteen (15) calendar day period, shall have his salary adjusted upward for the days he is required to work out of classification.

B. Salary adjustment upward shall be construed to be the same salary as if promoted.
ARTICLE 4
APPLICATION AND EXAMINATION

4.10 APPLICATION FOR EMPLOYMENT

4.10.1 Filing of Applications

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

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

4.10.2 General Qualification of Applicants

Applicants must 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 applies.

4.10.3 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 4.10.2.

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 charge of moral turpitude, or any sex offense, or mistreatment of children.

E. Criminal conduct according to the Personnel Commission standards outlined in the Conviction Evaluation Standard Guide.

F. Drinking alcohol or under the influence or in possession of alcohol, narcotics, or other drugs while on duty, unless the use or possession is by specific written medical authorization.

G. A record of one or more convictions which indicates that the person is a poor employment risk.
H. Making false statements or omitting a statement as to any material fact on the application form.

I. Other false or misleading information on application forms or employment records concerning material matters.

J. Practicing any deception or fraud in connection with an examination or to secure employment.

K. Narcotics offense, drug addiction, as defined in Section 44011 of the Ed. Code and/or use of intoxicating beverages to excess.

L. Addiction to or illegal use of narcotics or controlled substances.

M. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by this District.

N. Previous dismissal from this District unless the District waives this subsection.

O. A record of unsatisfactory service with the District.

P. Health conditions which preclude normal performance of duties.

Q. Discharged or retired under dishonorable conditions from the armed forces of the United States.

R. Failure to report for duty after an assignment has been offered and accepted.

S. Failure, after due notice, to report promptly for review of any of the above bases for rejection.

T. A record of instability or unsatisfactory service with previous employers.

4.10.4 Rejection and Appeal from Rejection

A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 4.10.3 shall be notified in writing by the Personnel Director. 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 ten 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.
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 ten calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:

   a. Discrimination because of affiliations, political or religious acts or opinions, race, color, sex or marital status.

   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.

4.10.5 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.

4.10.6 Applications Not to be Returned

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

4.10.7 Applicants' Names Not Made Public

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

4.10.8 Veterans' Preference (Ed Code 45296)

A. Veteran's preference points shall be added to passing scores in open examinations in the amount prescribed by Education Code Section 45296. At least 30 days of active service in the Army, Navy, Marines, Air Force, or Merchant Marines 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 December 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
Gulf War - August 2, 1990 – Open
Coast Guard service December 7, 1941 to January 1, 1946 is also credited.

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

4.20 EXAMINATIONS

4.20.1 Promotional Examinations (Ed Code 45272)

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. After one year of satisfactory service, incumbents in the class of Campus/Playground Supervisor who meet the prescribed qualifications of the class shall be eligible to participate in examinations on a promotional basis. All positions in the classified service other than Cafeteria Helper shall be considered both open and promotional.

Persons on reemployment lists shall be considered as promotional candidates. (See 6902G)

4.20.2 Non-Competitive Examinations Deleted 9/22/04 P.C. (Refer to 5.20.1.C.)

4.20.3 Examinations for Certain Positions or Classes (Ed Code 45280)

A. Examinations for the position of Business Manager or any other single position class at or above the level of Business Manager shall be held on an open and promotional basis.

B. When such exams are held, all permanent employees of the District (classified and certificated), who meet the minimum qualifications, shall be allowed to compete in the promotional exams.

Seniority credits shall be added to final scores of all successful competitors in the promotional exams.

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.

These examinations are not, by law, considered "entrance examinations," and military preference credits are therefore not to be included.
4.20.4 Rule of Three Ranks (Ed Code 45272)

Final scores of candidates shall be rounded to the nearest whole percent (1 through 4 rounded down, and 5 through 9 rounded up) for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready, willing and able to accept the position.

4.20.5 Notice of Examination (Ed Code 45278)

Whenever it is necessary to fill existing or anticipated vacancies in the Classified Service and an appropriate eligibility list does not exist, the Personnel Director shall direct the holding of an examination to provide eligibles. At least fifteen (15) working days advance public notice of such examinations shall be given. The notice shall contain the following facts:

A. Information concerning the location of employment 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 day for filing an application;
F. The subjects about which competitors may be examined and the weights of the various parts of the examination; and
G. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.
H. Examination notices shall be available to all employees by telephone on the Job Opportunity Hotline and by computer through the Internet.

4.20.6 Who May Compete (Ed Code 45134)

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 4.10.4, except when examinations have been restricted to promotional candidates at the discretion of the Commission.

B. Age shall not be a factor in admitting applicants to examinations.
4.20.7 Admission to Examination

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

B. A person on a valid eligibility list for which a new examination is being given shall be notified as to the time, date, and place of the examination and shall be eligible to take the examination as a new candidate and ranked on the eligibility list as a merged candidate and a new candidate according to examination scores.

C. During the six month period of the original list, candidates shall be merged on successive eligibility lists for those classes which have been designated as having an expiration date of six months. Notification of time, date, and place of examination for candidates who are on such eligibility lists shall be waived.

4.20.8 Character of Examination

Examinations may be written or oral or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity and test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the Personnel Commission, serves this end, may be employed.

Examinations shall be administered objectively, and shall consist of one or more test parts that relate to job performance.

4.20.9 Examination Procedures

A. Competitors in any written or performance test must take the test on the prescribed date unless the candidate's religious affiliation (promotional candidates and open candidates), military service or personal illness (promotional candidates only) require other arrangements. A makeup test must be administered within two (2) working days of the original testing date. Satisfactory proof of the candidate's religious affiliation, military service or personal illness must be presented to the Director of Classified Personnel Services.

B. Questions in a test shall not be copied or reproduced by competitors or other unauthorized persons.

C. Where written tests are required, they shall be managed so 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 marks on his test paper (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. Examinations shall be administered as applicants are available, and applications shall be accepted on every working day. Procedures for review of written tests shall be suspended. The Personnel Commission has designated the following classes for continuous examinations: Custodian I, Cafeteria Helper, Groundskeeper I, Groundskeeper II, Bus Driver and Clerk I, Instructional Aide I, Special Education and Instructional Aide II, Special Education.

4.20.10 Examination Weighting

The relative weights of the different parts of the examination shall be determined by the Commission and/or Personnel Director. All examination papers shall be prepared and rated under the direction of the Personnel Director.

4.20.11 Rating Required

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

4.20.12 Review of Written Test

A. Review of written tests will be allowed if a candidate files a protest regarding a question on the test. If written tests are standardized tests from a state agency, arrangements will be made for a representative of the agency to review the test with the candidate.

At the time of review s/he will be provided a protest sheet and may protest any question, outlining the basis for the protest. No candidate may copy and remove from the review room any questions or answers.

B. The protest sheets, if any, shall be filed with the Personnel Director within 24 hours of the written test. The Personnel Director shall review and act upon all protests. S/he may allow more than one answer to a question or may disqualify a question, if he finds the protest to be valid. If protests result in any change, the test papers of all applicants will be reviewed and rerated accordingly.

C. The Personnel Director shall inform the protestant of his decision. If s/he rules against the protest, the applicant may appeal to the Personnel Commission, but the appeal shall not delay other parts of the examination process.

4.20.13 Examination Papers

All examination papers submitted by competitors are the property of the District and are confidential records.
A. If an examination includes an oral examination those competitors eligible for the oral examination will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).

B. All oral examinations will be electronically recorded and shall be retained along with the rating sheets of each member of the oral board for a period of not less than 90 days after certification of an eligibility list.

C. An interview panel shall confine itself to evaluating general fitness for employment in the class. If an oral interview is held to evaluate the technical knowledge and skills of the class, at least two members of the board shall be technically qualified in the specified class. A district employee may serve on an interview panel provided s/he is not at the first or second level of supervision over a vacant position in the class for which the examination is held. An interview panel shall not be provided with confidential references on employees of the District who are competing in promotional examinations. Scores achieved in written or performance tests will not be made available to the interview panel.

D. A competitor may appeal an oral examination rating to the Personnel Director in writing not later than five working days after the effective date of the eligibility list.

1. Such protest shall give reasons upon which the complaint is based, and state the remedy to which the candidate believes he is entitled.

2. The Personnel Director shall review and answer all protests. Any candidate who remains dissatisfied may appeal to the Personnel Commission within five working days after notice of the decision of the Personnel Director was mailed or given to the candidate.

3. Upon appeal to the Personnel Commission, the competitor may request to review the personal interview rating documents and the tape recording of the interview. Such request by the competitor or competitor's representative shall be granted as soon as practicable, and the review shall be conducted by the Personnel Commission. The Personnel Commission may alter the oral examination rating if it finds justification for the protest and order the competitor's score adjusted accordingly. No change in eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointee was fraudulently appointed.

4. No regular appointment from a promotional eligibility list shall be effective until five working days after the effective date of the promotional eligibility list.
4.20.15 Seniority Credit - Promotional Examinations (Ed Code 45282)

To compete in promotional examinations, a candidate must have passed probation prior to
the filing deadline. 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 definition) in the classified service and on leave from the classified service while
otherwise employed in this District. A full year's credit shall be granted to employees whose
regular position is assigned on less than a calendar-year basis.

4.20.16 Notice of Final Score

Each competitor shall be notified of his score for each portion of the examination, additional
Veteran's credit or seniority credit, the total thereof, and his standing on the eligibility list, if
qualified. Each competitor shall, in addition, be notified that the eligibility list is available in
the Personnel Office for review.
ARTICLE 5
EMPLOYMENT LISTS

5.10 ELIGIBILITY LISTS

5.10.1 Establishment and Life of Eligibility Lists (Ed Code 45300)

A. Names of successful competitors shall be arranged on a list in order of examination score, plus additional points where applicable.

B. Eligibility lists may be established by the Commission for a period of six months so long as the six month duration of the list is noted in the announcement for the examination.

5.10.2 Termination of Eligibility Lists (Ed Code 45300)

A. An eligibility list is automatically terminated one year from the date of its approval unless extended by the Commission prior to its expiration. An eligibility list may be extended for a maximum of two additional years.

B. If an eligibility list has been authorized for a six month period, it is automatically terminated six months from the date of its approval unless extended by the Commission prior to its expiration.

C. An eligibility list is automatically terminated when no eligibles remain on the list.

D. An eligibility list may be terminated by the Commission when no eligible is available for appointment to a specific permanent position in a class or where there are fewer than three eligibles remaining on the list.

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

5.10.3 Reemployment Lists (Ed Code 45308)

There shall be established for each class a reemployment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all regular classified employees who have been laid off or demoted or who have accepted a reduction in assigned hours because of lack of work or lack of funds. Employees who acquire leaves of absence for military reasons 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.
5.10.4 Consolidation of Eligibility Lists (Ed Code 45291)

A. If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to insure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with the eligibles ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists, except that, where "dual certification" applies, open and promotional lists shall be merged for certification.

B. When lists are consolidated under this rule, the earlier list shall be terminated one year after its establishment, and those eligibles' names shall be removed from the consolidated list.

5.10.5 Eligibility After Appointment (Ed Code 45286)

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

5.10.6 Removal of Names from Eligibility Lists

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

1. A written request by the eligible for removal.

2. Failure to respond within seven days to an inquiry regarding availability for employment.

3. Any of the causes listed in Rule 4.10.3.

4. Termination of employment when on a promotional list.

5. Failure to respond for an interview after certification.

6. Declining a position at an interview.

B. The name of an eligible may be removed from an eligibility list by the Personnel Director, subject to appeal to the Commission for reinstatement on the list under Rule 4.10.4 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.

5.20 CERTIFICATION FROM EMPLOYMENT LISTS

5.20.1 Order of Precedence

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

A. Reemployment List (one name) (Ed Code 45298)

Includes classified employees laid off for lack of work or lack of funds. Names on the reemployment list shall be in order of seniority. This list shall take precedence over all other lists.

B. Seniority Bid List

An employee desiring an increase in hours shall notify the Classified Personnel Department in writing at the beginning of each year (July 1). A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority-bid list shall accept or reject a vacant position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a vacant position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made. A request for an increase in hours which crosses organization lines shall be in accordance with Rule 6.20.1 Transfer.

When a permanent position becomes vacant, the top three employees on the Seniority Bid List with the most seniority in the class will be offered the opportunity for an interview for the position by the appropriate administrator. If there are not three employees on the Seniority Bid List, the appointing authority or its designee has the option of requesting additional personnel interviews from the promotional list to meet a minimum of three candidates for the position. The individual selected will be placed in the position except when there is a valid reemployment list.

C. Reinstatement (one name) (Ed Code 45309)

Permanent classified employees who have voluntarily resigned may request to be reinstated within 39 months after their last day of satisfactory paid service and without further competitive examination. Names on the reinstatement list shall be in order of seniority. The appointing authority may choose not to appoint from the reinstatement list and may request to interview eligibles from the promotional eligibility list. In the absence of a promotional list, names will be certified from the open eligibility list.

Revised: 09/22/04
D. Promotional Eligibility List (three names) (Ed Code 45272)

Promotional eligibility lists consist of permanent classified employees who meet the minimum qualifications and who have qualified in a promotional examination. This list shall take precedence over the open eligibility list.

E. Open Eligibility List (three names) (Ed Code 45284)

Open eligibility lists consist of eligibles who meet the minimum qualifications and who have qualified in a competitive examination. This list shall be used in the absence of a promotional, reinstatement and reemployment list.

5.20.2 Dual Certification (Ed Code 45284)

When an open competitive examination and a promotional examination for a particular class are held at the same time, the Commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.

5.20.3 Procedure When Fewer Than Three Names Remain

A. When fewer than three eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three eligibles.

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

5.20.4 Other Sources of Eligibility

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

5.20.5 Waivers of Certification

A. An eligible may, without penalty, make himself unavailable for certification to specific shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a prescribed form in the Personnel Office.

B. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability in writing.

C. An available eligible may waive certification twice without penalty. At the time a third waiver is to be signed by an eligible, he will be informed that, upon signing the third waiver, his/her name will be removed from the eligibility list per Rule 5.10.6.
D. At the time an eligibility list is established, each eligible shall be sent a copy of Rule 5.10.6 and Rule 5.20.5.

5.20.6 Procedure of Certification and Appointment

A. When a position is to be filled, the appointing authority 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 as required by the Director.

B. The Personnel Director shall ascertain the availability of eligibles and shall certify names to the appointing authority in accordance with these rules.

C. The appointing authority shall select an eligible 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 the 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 5.20.7.

5.20.7 Certification of Additional Eligibles

A. If, after certification of eligibles, the interviewing supervisor desires certification of additional ranks per Rule 5.20.6.D a written request will be submitted to the Personnel Director which shall:

1. Specify the number of additional ranks required.

2. Detail all pertinent data which requires the certification of additional eligibles including the name of the eligibles certified who refused appointment (and reasons given) or failed to respond for the interview.

B. The Personnel Director, when the request is received, may investigate the matter to determine if the request is valid and, specifically, to determine that an appointment refusal was voluntary on the part of the concerned eligible. S/he shall:

1. If s/he finds the request to be valid:
   a. Certify additional ranks as may be required.
   b. Remove from the eligibility list, at his/her discretion, the names of eligibles who failed to report for interview or who refused appointment, and notify the eligibles of his action and their right of appeal to the Commission.
   c. Notify the Commission of the action s/he has taken.
2. If he finds that a refusal of appointment was not voluntary and free of any type of duress s/he shall:

   a. Notify the interviewing supervisor of his findings and refuse to certify additional eligibles, citing the provisions of this Rule.

   b. Refer the matter to the Personnel Commission together with his findings and recommendations which may include suggested action under Education Code Section 45317.

   c. Advise the interviewing supervisor of the date of his report to the Commission in order to enable appropriate representation.

5.20.8 Withholding Names from Certification

A name may be withheld from certification when an eligible:

A. Expresses unwillingness or inability to accept appointment.

B. Fails to respond within three business days next following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.

C. Fails to present himself for duty at the time agreed upon after having accepted an appointment.

D. Cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment).

E. Fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be reinstated by the Personnel Director for certification when the particular requirement has been met).

F. For any reason listed in Rule 4.10.3.

5.20.9 Reinstatement to Certification

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

A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his availability, to appear for interview, or to present him/herself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he is now willing and able to accept appointment.
B. When the withholding or removal was for a reason stated in Rule 4.10.3 and such action was improper or the defect has since been corrected.

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

C. The name of an eligible shall be reinstated upon presentation of required license, registration, certificate, or other credentials.

**5.20.10 Duties of Eligible**

A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides in the District, s/he shall respond within three working days after the date the notice is mailed by certified mail. If the eligible resides outside the District, s/he shall respond within three working days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for his/her answer to be returned by mail.

1. In the event an eligible is notified by telegram of the certification, s/he shall present him/herself before the appointing authority for interview or reach the appointing authority with some form of communication within 24 hours after the sending of the telegram.

2. Failure of an eligible to respond within the above-stated times will be deemed an automatic waiver of certification, and the Personnel Director may certify an additional name in lieu of the name of such eligible.

B. An eligible who has been certified shall be allowed two weeks (one month in management class) to report for duty after an offer of appointment to a permanent position has been made. If s/he is unable or unwilling to report by the end of two weeks, or one month he may be considered to have refused appointment; and the appointing authority may request certification of another name from the eligibility or reemployment list.

1. The date of the offer of appointment shall be the date on which the eligible is notified of selection by the Personnel Director.

2. Notification may be made by telephone, telegram or registered or certified mail.

3. The appointing authority may allow a period longer than two weeks at its discretion.

4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing authority.

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

5.20.11 Subjects Regarding Which No Questions Shall be Asked (Ed Code 45293)

No questions relating to political or religious opinions or affiliations, age, race, color, national origin or ancestry, sex 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.

5.20.12 Certification of Eligibles for Position Where Language or Valid Driver's License is Required (Ed Code 45277)

A. If a position has multiple language or valid driver's license requirements, as provided in Rule 3.20.1 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 Rule of Three Ranks is suspended. The Personnel Director shall determine which eligibles possess the required language skills or valid driver's license and shall certify the names in the three ranks of qualified eligibles, in order of their relative 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 language and/or valid driver's license requirement, who are ready and willing to accept the position, the Personnel Director will initiate additional testing.

5.20.13 Most Appropriate Eligibility List

In the absence of a reemployment list or eligibility list for a class to which appointments are to be made, the list chosen as most appropriate shall be for a class which is compensated at an equivalent or higher salary schedule or rate. The most appropriate reemployment or eligibility list shall also be for a class for which entrance qualifications and fields of potential promotional candidates for the two classes are similar. The examination content must have approximated or exceeded the examination which would have been given for the class to which appointments are to be made.

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.
5.30  PROVISIONAL APPOINTMENTS

5.30.1  Restrictions

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

1. No eligibility list exists for the class, or
2. An eligibility list exists, but there is an insufficient number of available ranks, i.e., less than 3, and the interviewing supervisor refuses to appoint an available eligible.

B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar-day interval shall elapse during which he shall be ineligible to serve in any full-time provisional capacity.

C. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Section 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.

D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class description.

E. 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 made 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.
5.30.2 Terminating Provisional Appointments

A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15 day period does not extend beyond the 90-working-day provisional assignment or the additional 36 working days if authorized by Rule 5.30.1.E.

B. A provisional appointment may be terminated at any time at the discretion of the appointing authority.

5.30.3 Emergency Appointments

A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Education, through its authorized department heads, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.

B. When such emergency appointments are made, it shall be the duty of the Cabinet-level administrator to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.
ARTICLE 6
INSERVICE STATUS AND TRANSACTIONS

6.10 PROBATIONARY PERIOD (Ed Code 45301)

6.10.1 Duration of Probation

A. A new employee appointed from an eligibility list shall serve a probationary period of six months, or 130 actual working days whichever is the longer period, excluding unpaid leaves of absence, in one classification before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months, or 130 actual working days whichever is the longer period, excluding unpaid leaves of absence, in the higher classification before attaining permanency in that classification. Credit toward completion of probation shall be granted only for service in regular positions in the classified service after appointment from the eligibility list.

B. A new employee appointed from an eligibility list to a classification which is designated as management or confidential (executive or administrative) shall serve a probationary period of one year, excluding unpaid leaves of absence, in the classification before attaining permanency in the classified service.

6.10.2 Rights of Probationary Employees

A. A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her name reinstated in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list nor the period of eligibility of the employee.

B. A new employee who is dismissed during his/her initial probationary period shall be notified in writing. S/he shall not have the right of appeal.

C. An employee who has permanent status in the classified service, and who has been promoted to a higher classification, may be demoted involuntarily during the probationary period to his former classification. S/he shall be notified in writing of the action and the charges against him, and shall have the right of appeal provided in Rule 6.70.3.G.

D. A permanent employee who is suspended or dismissed or demoted to other than his former classification during a probationary period retains full rights of appeal.

E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should s/he be laid off without fault or delinquency on his/her part before his/her probationary period is completed, the time s/he has served shall be credited to him on his/her probationary period.
6.20  CHANGES IN POSITION AND CLASS

6.20.1  Transfer

A.  A permanent employee may be transferred at his request or for the good of the service from one position to another in the same classification at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons. If more than one transfer request has been made for the same position, preference should be given to seniority, subject to other conditions being equal.

B.  A permanent employee may be transferred to a position in a related classification on the same salary schedule. Such transfers shall be made only with the approval of the Commission and/or Personnel Director.

1. An employee may transfer from a position designated as confidential to a position not designated confidential in a comparable classification.

2. An employee may transfer from a position not designated confidential to a position designated confidential in a comparable classification, and with the consent of the appointing authority.

C.  Transfer shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner that would reflect adversely upon the rights of the employee, as provided in the law and these rules. No salary change shall be deemed to occur if the transfer results in termination of a differential authorized under these rules.

1. An employee transferring into a comparable classification from confidential to non-confidential or vice versa shall remain on the same salary step which the employee occupied in the original classification.

D.  The Personnel Commission and/or Personnel Director shall determine whether classifications are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, job category, 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 lay-off, or for reasons of health.

3. When the employee meets the minimum requirements for the classification.
E. An employee desiring to transfer must file a Request for Transfer in the Classified Personnel Office. Requests for Transfers will be held on file for the current fiscal year only. A new Request for Transfer must be filed each fiscal year.

F. A Request for Transfer will only be considered prior to scheduling of selection interviews.

G. A permanent employee who transfers to a position in a classification in which s/he has not previously completed a probationary period shall be considered probationary in that classification for a period of six months. At any time during the probationary period, s/he may be returned (transferred) to his former classification without right of appeal, or shall be returned to an applicable reemployment list if the employee was appointed to the new classification as a result of rights described in Education Code section 45298.

H. Transfers shall have the following effects on seniority:

1. Within the same classification - none.

2. From one classification to another - the employee shall not receive seniority credit in the new classification for service in other classifications; however, s/he shall retain credit earned in other classifications as seniority in the classified service.

I. Transfer shall not be used as a means to alter the sequence of impending lay-off, although employees whose positions are to be eliminated may transfer to other classifications as this rule provides.

J. Reasons for any transfer which is not voluntary shall be discussed with the employee by his/her immediate supervisor.

6.20.2 Demotions

A. A permanent employee may request voluntary demotion to a classification with a lower maximum salary rate. Such requests require the approval of his department head and that of the head of the department to which he is to be assigned, and with the approval of the Personnel Commission and/or Personnel Director.

B. Voluntary demotion is a privilege available to a probationary employee only in cases when he would otherwise be laid off for lack of work or lack of funds.

C. A permanent employee may be voluntarily demoted to a lower classification provided:

1. The employee previously served satisfactorily in a regular status in the lower classification; or the employee meets the minimum qualifications and passes the qualifying examination for the lower classification.
2. There is a vacant position in the lower classification and the employee is accepted by the appointing authority.

D. Involuntary demotion is a disciplinary action for cause.

6.20.3 Reinstatement

A. A permanent employee who resigned in good standing may be reinstated in a vacant position in his/her former classification and status within 39 months of the last date of paid service in a permanent position. Also, s/he may be reinstated in a vacant position in a lower related classification. Such actions are discretionary with the appointing authority.

B. An employee who has taken a voluntary demotion may be reinstated to a vacant position in his/her former classification or in a vacant position in a related lower class, as determined by the Commission within 39 months. Reinstatement is discretionary with the immediate supervisor.

C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolition or reclassification of his position, has the right to be reemployed, in accordance with his seniority, in a vacant position in his former classification within 39 months after demotion. Intervening reassignments to other classifications shall not abrogate that right. If s/he has not been reemployed in his former classification within 39 months, he shall be eligible for appointment to a vacant position in that classification, for an additional 24 months, provided that the same tests of fitness under which s/he qualified for appointment to the classification apply.

D. Reinstatement or reemployment of a former employee shall have the following effects:

1. Reinstatement to the former step in the current salary range for the classification, or, if reinstated in a lower classification, to the rate closest to that of the step to which s/he would be assigned if he were reinstated in his former classification.

2. If reinstated to permanent status, accumulated sick leave and seniority will be reinstated as of the date of the separation.

3. Step-advancement credit will not be allowed for the off-duty period. The employee's anniversary date shall be changed accordingly. (7.20.2)

4. Reinstatement of all rights, benefits and burdens of a permanent employee in the classification to which reinstated.
6.20.4 Changes in Assigned Time (See Unit Contract)

A. General Rule (Ed Code 45137)

1. If an employee is required to work in excess of the normally assigned time for 30 minutes or longer per day for 20 consecutive workdays, the assigned time of the position will be changed to reflect the longer hours for the purposes of obtaining the statutory benefits described in Education Code section 45136, and for the duration of the assignment of the additional time.

Additionally, an employee who during any one quarter of the work year is required to work on average of 50 minutes or more per day in addition to their regular assignment shall have the right to utilize vacation and sick leave at the higher level in the next succeeding quarter. This rule shall no apply when employees accrue and use vacation and sick leave on an hourly basis.

2. When a classification contains permanent positions of varying hours of work per day, week, or month, assignment to vacant positions shall be based on seniority in the classification.

3. An employee desiring an increase in hours shall notify the Classified Personnel Department in writing at the beginning of each fiscal year (July 1). A seniority-bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority-bid list shall accept or reject a vacant position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a vacant position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made. A request for an increase in hours which crosses organization lines shall be in accordance with Rule 6.20.1. Transfer.

4. When a permanent position becomes vacant, the top three employees on the Seniority Bid List with the most seniority in the classification will be offered the opportunity for an interview for the position by the appropriate administrator. If there are not three employees on the Seniority Bid List, and if a promotional lists exists, the interviewing supervisor has the option of requesting additional personnel interviews from that list to meet a minimum of three candidates for the position. The individual selected will be placed in the position except when there is a valid reemployment list.

B. Increase in Time of More than 30 Minutes per Day (See Unit Contract)

1. When an existing permanent part-time position is permanently assigned an increase of more than 30 minutes per day, the employee in the same classification working less than 8 hours per day with the most seniority in that particular school where the adjustment is being made shall be entitled to the increase.

2. If the employee with the most seniority in the school, department, or site where the adjustment is being made wishes to remain at the same hours per
day worked and wishes no increase in time, the adjustment will then be offered to the next employee in line with seniority within that particular school, department or site. If the increase is not accepted by the employees at that particular school, department or site, the increase in the assigned time shall be offered in accordance with Sub section A.3 of this rule.

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 classification(s) and location(s) affected by the reduction.
   b. Notify the Personnel Director as soon as possible, and work with the Director to alleviate the affect of reduction on employees.

2. Employees who accept voluntary demotion or accept voluntary reductions in assigned time, shall be granted the same rights as persons laid-off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months provided that the same tests of fitness under which they qualified for appointment to the classification apply. (See Rule 6.90.2.H)

3. When an employee is faced with a reduction in assigned time, the rules on transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.

4. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increases in assigned time.

Revised (6.20): 08/14/13

6.30 LIMITED-TERM EMPLOYMENT

6.30.1 Types of Limited-Term Employment (Ed Code 45286)

A. A limited-term employee may be assigned to a temporary position in the absence of a regular employee.

A limited-term employee may be assigned to a position not to exceed in duration the authorized absence of the regular employee, but it need not coincide with the dates of that absence. Also, a limited-term may be assigned in a lower classification related to that of the absent employee if the assigned duties are reduced in level accordingly. A person employed beyond six months to cover the absence of a single employee or of several employees on authorized leave is not entitled to permanent status.

Substitutes shall be appointed from appropriate employment lists to occupy a position on a day-to-day basis during the absence of a probationary or permanent employee.
When an employee's absence continues beyond one month and the same substitute occupies the position, the status of the substitute shall be changed to Limited Term.

B. A limited-term position augments the number of regular positions in a given organization unit. A limited term assignment replaces a regular employee while on leave of absence.

The appointing authority may establish positions which are limited to six months or less; such positions shall be designated "limited-term". Such positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

C. Limited-term appointments shall be made in accordance with procedures for regular appointments, except as provided below.

If an eligible has been certified on an eligibility list or has been appointed to a substitute assignment or limited-term position, he shall continue to be eligible for substitute or limited-term appointments in the same or related lower classification 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.

6.30.2 Compensation for Employees in Limited-Term Assignments

A. Employees without regular status shall be compensated at the first step for the class.

B. When a regular employee is given a limited-term appointment in a second classification 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.

C. Former regular employees who are reinstated as limited-term employees within 39 months after resignation or layoff shall be paid in accordance with Rule 6.20.3.D.1.

D. Regular employees (whose regular assignments are other than 12 months) who are given limited-term, substitute or provisional assignments during the summer shall be compensated as follows:

1. Regular employees appointed to an assignment within their regular classification will be compensated at their regular hourly rate.

2. If the assignment is in a higher classification, the employee shall be entitled to the salary placement as if promoted.

6.30.3 Rights and Benefits (Ed Code 45136)

A. Regular employees who are serving in limited-term appointments while retaining regular status in another classification 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, such as paid holidays and bereavement leave. No seniority or credit toward completion of probation or any other benefits shall accrue from service in a limited-term appointment, except as provided under Paragraph A of this rule.

6.30.4 Terminations

A. Limited-term appointments shall be subject to termination at any time.

B. Limited-term employees serve at the pleasure of the appointing authority and may be dismissed at will. Regular employees serving in a limited term assignment or position shall be reassigned to the position previously held.

Revised (6.30): 08/14/13

6.40 ASSIGNMENTS OF DISABLED EMPLOYEES

6.40.1 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 Commission, reasonable accommodation may be made to place him/her in a position within his/her capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission in the cases noted below.

6.40.2 Reassignment

A. A disabled employee's duties in his/her regular position may be altered in accordance with his/her handicap. Such changes in duties shall be reported to the Personnel Director, who shall determine whether the position requires classification study.

B. A disabled employee may accept demotion or transfer to a less demanding class, with the approval of the Commission.

C. A disabled employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until s/he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

6.40.3 Effect of Refusal by Employee

A disabled employee may refuse assignments to other classes without effect on his/her rights under illness leave provisions of the law and these rules. However, there is no obligation for the appointing authority to renew offers of reassignments which have been refused or to make alternative offers.
6.50 RETIREMENT (Ed Code 45134)

6.50.1 Employment of PERS Retirees (Ed Code 45135)

A. Any person receiving a retirement allowance from the Public Employee's Retirement System may be employed for up to 960 hours in accordance with the provisions of Article 5 (Commencing with Section 21150) of Chapter 8 of Part 5 of Division 5 of Title 2 of the Government Code.

6.60 PERFORMANCE EVALUATIONS

6.60.1 When Evaluations are to be Made

All regular classified employees shall be evaluated by their immediate supervisors in cooperation with the respective principal or administrator in accordance with the following schedule:

A. Probationary employee - at the end of the second and fifth months of service.

B. Probationary management (executive or administrative) employee - at the end of the fifth and tenth month of service.

C. Permanent employee - once a year, one month prior to his anniversary date.

6.60.2 Who Makes Evaluations

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

6.60.3 Procedure to be Followed

A. Performance evaluation reports shall be made on forms prescribed by the Personnel Commission, which shall be prepared by the employee's immediate supervisor, if possible. The form shall be reviewed by the next highest supervisor and, if the need for improvement is noted, by the Cabinet-Level Administrator.

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 s/he shall be given a signed copy. When the employee is no longer supervised by the person preparing the evaluation, it may be delivered by mail.

C. Performance evaluation reports shall be filed in the employee's personnel records and shall be available for review in connection with promotional examinations and disciplinary actions.
6.60.4 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 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 actions.

6.60.5 Procedure When a Probationary Employee's Work Performance Becomes Unsatisfactory

A. A probationary employee who fails to meet the performance standards for the position may be dismissed for inefficiency at any time during the probationary period. The dismissal shall be supported by a deficiency report, made on the Performance Evaluation form, with copies to the appropriate Cabinet-Level Administrator and the Director of Classified Personnel Services.

B. A probationary employee has no right to appeal to the Personnel Commission.

6.60.6 Procedure When a Permanent Employee's Work Performance Becomes Unsatisfactory

A. A permanent employee failing to meet performance standards for a position may be reassigned, suspended for up to 30 working days without pay, demoted, reduced in assigned time, or dismissed.

B. A permanent employee whose work becomes unsatisfactory shall be evaluated immediately on district forms. The evaluation shall include a performance improvement plan.

C. A copy of the review shall be sent to the cabinet-level administrator and the Director of Classified Personnel Services.

D. If, subsequent to issuance of the review, the employee's work does not improve sufficiently, his performance shall be reviewed at least twice during the next 15 working days (once during the middle of the 15 days and at the end of the 15 days). A copy of each review shall be forwarded to the cabinet-level administrator and the Director of Classified Personnel Services.

E. If, at the end of 15 working days, his/her performance is still unsatisfactory, the department head may recommend reassignment, suspension, demotion, reduction in assigned time, or dismissal to the cabinet-level administrator and Superintendent. A copy of his recommendation shall be submitted to the Director of Classified Personnel Services.

F. The employee may request, in lieu of dismissal, a reassignment within the same classification, to a lower classification, to a related classification or a reduction in assigned time. If a reassignment is not approved, the procedure outlined in 6.70.2, Procedure for Disciplinary Action, shall be followed.
6.60.7 Appeal

If the employee is not satisfied with his performance evaluation, he may attach a written rebuttal and appeal through the District Complaint Procedure. (Article 8)

Revised (6.60): 08/14/13

6.70 DISCIPLINARY ACTION AND APPEAL

6.70.1 Causes for Suspension, Demotion, Dismissal

Persons employed in the Classified Service may be suspended, demoted or dismissed for causes such as:

A. Attendance
   1. Absence for three consecutive work days without proper notice or approved leave shall constitute abandonment of position.
   2. Substantial abuse of leave privileges.
   3. Failure to follow established practices for reporting absences.
   4. Frequent unexcused absences or tardiness.

B. Conduct
   2. Inappropriate treatment of fellow employees.
   3. Inappropriate treatment of the public.
   4. Discrimination based upon protected classification including, but not limited to, actual or perceived ancestry, age, color, disability, genetic information, gender, gender identity, and gender expression, marital status, medical condition, national origin, race, religion, sex and sexual orientation, or as specified in District rules or regulations.
   5. Immoral conduct on the job.
   7. Willful failure to exercise good conduct which tends to injure the public entity.
   8. Willful failure to follow directions (insubordination).

C. Criminal Records/Acts
   1. A record of one or more convictions which indicates a poor employment risk.
   3. Conviction of a felony or crimes involving moral turpitude.
   4. Failure to disclose material facts regarding criminal records.
   5. Failure to report for review of criminal records.

D. Health and Safety
   1. Addiction to or illegal use of narcotics or controlled substances.
   2. Discovery of any physical, emotional, or mental condition which would preclude acceptance of a probationary eligible for assignment.
3. Disregard of safety regulations.
4. Failure to report for health examination after due notice.
5. Frequent accidents resulting in injury to persons or damage to District property.
6. Possession, use of, or under the influence of alcohol, narcotics, or controlled substances while on duty without specific medical prescription.
7. Failure to maintain any license or certificated required for the job.
8. Uninsurability.
9. For individuals in safety-sensitive positions, failure to participate in good faith in any mandated alcohol or substance screenings, or a screening with a positive result.

E. Work Habits
1. Inattention to or dereliction of assigned tasks.
2. Inability to perform assigned tasks.
3. Inefficiency in the performance of assigned tasks.
4. Consecutive evaluations of a less than satisfactory nature.

F. Political
1. Advocating the overthrow of the United States Government or the Government of California by force, or unlawful means.
2. Engaging in political activity during assigned hours and days of employment.

G. Regulations, Rules, Laws
1. Three documented disciplinary actions (suspensions or demotions), may be cause for dismissal.
2. Providing false or misleading material information on applications, examinations, and other District records.
3. Willful, or persistent, violation of the Education Code, rules and regulations, procedures of the Personnel Commission or Policy and Administrative Regulations of the Board of Education.

6.70.2 Procedure for Disciplinary Action (Ed Code 45304)

A. No employee in the Classified Service shall be suspended, demoted, dismissed or in any way discriminated against because of his affiliations, political or religious acts or opinions, race, color, sex, or marital status.

B. When a supervisor, department head, or manager determines that an employee should be recommended for demotion, suspension or dismissal, the following steps should be followed.

1. A written notice including specific instances of misconduct or performance deficiencies, specific causes for discipline, and the disciplinary action being considered must be provided the employee by the immediate supervisor before any action is taken. The written notice shall be accompanied by a form which, if submitted in a timely manner, shall constitute a request for a meeting with an appropriate Cabinet level administrator.
2. The employee has five working days from the date of service of the written notice within which to submit the form to request a meeting with the appropriate Cabinet level administrator or his/her designee.

3. The meeting must be granted by the Cabinet level administrator or his/her designee in a reasonable time period as mutually agreed to by the employee or the employee’s representative. In any event, unless mutually agreed upon in writing by the Cabinet level administrator or his/her designee, and the employee or employee’s representative, the meeting shall take place within five working days of submission of the written request for the meeting.

4. The purpose of the meeting is to provide the employee with adequate time to:
   a. Present any explanation or justification for the alleged misconduct or performance deficiencies, and any alternate action to that which is proposed which might dispose of the matter at this time; and,
   b. Contact persons who can provide advice to the employee, such as legal counsel, an employee representative, or any interested family members.

5. The Cabinet level administrator or his/her designee shall have the authority to overrule, sustain, or adjust the level of discipline proposed in the written notice.

6. Within five working days of the meeting, the Cabinet level administrator or his/her designee shall issue a written decision. The written decision shall be forwarded to the Superintendent and the employee or employee’s representative.

C. There may be a situation where serious misconduct of the employee creates an emergency justifying disciplinary action, such as immediate suspension without pay, with only minimal notice and a right to respond. By way of example, but not limitation, emergency situations are when the employee's conduct is such that s/he presents a danger to himself or others; and where the employee is under the influence of alcohol or under the influence of drugs while at work. In such cases, the Superintendent shall issue to the employee a letter justifying the immediate suspension without pay as soon thereafter as reasonably possible. Subsequent to the Superintendent’s decision to immediately suspend without pay, and no later than five working days following such suspension without pay, the formal discipline process described in these rules shall be initiated. Per the Superintendent’s discretion, the employee may remain in unpaid status pending action by the Board of Education.

D. In every case not defined in Rule 6.70.2.C, above, a recommendation to demote, suspend, or dismiss shall include the following information on the District's disciplinary action form (Statement of Charges):
   1. The cause(s) for the recommendation, i.e. incompetency, inefficiency, etc.
2. Each cause shall be stated separately and followed by the specific acts or events (charges) that support the cause for which the recommendation is made. The acts or events must be clearly described so that the concerned employee will be able to understand the charge or complaints. Written reference must be made to applicable district rules and regulations, as well as appropriate Education Code Sections.

3. The recommendation shall also have attached such documents, reports, performance reviews, and other supportive material that will enable the Superintendent and the Board of Education to make a determination.

4. The recommending authority shall include with his/her recommendations a detailed written history of his/her actions, meetings, interviews, reports, etc., with the employee or concerning the period from the act described in the charge to the date of the recommendations to demote, suspend or dismiss.

E. The Superintendent shall review the recommendation and all supportive evidence and the written decision of the Cabinet level administrator or his/her designee. S/he may make such inquiry as s/he deems necessary before submitting the recommendation to the Board of Education for action. Should the Superintendent determine that there is insufficient cause for the action recommended, s/he may return the recommendation to the originating authority for whatever action s/he directs. Should the Superintendent determine there is sufficient cause for the action recommended, the Superintendent shall forward it to the Board of Education for action.

F. If the Board of Education is requested by the Superintendent to take action on the recommendation, the employee shall receive written notice of his/her decision, and of the opportunity to have the matter heard in open session, at least 24-hours before the meeting of the Board of Education in accordance with Government Code section 54957. The Board should permit the concerned employee or his/her representative to make a statement (oral or written) prior to its closed session deliberations on the recommendation.

G. The Board of Education will, at its next regular meeting following receipt of the recommendation to demote, suspend, or dismiss, take such action as it deems proper.

H. When formal disciplinary action has been taken by the Board of Education, the action and the charges shall be reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting.

I. Notice to the employee shall include a copy of the charges and a statement of his/her right to appeal, if any, together with a copy of Rule 6.70.3.

J. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to ratification by the Board at its next regular meeting, but not to exceed 30 days. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.
K. A regular employee charged with the commission of any sex offense as defined in Section 45123 of the Education Code by complaint information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 45304 of the Education Code. Such a suspension will be processed as an involuntary unpaid personal leave in accordance with the provision of this rule relative to suspension. The employee may receive compensation as provided for in the Code Section. Such suspension shall be reviewed by the Personnel Commission every ninety (90) calendar days. Such actions are not subject to the Appeal described in Rule 6.70.3.

L. Dismissal shall cause removal of the employee's name from all employment lists.

The action of the Board of Education shall be final, subject to the employee’s right to appeal pursuant to Rule 6.70.3.

6.70.3 Appeal

A. A permanent employee who has been suspended, demoted or dismissed, may appeal to the Personnel Commission within 10 working days after having been furnished with a copy of the action of the Board of Education.

B. Appeal can be made only on the following grounds:

1. That the procedure set forth in Rules 6.70.1 and 6.70.2 have not been followed.

2. That the action was taken because of political affiliations or religious beliefs, ancestry, age, color, disability, genetic information, gender, gender identity, and gender expression, marital status, medical condition, national origin, race, religion, sex and sexual orientation.

3. That there has been abuse in discretion by the appointing authority or recommending authority.

4. That the action taken by the Governing Board was not in accord with the facts.

5. Penalty invoked is excessive.

C. Failure to specify a particular ground for appeal shall constitute the employee’s waiver of the right to pursue an appeal on that ground.

D. Failure on the part of the employee to file an appeal within the specified 10 working days shall be construed as an admission of the truth of the charges made against him. The judgment sought by the Board of Education shall be entered forthwith by the Personnel Commission.
E. The notice to appeal must be signed by the concerned employee. It must further state the address at which the employee resides and may be expected to receive all future correspondence, notices or documents relating to the appeal.

F. The concerned employee may be represented by counsel or may designate any other person. The notice of appeal must state, if known, the name and mailing address of the employee's representative.

G. The Personnel Director shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under Section 45305, if the Personnel Director is the party who brought the action against the employee.

H. A permanent employee who has not served the full probationary period for a promotional class and who is demoted to the class from which promoted may request an investigation by the Commission within 10 working days after the receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the five grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation, but shall be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Governing Board and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminating action, the Commission may order a formal hearing. The decision of the Commission after any formal hearing shall be binding on the Governing Board.

6.70.4 Hearing Procedure

A. The Personnel Commission may conduct hearings on appeal or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.

In the event the Personnel Commission conducts the hearing itself, the Personnel Director shall have the authority to take any and all actions necessary to ensure a timely and orderly hearing process, including but not limited to, requiring submission of the parties’ witness lists, exhibit lists, requests for subpoenas before the hearing on a date selected by the Director, and attendance at pre-hearing conferences if s/he deems one more necessary. In the event the Personnel Commission appoints a hearing officer to conduct the hearing, the hearing officer shall have this authority. Failure to adhere to the deadlines established by the Director or the hearing officer may have a limiting effect on the parties’ submission of testimony and evidence.

B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission or its designated hearing officer shall not be invalidated by any informality in the proceedings.
C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.

D. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.

E. Each side will be allowed to examine and cross-examine witnesses.

F. The Personnel Commission, the Board, and the employee may be represented by legal counsel or other designated representatives.

G. The Personnel Commission, its Director, or its hearing officer may, and shall, if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.

H. The Commission, its Director, or the hearing officer may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

I. Whether the hearing is held in a public or closed session, the Commission after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If the Director or any staff member 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 deliberation.

J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible. Its decision shall set forth which charges, if any, are sustained and the reasons therefor. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by references thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

If the matter is heard by an appointed hearing officer, the hearing officer shall present the Commission with a proposed decision as soon as possible, but in no event later than 10 working days after the record is closed. The Director, at his/her discretion, may extend this timeline. The hearing officer’s decision shall set forth which charges, if any, are sustained and the reasons therefor. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by references thereto. Copies of the decision shall be delivered to the Director on behalf of the Commission. As soon as possible thereafter, the Commission shall meet to consider the proposed decision.
K. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Board. If the Commission desires to reject a proposed decision of a hearing officer, it shall be required to review the entire record, including a transcript or recording of the hearing, before rendering a decision consistent with 6.70.4.J.

L. The Commission’s order of judgment will be filed with the Board and the charged employee, and will set forth its findings and decisions. If a disciplinary action is not sustained, its order shall set forth the effective date of the action ordered by the Commission.

M. 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.

N. The Commission may direct such other action as it may find necessary to effect a settlement of the appeal, including but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause and charges which were not sustained by the Commission.

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.

O. The parties may have the hearing reported by a certified court reporter, and the Director shall cooperate with the employee or his/her representative in making space available in the hearing room for the court reporter. The employee or his/her representative shall make all arrangements for the court reporter and shall pay all costs involved in having the proceedings recorded and a transcript prepared.

6.70.5 Disqualification of Hearing Officer or Commission Member

A hearing officer or Commission member shall voluntarily disqualify him/herself and withdraw from any appeal in which s/he cannot afford a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or Commission member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. When the request concerns a Commission member, the issue shall be determined by the other members of the Commission. When the request concerns the hearing officer, the issue shall be determined by the Commission. No Commission member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular appeal.

Revised (6.70): 07/10/13
6.80 LEAVES OF ABSENCE

6.80.1 Vacation (Ed Code 45190 and 45197) (See Unit Contract)

A. Years of Service Credit for Purpose of Vacation Accrual

Effective July 1, 2014, service credit for purposes of vacation accrual, shall be earned based on years of service to the district, for all regular classified employees. For calculation purposes, years of service shall mean each school year worked is equal to one year of service. The date a classified employee is first placed in a regular position in the Classified Service shall be the date used to determine years of service for the purposes of this rule.

B. Vacation Accrual

1. Regular classified employees shall earn vacation time at the rates indicated below. Employment service included in the calculations of earned vacation are probationary time, time on leave to serve in a limited-term assignment and period of leaves of absence with pay. Employees who work less than full time accrue vacation according to the same schedule, but prorated based on the actual hours worked.

<table>
<thead>
<tr>
<th>Years of Employment Service</th>
<th>12-Mo</th>
<th>11-Mo</th>
<th>10-Mo</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>days/year</td>
<td>equivalent to days per month</td>
<td>days/year</td>
</tr>
<tr>
<td>Less than 5 years</td>
<td>12</td>
<td>1.00</td>
<td>11</td>
</tr>
<tr>
<td>Upon completion of 5 years</td>
<td>15</td>
<td>1.25</td>
<td>14</td>
</tr>
<tr>
<td>Upon completion of 10 years</td>
<td>17</td>
<td>1.42</td>
<td>16</td>
</tr>
<tr>
<td>Upon completion of 15 years</td>
<td>19</td>
<td>1.58</td>
<td>18</td>
</tr>
<tr>
<td>Upon completion of 20 years</td>
<td>21</td>
<td>1.75</td>
<td>20</td>
</tr>
<tr>
<td>Upon completion of 22 years</td>
<td>21</td>
<td>1.75</td>
<td>21</td>
</tr>
<tr>
<td>Upon completion of 24 years</td>
<td>21</td>
<td>1.75</td>
<td>21</td>
</tr>
</tbody>
</table>

Credit for increased vacation allowance based on years of service will be granted on the first day of the following month in which the time was earned in accordance with the schedule above.

A regular classified employee starting in the District on a day other than the first of the month must be on the payroll a minimum of twelve (12) working days in the beginning month of employment to earn one (1) day of vacation for that month. A regular classified employee terminating employment with the District on a day other than the last of the month must be on the payroll a minimum of twelve (12) days in that month to earn one (1) day of vacation.

Vacation is earned only while the regular classified employee is drawing pay from the
District. It does not accrue during a vacation period at termination of service.

2. Management Employees
For classes designated as management by the Commission, vacation shall be earned at the rate of 22 working days annually. Employees who work less than full time and/or less than 12-months per year accrue vacation according to the same schedule, but prorated based on the actual hours worked.

C. Paid Vacation

Regular classified employees assigned less than twelve (12) months shall take their vacation days during the Thanksgiving, winter and spring breaks of each school year. When the number of days of earned vacation exceeds the number of days vacation is used when school is not in session, the excess number of days must be taken after the close of the school year, but prior to July 1.

When the number of unpaid holidays exceeds the number of vacation days which were earned in a fiscal year, use of Personal Necessity Leave Days shall be allowed to cover the short-fall.

When the last day of service coincides with the last day school is in session, a regular classified employee with remaining vacation entitlement will be compensated for such excess at his/her regular hourly rate.

Twelve (12) month regular classified employees may take their vacation at any time during the year in which it is earned or during the subsequent fiscal year.

All vacation entitlement shall be scheduled in accordance with the needs of the District and as nearly possible at the convenience of the employee. Vacation schedules shall be approved by the administration. Effort shall be made to enable vacation to be taken at times convenient to the employee, consistent with the needs of the service and workload of the department.

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 salary by reason of subsequent changes in condition of employment.

Vacation must be used as sick leave when the employee has no accumulated sick leave available.

D. Vacation Carry-Over

Twelve (12) month employees may carry forward into the next fiscal year a vacation balance not to exceed that which the employee could earn in one (1) year.

An employee shall be credited with not more than the employee’s annual entitlement to vacation plus the maximum amount of carry-over days to which entitled. When such maximum limit is reached, the employee will be compensated for such excess at
his/her regular hourly rate in order to reduce the amount of vacation below the employee’s maximum.

When it appears that an employee is approaching the maximum number of vacation days, or will do so within the current fiscal year, the supervisor and the employee shall meet and attempt to mutually schedule agreeable vacation times. If the employee does not agree to take vacation or insists on taking vacation at a time when it will interfere with the operations of the District, the supervisor may require the employee to take vacation days at specified times in only those amounts necessary to prevent the employee from exceeding his/her maximum allowed carry-over.

E. Vacation Pay Upon Termination

Any classified employee who leaves the service of the Simi Valley Unified School District, who immediately prior to separation has been in a regular classified position for six (6) months or more, shall be allowed a vacation leave consisting of the number of days accrued. A lump sum payment for this accrued vacation will be allowed. Upon separation from the service, an employee shall be paid for his/her accumulated vacation credit at the rate of pay applicable to his/her last regular assignment.

Revised: 10/15/14

6.80.2 Illness and Bereavement Leave While on Vacation (Ed Code 45200)

Any permanent classified employee who commences his prescribed vacation period and subsequently becomes ill, injured or bereaved before his/her vacation period has been completed, shall be placed on appropriate leave under the following conditions: If the illness, injury or bereavement is such that had the employee been working s/he would have been absent on illness, injury or bereavement leave.

When all or part of any employee's vacation is to be converted to illness, injury or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned vacation balance.

6.80.3 Paid Illness Leave (Ed Code 45191)

A. Illness Leave is the authorized absence of an employee because of illness, injury, or exposure to contagious disease.

B. A regular classified employee (probationary and permanent) shall earn paid illness leave in accordance with the provisions of Education Code Section 45191. Each regular classified employee is entitled to earn one day of illness leave per calendar month of the fiscal year. An employee who is employed less than full time is entitled to a proportionate amount of illness leave.

Unused illness leave may be accumulated without limit.
C. At the beginning of each fiscal year, the illness leave "Bank" of the employee shall be increased by the number of days of paid illness leave which would normally be earned in the ensuing fiscal year. An employee's illness leave "Bank" shall be adjusted if a change of assignment alters the amount of illness leave earnable.

D. Illness leave may be used at any time with the exception of new employees who are in a probationary status. These probationary employees may only use up to six days of paid illness leave during their initial probationary period. A new management employee who is serving satisfactorily in an initial probationary period, shall only be eligible to use up to six days of paid illness leave until after completion of six months of satisfactory service with the District.

E. Pay for any day of illness leave shall be the same pay the employee would have received if he had worked that day, except as provided by Education Code 45137 for part time personnel.

F. In order to receive compensation while absent on illness leave, the employee must notify his supervisor of his absence within the first working hour of the first day absent, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.

G. At least one work day prior to his expected return to work, the employee shall notify his supervisor in order that any substitute employee may be terminated. If the employee fails to notify his supervisor or Personnel Office as appropriate, and both the employee and substitute report, the substitute is entitled to the assignment, and the employee shall not receive pay for that day.

H. An employee absent for five working days or more may be required to present a doctor's statement stating the nature of the illness or injury and the date the employee is able to return to work.

I. Employees who have a questionable attendance record and indicate a high incidence of illness leave usage may be required to submit medical justification for any absence at the discretion of the supervisor or department head. (See Unit Contract)

J. When an employee is to be absent for an extended time (three weeks or over), a Leave of Absence Form must be completed certifying the reason and duration of absence. The form must be accompanied by a doctor's statement stating the nature of the illness. The leave must be approved by the principal or department head. A statement from a doctor releasing the employee to return to work must be submitted to the principal or department head by the date of return to work.

6.80.4 Additional Illness Leave - Personal Illness 50% Paid (Ed Code 45196)
(See Unit Contract)

A. During each year of service, when a regular employee is absent on account of personal illness, s/he shall be allowed full salary for that period of time equal to the balance of his accumulated illness leave. Compensation for continued absence
beyond the expiration of accumulated illness leave within the school year shall be 50% of the regular salary, irrespective of substitute placement for a period of time not to exceed five calendar months or return to duty, whichever occurs first. Continued absence beyond a five calendar month period will be without compensation. The five month at half-pay privilege is renewable upon return to duty within the school year. Written certification from a physician or health advisor must be sent to the district at the beginning of the five month period at half pay, along with a request for leave form when the absence is expected to be of extended duration.

Total salary received from sick leave benefits and/or workmen's compensation benefits shall not exceed the regular salary of an employee.

B. A classified employee on an extended paid personal illness leave may be required to submit written certification from a physician or health advisor at any time during his illness as deemed advisable by the department head and superintendent.

A classified employee on an extended personal illness leave cannot be engaged in other employment while receiving illness pay from the district.

A classified employee on an extended personal illness leave will be required to remain in the immediate area except that such an employee may leave the immediate area upon written certification from a physician or health advisor which has been approved by the department head and the superintendent.

C. Upon return to duty from an illness exceeding five days, an employee must provide his supervisor with an affidavit from a licensed physician, chiropractor or church health practitioner, certifying the employee's fitness for duty.

D. After exhaustion of paid illness leave, an employee who is ill or injured may, upon request, use accumulated vacation and compensatory time to avoid leave without pay.

E. After exhaustion of all paid leave, a permanent employee may be placed on additional leave upon request and with the approval of the Board. The additional leave may be paid or unpaid and may be extended for any period not to exceed 18 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 s/he has rendered service.

F. A leave of absence form must be filed in the Classified Personnel Office requesting 50% illness leave and any additional leave, paid or unpaid.

6.80.5 Termination of Illness Leave

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

6.80.6 Industrial Accident and Industrial Illness Leave (Ed Code 45192)  
(See Unit Contract)

A. "Industrial Accident", as used in this rule, is defined as any accident or illness arising directly out of or in the course of employment of the employee which forces him to absent himself from work. The determination of whether an accident constitutes an "industrial accident" shall be made by the district, or third party administrator.

B. In accordance with Education Code Section 45192, industrial accident or illness leave shall be in effect for all employees who are a part of the classified service of the Simi Valley Unified School District according to the following provisions:

1. Allowable leave shall not be for more than 60 working days in any one fiscal year for the same accident.

2. Allowable leave shall not be accumulative from year to year.

3. Industrial accident or illness leave will commence on the first day of absence.

4. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this State, exceed the normal wage for the day.

5. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of compensation award made under workers' compensation.

6. When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next 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, for the same illness or injury.

7. The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Section 45191 of the Education Code. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, he shall be entitled to use only so much of his accumulated or available illness leave, accumulated compensation time, vacation or other available leave which, when added to the workers' compensation award, provide a full day's wage or salary.

8. Periods of leave of absence for industrial accident, paid or unpaid shall not be considered to be a break in service of the employee.
9. During all paid leaves of absence, whether industrial accident leave as provided in this section, illness leave, vacation, compensated time off or other available leave provided by law or the action of a governing board, the employee shall endorse to the district wage loss benefit checks received under the workers' compensation laws of this State. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.

10. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his position, s/he shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, s/he shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case, s/he shall be listed in accordance with the appropriate seniority regulations. It shall be the responsibility of the employee to notify the Classified Personnel Department when he is available for duty. (See Unit Contract)

11. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed. It shall be the responsibility of the employee to submit a medical release to the Personnel office within the 39 month period.

12. The District reserves the right to secure proof of industrial injury or illness of an employee. Before salary payments will be made to an employee absent because of industrial injury or illness, a report of such accident or illness in the form required by the State of California Employee's Report of Occupational Injury or Illness must be on file in the Payroll Office.

6.80.7 Bereavement Leave (Ed Code 45194)

A. Each employee in the classified service shall be allowed a leave of absence, with pay, for a period not to exceed three (3) days when such absence is occasioned by reason of death in the immediate family. The Superintendent is authorized to extend such leave up to two (2) additional days on account of out-of-state or unusual travel time requirement. By definition, immediate family includes: mother, mother-in-law, father, father-in-law, spouse, son, son-in-law, daughter, daughter-in-law, grandparent, brother, sister, guardian, grandchild, anyone who served in the capacity of parent, or any relative living in the immediate household of the employee. This leave is independent of illness leave.

B. Leave to attend the funeral of a close friend or relative, not a member of the immediate family will be approved by the employee's immediate supervisor. Time for the attendance is up to one-half day when the funeral is in the immediate area (within one hour driving time) or up to one day, if the funeral is outside of the immediate area. This leave is independent of illness leave.
6.80.8 Personal Necessity Leave (Using Accumulated Sick Leave) (See Unit Contract) (Ed Code 45207)

A. A classified employee may elect to use up to seven (7) days of earned and accumulated sick leave annually for reasons of personal necessity. Employees will receive full pay if personal necessity days are taken within sick leave allotment. The employee shall not be required to secure advance permission for leave taken for any of the following reasons:

1. Death or serious illness of a member of the immediate family. Immediate family is defined in A.R. 4351.3.

2. Accident, involving his person or property, or the person or property of a member of his immediate family.

3. Hazardous conditions, such as floods, or fires, which make it dangerous for an employee to travel to or from work.

B. Personal Necessity Leave shall require two working days of advanced approval and be granted for the following reasons:

1. Specific family responsibilities and/or obligations which make it necessary for the employee to be absent during working hours.

2. Job related activities not specifically funded or sanctioned by the school district.

3. Obligations required by virtue of elected or appointed leadership positions in professional/educational organizations, youth activities that directly benefit youth, elected officials of city or county government, or elected public school board members.

4. Appearance in any court or before any administrative tribunal as a litigant.

5. Observance of recognized religious holidays.

C. All personal necessity leaves are subject to review by the immediate supervisor.

6.80.9 Family and Emergency Leave (Management/Confidential)

A. Six (6) days emergency leave per year, (no more than three (3) for any one illness) independent of sick leave, may be granted with pay to a Confidential/Management employee for any one of the following reasons or combinations thereof:

1. Critical illness or critical injury to any member of the immediate family of the employee as defined under Bereavement Leave. Whenever possible, the
employee will provide a physician's statement as to the critical illness or injury. "Critical Illness or Critical Injury" is defined as being of such a nature that life or death may very well be of immediate concern and by its urgent nature and atmosphere of crisis.

2. Disabling dental or optical conditions (such as broken glasses) which cannot be classified as illness leave, but which impairs his/her effectiveness because of the nature of his/her job as an employee of the district. In case an immediate appointment to remove the disabling condition is not available, the Personnel Office should be so informed.

3. At the birth of an employee's child, an employee may be granted leave, not to exceed one (1) day.

B. Administrators may, at their discretion, permit classified employees serving under their supervision to be temporarily absent from duty during a portion of the day provided that satisfactory arrangements have been made to care for their duties, and provided that this can be done without financial loss to the district, or serious decrease in the efficiency of the program. It is understood that this indulgence should be exercised only under occasional urgent and emergency circumstances. It should not be a regular or frequent practice.

C. No salary will be paid to employees while absent from duty attending to matters involving their personal interest or advantage.

6.80.10 Jury Duty and Witness Leave (Ed Code 44037)

A. Leave of absence for jury service shall be granted to all 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 department head.

B. Leave of absence to serve as witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the school district. Request for leave of absence to serve as witness should be made by presenting the official court subpoena or other document requiring attendance 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 or parking expenses.
D. An employee who has received leave of absence under this rule shall make himself available for work during hours when his presence is not required in court.

6.80.11 Absence for Examination

Every employee in the Classified service shall be permitted to be absent from his/her duties during working hours to take any examination for promotion in the district without deduction of pay or other penalty, provided that he gives two days notice to his/her immediate supervisor.

6.80.12 Absence for Graduation

Any employee of the district shall be allowed time off not to exceed one day, with no loss in pay, to attend graduation exercises affecting a son, daughter or spouse as follows:

1. For morning or afternoon graduation within the immediate area.
2. For evening graduation where extensive travel is involved.

6.80.13 Military Leave (See Unit Contract)

Military Leave of Absence shall be granted and compensated in accordance with the Military and Veterans Code Section 389 and 395 and that which follows.

6.80.14 Leave of Absence Without Pay (See Unit Contract)

A. A leave of absence without pay may be granted to a permanent classified employee upon written request of the employee, subject to the following restrictions:

1. A maximum of one month leave without pay may be granted an employee with approval of the supervisor and superintendent. Leaves of absence without pay for periods exceeding one month may be granted with approval of the supervisor and superintendent by the governing board and provided such leave does not seriously inconvenience the district. No more than two successive leaves will be granted to an employee.

2. The following reasons shall be considered in granting a leave of one month or more without pay to permanent classified employees whose service records are satisfactory:

   a. Study for the purpose of retraining the employee to meet changing conditions of the district; attendance at educational institutions to improve skills, techniques and knowledge of assignment.

   b. Illness or disability.

   c. Military service of the United States.
d. Personal reason which is acceptable to the supervisor and cabinet-level administrator.

3. Leave of absence without pay may be granted for any period not exceeding one year, except the leave of absence for military service shall be granted as provided by the Education Code and Military and Veterans Code, and leave of absence for service in the Peace Corps may be granted for a period not to exceed 24 months.

4. The granting of a leave of absence without pay gives to the employee the right to return to his/her position at the expiration of his/her leave of absence, provided that s/he is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave.

5. A leave of absence will not be granted to a classified employee for the purpose of other employment.

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. Within ten days and in no case less than five working days prior to an authorized long-term leave (3 months or more), the employee shall notify the Personnel Department either by telephone or in writing of the date of his/her intended return to work.

D. Failure to report for duty within three working days after a leave has been cancelled or expires shall be considered abandonment of the position and the employee may be terminated by the Board of Education. 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, s/he shall have bumping and reemployment rights, in accordance with his seniority, in the same manner as if s/he had been laid off for lack of work or lack of funds on the date his/her leave expires.

**6.80.15 Pregnancy Leave (Ed Code 45193)**

Leave of Absence due to pregnancy shall be granted to any employee who is required to be absent from duty because of pregnancy, miscarriage, childbirth and recovery therefrom under the following conditions:
1. The length of the pregnancy leave, including the date on which the leave should commence and the date on which the employee shall resume duties, shall be determined by the employee and her physician.

2. The employee is entitled to use accumulated illness leave when she is temporarily disabled or otherwise incapacitated from performing her duties because of pregnancy, miscarriage, childbirth, and recovery therefrom. Use of sick leave benefits under these circumstances must be verified by medical certification.

3. 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.

4. A certificate of good health from the attending physician shall be submitted prior to reinstatement for maternity reasons.

5. At the expiration of the leave of absence of the employee, she will, unless she otherwise agrees, be reinstated in the position held by her at the time of the granting of the leave of absence.

6.80.16 Leave of Absence to Serve in an Exempt, Temporary, or Limited Term Position
(Ed Code 45199)

   A. Any permanent Classified employee who accepts an assignment within the district to any exempt, temporary, or limited term position, shall during such an assignment, be considered for status purposes as serving in his/her regular position, and such assignment shall not be considered separation from service. A leave of absence must be granted by the immediate supervisor in order for the employee to return to his/her regular position at the completion of his/her leave of absence.

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

6.80.17 Unauthorized Leave

   A. An employee may be docked pay or suspended without pay by the department head for frequent tardiness or intermittent absence without satisfactory notice or acceptable explanation.

   B. An employee absent for three consecutive working days without authorization, satisfactory notice, or acceptable explanation shall be suspended immediately by his department head.

   C. The length of any suspension and date of reinstatement following suspension shall be determined by the Cabinet-Level Administrator and approved by the Superintendent.
D. Continued tardiness or unauthorized absence following reinstatement from suspension shall result in dismissal.

E. For procedures on suspension and dismissal, see Rule 6.70.

F. A permanent employee has the right of appeal to the Personnel Commission.

6.80.18 Transfer of Illness Leave from Another District (Ed Code 45202)

A Classified employee of any school district who has been an employee of that district for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently within one year of termination of his former employment, accepts a classified position shall be credited with all of the earned but unused illness leave which was credited to him/her in his/her former school districts.

In cases where an employee was terminated for cause, such a transfer may be made with the approval of the appointing authority.

(Professional conference leave - See Unit Contract)

6.90 LAYOFF

6.90.1 Procedure Regarding Layoff (Ed Code 45308 and 45117)

A. Notice of Layoff shall be as follows:

1. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29 informing them of their layoff effective at the end of such school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than 60 days prior to the effective date of their layoff.

2. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 60 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

3. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the governing board, without the notice required by (1) or (2) above.
B. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the classification in which the layoff occurs. The employee who has been employed the shortest time in the classification, plus higher classifications, shall be considered to have the least seniority and, therefore, shall be laid off first. Length of service includes all hours in paid status as a regular (probationary or permanent) employee, but does not include any hours compensated on an overtime basis.

C. The names of regular employees thus laid off shall be placed upon the reemployment list for the classification from which they were laid off. Names on the reemployment list shall be in the relative order of seniority.

D. Seniority for the purpose of establishing retention lists shall be computed as follows:

1. Regular assigned time in the classification, or in a higher classification, with the exceptions provided below.

2. Time on informal leave and on the following leaves of absence shall be counted towards seniority: Military leave, Red Cross leave, Merchant Marine leave, Peace Corps leave, Illness leave, leave to accept other work within the Simi Valley Unified School District, leaves resulting from an industrial accident or industrial illness. 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. Problems involving reclassification actions which have not indicated seniority status shall be referred to the Personnel Director. 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 classifications or the separation of a classification into two or more classifications, seniority rights of regular employees who are reclassified with their positions and whose former classification or classifications have been abolished or separated shall be computed from the date of their earliest entrance into regular service in such classifications.

5. When employees have equal seniority on a retention list for a classification, the employee with the greatest amount of seniority credit in classifications in the same job category as listed in the Classified Salary Schedule 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.
E. Regular employees who are to be laid off may exercise bumping rights in an equal or lower classification in which they have had previous service and hold seniority credit greater than that of an incumbent provided that s/he can meet the requirements and pass the entrance level examinations for the lower classification. The employee to be bumped shall be the one with the least seniority in the current classification and higher classifications.

Whenever a classified employee is laid off, the order of layoff within the classification shall be determined by length of service. The employee who has been employed the shortest time in the affected classification, plus service in any higher classification, shall be laid off first.

An employee subject to layoff may elect demotion to a lower classification in which s/he had not served in a permanent or probationary status provided that the employee is qualified and there is a vacant position in the lower classification. The appointing authority must approve the voluntary demotion.

6.90.2 Rights of Laid-off Employees (Ed Code 45298)

A. The reemployment list for a classification shall be used before any other means of filling vacancies for that classification with the exception of the exercise of bumping rights. (Rule 5.10.3 and 5.20.1.A)

B. Offers of reemployment shall be made in inverse order of layoff.

C. An employee accepting a transfer, voluntary demotion, or voluntary reduction in status or assigned time in lieu of layoff, shall have his/her name placed on a reemployment list for the classification.

D. An employee on a reemployment list may decline three offers of reemployment in his former classification and status. After his/her third refusal, no additional offers need be made and the employee shall be considered unavailable until s/he indicates otherwise and until his/her rights to reemployment are exhausted.

E. Refusal of an offer of limited-term employment shall not affect the standing of any employee on a reemployment list.

F. If an employee is on an eligibility list and laid off, s/he shall retain his place on the eligibility list for the life of that list.

G. Laid-off employees shall hold reemployment rights for a period not to exceed 39 months. In addition, such persons laid off have the right to participate in promotional examinations within the district during the 39 months.

H. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24
months; provided, that the same tests of fitness under which they qualified for appointment to the classification shall still apply. The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a classification-by-classification basis.

I. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former classification or to positions with increased assigned time as vacancies become available, and without limitations of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

J. The salary rights of employees on reemployment lists are described in Rule 6.20.3.

K. During the 39 months or reemployment rights, a laid off employee’s reemployment into a vacancy in any classification for which the employee is qualified, except promotional positions, shall take preference over new applicants.

1. “New applicants” are those candidates for positions in the classified service who are not currently employed by the District in probationary or permanent status.

2. Current probationary and permanent employees of the District, and employees on a reemployment list, are not “new applicants.”

3. There is no preference over current probationary and permanent employees or employees on a reemployment list except as otherwise provided by these rules.

4. Qualification for a vacancy, except for a promotional position, shall be established by any of the following:

   A. The employee is already ranked on an eligibility list for the classification for which an application is filed; or

   B. The employee is already ranked on an eligibility list for a higher classification within the same job category, and the Personnel Director considers the two classifications are sufficiently similar to deem the employee qualified; or

   C. The employee completes the application process, including any paper screening of applications, and obtains a passing score on applicable tests, including written, oral, and practical examinations, resulting in the employee receiving a rank on an eligibility list for the classification for which he or she applied.

5. If a laid off employee on a reemployment list is deemed qualified through the process described above, and all other eligible are new applicants, the laid off
employee shall be appointed to the vacant position in preference to new applicants.

6. If a laid off employee on a reemployment list is deemed qualified through the process described above, but other qualified employees who are not new applicants are on the eligibility list, there is no preference and the normal hiring processes established by these rules shall be utilized.

7. If a laid off employee is appointed to a position under this Rule and fails to complete the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time shall be calculated as the time remaining in the 39-month period from the effective date of layoff. The time spent in the new position as a probationary employee shall not toll the 39 months.

6.90.3 Certification from a Reemployment List (Ed Code 45298)

A. Persons shall be certified from reemployment lists in order of seniority in the classification, provided that the former employee is willing and able to report for duty on the effective date of the appointment or within 14 days after the offer of reemployment has been made, whichever is later. In cases of limited-term appointment, the former employee must be willing and able to report for duty on the effective date of the appointment, or he will be considered unavailable for that appointment.

B. A name may be removed from a reemployment list only for the following causes:

1. Conviction of a crime or crimes which would be sufficient to support dismissal of a permanent employee.

2. Conduct which would cause dismissal under the provision of Section 45303 of the Education Code.

3. Failure to report for review of loyalty or criminal record as directed.

4. Making a false statement or omitting a statement as to any material fact on an application form or health history form.

5. Dismissal for cause from employment subsequent to layoff. Written notice of removal and the reason therefore shall be provided to the employee. S/he shall be afforded and notified of appeal rights identical to those provided in Rule 4.10.4.

C. A person whose name appears on a reemployment list may be given a medical examination prior to certification. Subject to the conditions described below, s/he may be considered unable to report for duty and may be passed over in the order of certification until he meets the prescribed standards.
1. The standards applied in the medical examination shall be no more stringent than those which would be applied to a continuing employee to determine fitness for duty.

2. No person shall be withheld from reemployment because of a health or medical condition which existed prior to layoff or because of a normal progressive deterioration of such medical or physical condition. Failure to report for medical examination as directed shall be sufficient reason to deny the benefits of this paragraph.

3. Written notice of removal and the reason therefore shall be provided to the employee. S/he shall be afforded and notified of appeal rights as identical to those provided in Rule 4.10.4.

D. A person whose name appears on a reemployment list may be considered unable to report for duty and may be passed over in the order of certification if he cannot satisfy the laws of the State of California applicable to the position.

6.90.4 Limited-Term Positions

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

B. A limited-term employee may be terminated without regard to the procedure set forth in rule 6.70.

6.100 RESIGNATIONS

When an employee desires to resign from his/her position, s/he shall present his/her resignation in writing to the appointing authority, and a copy of such resignation shall be immediately filed by the appointing authority 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 s/he may hold on eligibility lists except that an employee who resigns shall have his/her name removed from any promotional eligibility lists. A resignation may be withdrawn, by the employee, at any time prior to the acceptance by the Board of Education.
ARTICLE 7

WAGE AND SALARY PROVISIONS

7.10 DETERMINATION OF SALARY SCHEDULES

7.10.1 Factors in Salary Determination (Ed Code 45268)

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:

1. Wages and salaries paid for similar work in private industry in the recruitment area when applicable and available.

2. Wages and salaries paid by other governmental agencies which may be in competition with the district in the labor market.

3. The principle of like pay for like service within the classified service.

4. Appropriate differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.

5. Such other information as the Commission may require.

7.10.2 Salary Studies

A. A salary study shall be made:

1. Whenever a new class is created.

2. Annually of all classes (Management, Confidential and Unit) in the classified service.

3. When directed by the Commission.

B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.

C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The staff shall indicate its tentative recommendations to and shall meet and confer with employee organization representatives and district administration. An effort shall be made to resolve all differences before recommendations are submitted to the Commission.
7.10.3 Salary Recommendations (EC 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. After Personnel Commission approval the annual Like Pay for Like Work salary recommendation for the classified service shall be presented to the Board of Education in February each year using salary data obtained as of November 30, with a prospective effective date of March 1. A salary recommendation shall 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 comparable unified district 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 accordance with its approval of the recommendation of the Personnel Commission.

7.10.4 Appeals of Recommendations

A. An employee or his/her representative may appeal the recommendation of the Personnel Director in regard to the salary of his class. S/he 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 immediately reconsider them. After reconsideration, the Commission will advise the Board of its findings and the reasons therefore.

7.20 APPLICATION OF SALARY SCHEDULES

7.20.1 Initial Placement

A. All new 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, upon approval of the Director of Classified Personnel Services, a new employee may be provided with advanced step placement up to Step 3 based upon such factors as:

1. Additional qualifying experience beyond that required for entry into the class (limited to no more than one step for each two years of experience related to the classification). Credit for work experience less than full-time will be
granted on a pro-rated basis in the proportion that the amount of time worked
per day, per week or per year bears to an eight hour day, forty (40) hour week.

2. Additional education at the college level beyond the educational requirements
   established for entry into the class (limited to no more than one step for each
two years of education related to the position)

B. Upon recommendation of the appointing authority if recruitment difficulties exist or
   when considering a candidate with qualifications significantly exceeding the
   minimum for the classification, and with the approval of the Personnel Commission
   and Board of Education, a new employee may be granted step placement up to Step
   5.

C. The Director of Classified Personnel Services shall evaluate the qualifications of all
   candidates recommended for employment into the classified service in accordance
   with the provisions above and make the recommendation regarding appropriate step
   placement. All experience and/or proof of education will be verified by the Director
   of Classified Personnel Services or designee for the purposes of determining and
   recommending advanced step placement.

Revised (7.20.1): 12/13/06.
Not retroactive to any employee hired prior to 12/13/06.

7.20.2 Step Advancement

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

B. For the purpose of this rule, an appointment made between the first and fifth day of
   the pay period (month) shall be considered as effective on the first day. Later
   appointments shall be considered as effective at the beginning of the next pay period
   (month).

7.20.3 Promotions

An employee who is promoted to a class allocated to a higher salary range shall be placed on
the step of the new salary range that is at least five percent above the rate the employee
received in the previous class, excluding any differential. Advancement will be at one-year
intervals thereafter until the maximum is achieved.

7.20.4 Additional Appointments

When an employee is appointed to an additional class on a permanent basis which is at a
salary range equal to or below his/her current range, s/he shall be placed on the first step of
the additional class.
7.20.5 Placement After Leave of Absence

A. Upon return from leave of absence, an employee shall be placed on the same step of the range for the class which s/he had achieved prior to the leave, regardless of changes in rate or range applicable to the class, except that step advancement within range shall be granted when:

1. The time period required for step advancement has elapsed and the employee had served in active duty on at least seventy-five (75%) percent of the working days in his assignment in the required time period prior to the leave, or

2. The law and/or these rules provide that credit for step advancement shall accrue during the leave of absence.

B. Credit for step advancement shall accrue during leaves of absence for military service or to serve in limited-term assignments in the district and during any paid absence, accident, and industrial leave.

C. When an employee is restored, after leave of absence, to his/her previous salary step, s/he shall receive credit for step advancement for service prior to the leave. His/her anniversary date shall be adjusted accordingly in order that s/he shall be granted step advancement after having completed the amount of service required by Rule 7.20.2.

7.20.6 Placement When Demoted

A. An employee who is permanent in the class who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate s/he earned in the higher class, excluding any differential, provided that s/he shall not receive a salary increase thereby. If an employee has not become permanent in the higher class, s/he shall be placed on the step of the range of the lower class in which s/he served prior to the promotional appointment. S/he 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 7.20.2.

7.20.7 Differential Pay

All regular positions, the regularly assigned time of which requires the incumbents to work one-half time or more between the hours of 4:00 p.m. and 7:00 a.m. shall be paid at a monthly rate of $40.00 more than the day-time rate for that class for the second shift and $55.00 more than the day-time rate for that class for the third shift. If such shifts normally occur less frequently than five days per week, such higher rates shall be paid only for those days on which shifts occur.
7.30 WORK PERIOD AND OVERTIME (Ed. Code 45132 and 45133) (See Unit Contract)

7.30.1 Workday and Workweek

The maximum number of hours of regular employment of an employee is eight hours a day and forty hours a week. 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 one day or forty hours in one week.

Alternate Workweek

1. The Governing Board may establish a 9-hour-per-day, 80-hour-per-2 week work schedule, provided the work schedule has the concurrence of the employee organization or in the absence of an employee organization, the concurrence of the affected employees.

2. When a 9-hour-per-day, 80-hour-per-2 week work schedule is established, it shall consist of nine work days, eight of which shall be nine-hour days, and one of which shall be an eight-hour day. The overtime rate shall be paid for all hours worked in excess of the required work day, which shall not exceed nine hours, at a rate equal to one and one-half times the regular rate of pay for the employee designated and authorized to perform the work.

3. When a 9-hour-per-day, 80-hour-per-2 week work schedule is established, the workweek shall be defined in either of two ways, as follows:

   A. The workweek shall begin on noon Friday and will end at noon the following Friday, with the employee working nine hours each day except on alternate Thursdays when the employee will work eight hours, and on alternate Fridays when the employee will not work; or,

   B. The workweek shall begin at noon on any other day of the week and shall be defined so that no employee will be required to work more than 40 hours during any given workweek.

The Governing Board may establish a 10-hour, 40-hour, four-consecutive-day workweek for all, or certain classes of its employees, or employees within a class when, by reason of the work location and duties performed by such employees, their services are not required for a workweek of five consecutive days, provided the establishment of the alternate workweek has the concurrence of the employee organization or in the absence of an employee organization, the concurrence of the affected employees.

When the Board has previously established the workweek of not less than 35 hours, it may require the established workweek to be performed in four consecutive days by any class or classes of employees or by employees within a class, when by reason of the work location and duties actually performed by such employees their services are not required for a workweek of five consecutive days, with the concurrence of employee personnel as provided therein.
When a four-day workweek is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed 10 hours. Work performed on the fifth, sixth and seventh days shall be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

An employee working an average workday of five hours or less during a workweek shall, for any work required to be performed on the sixth or seventh day following the commencement of his workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

7.30.3 Overtime Defined (Ed Code 45128 and 45131)

A. Overtime is defined to include any time required to be in excess of eight hours in any one day and in excess of forty hours in any calendar week.

B. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

C. The workweek for employees whose average workday is four hours or more, shall consist of five consecutive days with overtime rate to be paid for the work on the 6th and 7th days.

D. Employees whose average workday is less than four hours, with overtime to be paid for work performed on the 7th day.

7.30.4 Compensation for Overtime (See Unit Contract)

A. An employee who works authorized overtime shall be paid at a rate equal to one and one-half the regular rate of pay for the overtime worked. An employee who uses compensatory time-off in lieu of pay shall be credited with time equal to one-and-one-half the amount of over-time hours worked. Shift and special assignment differential regularly received by the employee shall be included in determining his regular rate of pay.

B. Food service employees who work on special dinners prepared by the school lunch department shall be paid for that time at time-and-one half based on their regular rates.

C. Arrangements for compensatory time off are subject to the approval of the appropriate administrative supervisor. Compensatory time must be taken in the same pay period in which the overtime work is performed. The District's pay period is a calendar month. Compensatory time earned will be at the rate of time-and-one-half.

D. Overtime shall be distributed equally among employees for that particular position or type of work for which overtime is required at a school site or within a department. If an overtime assignment is refused by an employee, the hours approved in the
overtime assignment shall be charged against the overtime eligibility of the employee refusing the assignment unless there is an acceptable reason for refusing the overtime assignment as determined by the principal or department head. Overtime assignments shall be recorded on an accumulated basis by hours worked.

7.30.5 Classification Excluded from Overtime

A. The following classes are designated as management and are excluded from overtime provisions.

1. Assistant Superintendent
2. Director of Fiscal Services
3. Assistant Director of Fiscal Services
4. Director of Information Systems
5. Director of Maintenance and Operations
6. Maintenance Manager
7. Grounds Supervisor
8. Supervising Custodian, Night Shift
9. Plant Manager II
10. Plant Manager I
11. Director of Transportation
12. Dispatcher
13. Head Mechanic
14. Director of Purchasing
15. Director of Food Services
16. Food Services Operations Manager
17. Cafeteria Central Kitchen Manager
18. Director of Risk Management
19. Fast Food Cafeteria Manager
20. Elementary Cafeteria Manager
21. Director of Classified Personnel

B. Notwithstanding this exemption, if an incumbent thereof is required to work on a holiday, s/he shall be paid, in addition to his regular holiday pay, straight time for hours required to work.

7.40 HOLIDAY PAY

7.40.1 Eligibility

A. All Classified employees will be entitled to payment for authorized holidays, providing that they were in a paid status (during any portion of) the working day immediately preceding or succeeding the holiday.

B. Regular and part-time Classified employees are entitled to legal holidays when such holidays fall during the normal work week of the respective employees. When a local or legal holiday falls on a Sunday, the following Monday shall be observed, and when
a local or legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

C. Incumbents in the exempt class of Campus/Playground Supervisor who have completed three (3) years of service are entitled to payment for Veteran's Day, Martin Luther King, Jr. Day, Presidents’ Day, Memorial Day and the floating holiday as designated by the District.

Revised 10/13/10

Classified employees are entitled to the following legal holidays:

January 1
Third Monday in January (Martin Luther King, Jr. Day)
February 12
Third Monday in February (Washington's Day)
Last Monday in May (Memorial Day)
July 4
First Monday in September (Labor Day)
September 9 (Admission Day)
November 11 (Veteran's Day)
November (Thanksgiving)
December 25

Every day appointed by the President of the United States or the Governor of California for a public fast, Thanksgiving or holiday.

Additional holiday time is authorized as follows:

Good Friday
Friday after Thanksgiving
December 24
December 31
Any other local holiday established by the Board of Education.

7.40.2 School Holidays

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

7.40.3 Exchange of Holidays by Board Action

A. The Board of Education may, prior to July 1 of any year, specify, if so authorized in law, that schools will be maintained and classified employees will be required to work on any or all of these holidays: September 9, November 11, February 12, Washington's Day, and/or Memorial Day.
B. If the Board lawfully takes such an action, it shall designate another day, during the same school year, as a holiday for classified employees in lieu of the regular, normal holiday.

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

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

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

7.50 PAYROLLS

7.50.1 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 this Act.

7.50.2 Payroll Audit

A. The Personnel Director shall audit initial assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing law and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll following the initial assignment and certification by the Personnel Director shall be the certification of the department authorized to submit the payroll that all payment 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 finds assignments not in accordance with the law and rules, s/he shall withdraw his certification and order payment stopped in accordance with the procedure described below.

C. If, upon examination of a payroll or service report, it is found that any person named therein 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.
7.60 BENEFITS FOR PART TIME EMPLOYEES (See Unit Contract)

A. Benefits for persons employed for 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 eight hours, forty hours per week, weeks per month, or months to a calendar year.

C. If an employee works thirty minutes or more for twenty consecutive workdays in excess of the assigned time, the assigned time will be adjusted to reflect actual work time and becomes "assigned time".

D. If Rule C does not apply but an employee works, on an average, fifty minutes or more per day above the assigned time in any one quarter, s/he 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 the part-time employee.

F. All regular classified employees assigned four hours a day will receive health and welfare benefits. "Restricted" employees who work at least four hours per day will be entitled to the health and welfare benefits authorized regular employees.

7.70 SALARY AND FRINGE BENEFITS - SUBSTITUTE AND LIMITED-TERM EMPLOYEES

A. Substitute and limited-term employees shall be paid an hourly rate at the 1ST step of the appropriate range for the classification.

B. Substitute or limited-term employees shall not be entitled to fringe benefits except as specified in C and D following.

C. When a limited-term appointment covers the absence of a permanent employee on non-paid leave, the limited-term employee shall be placed on the step to which entitled on the regular salary schedule. S/he shall not receive fringe benefits except as provided in Rule 6.30.3.B.

D. An employee from a lower class reassigned on a limited-term basis to a position in a higher class because of lack of a qualified substitute and who assumes the full responsibilities of the higher position, shall:

1. Be entitled to the same salary placement as if promoted.

2. Retain fringe benefits.
3. Retain his anniversary date.

Upon termination of this type of limited-term reassignment, the employee shall be returned to his former position or class without loss in salary or benefits provided he is on authorized leave from his former position. The time served in the higher class may count as service in the lower class except when the employee is subsequently appointed to the position in the higher class via regular examination and appointment procedures; in which case, the time served in the limited-term reassignment in the higher class may be credited on his probationary period in the higher class. Service in a provisional assignment shall not count as time served in the higher class as part of the probationary period. Determination shall be made by the Personnel Commission and/or Personnel Director.

7.80 SALARY AND FRINGE BENEFITS - PROVISIONAL EMPLOYEES

Provisionally appointed employees shall be paid an hourly rate computed for the beginning step of the appropriate salary schedule, and shall not receive fringe benefits.

7.90 PROFESSIONAL GROWTH PROGRAM (See Unit Contract)

A. Professional growth is the continuous, purposeful engagement in study and related activities to retain the extended high standards for educational classified employees.

B. Professional growth is being developed if:

1. The experience reflects increased knowledge, understanding and skills in the participant's regular assignments.

2. The experience provides background materials for the activity in which engaged.

3. The experience manifests personal development through alertness and responsiveness to the human and social factors of others.

4. The experience assists in fields closely related to the activity in which engaged.

C. Professional growth may be achieved through participation in the following categories:

1. Approved college courses, Adult Education, or other related courses.

2. Workshops.

3. Conferences.
D. Credit shall be granted in the following manner:

1. Two (2) points will be awarded for each semester unit of coursework related to one's employment and successfully completed.

2. One and one-half (1.5) points will be awarded for each quarter unit of coursework related to one's employment and successfully completed.

3. One (1) point will be awarded for every fifteen hours of workshop or in-service training directly related to one's employment and successfully completed outside one's regular work schedule.

4. One (1) point will be awarded for every fifteen hours of adult education courses for a limit of three points for any one course. Exceptions to this may be granted by the Professional Growth Committee.

5. Successful completion in coursework completed with a grade of "C" or better, with the exception of workshop attendance. Workshop credit shall be granted on the basis of proof of attendance.

6. At least four (4) points toward professional growth credit must be earned in Category C.1.

E. Award for professional growth credit shall be made as follows:

1. An increment for professional improvement shall be $150.00 for each fifteen (15) points earned. A maximum of six (6) increments may be earned for a total of ninety (90) points of credit following the above criteria. All points must be earned prior to June 30th for payment during the subsequent year. A stipend of $15.00 per month shall be paid upon completion of one increment.

2. All courses not appearing on the course list must have prior approval of the committee for professional growth credit.

F. Professional growth is a joint enterprise between the District and the individual employee and should be planned together in order to assure maximum gain for both the participant and the District. Toward achieving this goal, a Professional Growth Review committee shall be composed of the following:

1. Four (4) members shall be from the classified staff, appointed by the Board of the local chapter of the CSEA.

2. One (1) member shall be from the administrative staff, who shall be the Director of Classified Personnel or designee.

3. Appointment of the classified staff members shall be for a period of two (2) years on staggered terms.

4. A quorum shall consist of a minimum of three (3) members.
G. The duties of the Committee shall be to:

1. Prepare course lists for recommendation to the Superintendent containing representative courses for each classification of employees or groups of employees.

2. Review application for professional growth credit.

3. Determine validity of such educational experiences as may be submitted for professional growth credit.

4. To serve as a Hearing and Appeals Board in disputed cases.

H. Limitations and Requirements:

1. It is the responsibility of the employee to apply to the Professional Growth Review Committee for approval of courses to be taken and to present evidence of successful completion of course with a "C" or better grade, or proof of workshop attendance.

2. Any unit member who changes his/her job classification (defined under Professional Growth increment above) may submit courses for specific course credit as they relate to any areas of employment held during the past three (3) years.

3. Points must be earned after July 1, 1964, or date starting with District, whichever is later.

4. Courses cannot be repeated unless special permission is granted from the Professional Growth Committee.

5. No more than one professional growth increment may be granted to a unit member in a single year.

6. Application for professional growth increments must be submitted on forms provided by the Classified Personnel Office by April 15.

7. All work must be verified by official transcript or by other acceptable official verification and must be filed in the Classified Personnel Office by July 30.

8. All regular unit members working on a ten or eleven month assignment basis or working less than eight (8) hours per day, shall receive the award prorated on the same basis as their vacation benefits.

9. In order for a unit member to be eligible to receive the Professional Growth Award, he/she must have qualified and be in paid status with the District at the time the award is made.
10. The effective date of the new increment stipend shall be July 1, 1982, and shall not be retroactive to already completed increments.

Supervision of the Professional Growth Program will be provided by the Office of Classified Personnel.

7.90.1 Professional Growth Program - Management/Confidential (Adm. Reg. 4031)

A. Classified Management and Confidential employees are encouraged to participate in the Professional Growth Program which is a continuing and purposeful plan of study supplemented by in-service, workshop and conference participation.

B. Professional growth is being developed if:

1. The experience reflects increased knowledge, understanding and skills in the participant's regular assignment.

2. The experience provides background materials for the activity in which engaged.

3. The experience manifests personal development through alertness and responsiveness to the human and social factors of others.

4. The experience assists in fields closely related to the activity in which engaged.

C. Professional growth may be achieved through participation in the following categories:

1. Approved college courses, Adult Education or other related courses.

2. Workshops

3. Conferences

D. Credit shall be granted in the following manner:

1. Two (2) points will be awarded for each semester unit of coursework related to one's employment and successfully completed.

2. One and one-half (12) points will be awarded for each quarter unit of coursework related to one's employment and successfully completed.

3. One (1) point will be awarded for every fifteen hours of workshop or inservice training directly related to one's employment and successfully completed outside one's regular work schedule.

4. One (1) point will be awarded for every 15 hours of Adult Education courses for a limit of three (3) points for any one course. Exceptions to this may be granted by the Professional Growth Committee.
5. Successful completion is coursework completed with a passing grade. Workshop credit shall be granted on the basis of proof of attendance.

6. At least four (4) points toward professional growth credit must be earned in category C.1.

E. Awards for professional growth credit shall be made as follows:

1. An increment for professional growth shall be $150.00 for each fifteen (15) points earned. A maximum of six (6) increments may be earned for a total of ninety (90) points of credit following the above criteria. Course work must be completed by June 30. Payment of professional growth increment will be in the form of a salary adjustment for the December pay period each year.

F. Professional growth is a joint enterprise between the District and the individual employee and should be planned together in order to assure maximum gain for both the participant and the District. Toward achieving this goal, a Professional Growth Committee shall be formed composed of the following:

1. Four (4) members shall be from the Classified Management or Confidential staff, appointed by the Director of Classified Personnel Services.

2. One (1) member shall be the Director of Classified Personnel Services or his/her assignee.

3. Appointment of the Classified Management or Confidential members shall be for a period of three (3) years on staggered terms.

4. A quorum shall consist of a minimum of three (3) members.

G. The duties of the Committee shall be to:

1. Prepare course lists for recommendation to the Superintendent containing representative courses for each classification of employees or groups of employees.

2. Review applications for professional growth or credit.

3. Determine validity of such educational experiences as may be submitted for professional growth credit.

4. To serve as a Hearing and Appeals Board in disputed cases.

H. Limitations and Requirements:

1. It is the responsibility of the employee to apply to the Professional Growth Committee for approval of courses to be taken and to present evidence of
successful completion of courses with a passing grade, or proof of workshop attendance.

2. Any employee who changes his/her job classification (defined under Professional Growth Increment, first increment above) may submit courses for specific course credit as they relate to any areas of employment held during the past three (3) years.

3. Points must have been earned after July 1, 1964, or date starting with District, whichever is later except when courses start in September and the employee is hired in September.

4. Courses cannot be repeated unless special permission is granted from the Professional Growth Committee.

5. No more than one professional growth increment may be granted to an employee in a single year.

6. Application for professional growth increments must be submitted on forms provided by the Classified Personnel Office by April 15th.

7. All work must be verified by official transcript or by other acceptable official verification and must be filed in the Classified Personnel Office by July 30th.

8. In order for an employee to be eligible to receive the Professional Growth Award, s/he must have qualified and be in paid status with the District at the time the award is made.

9. The effective date of the new increment stipend shall be May 7, 1985, and shall not be retroactive to already completed increments.

7.100 UNEMPLOYMENT INSURANCE COVERAGE

Every regularly employed classified school employee is covered for unemployment pursuant to Sections 135.5, 605.2 and 802 of the Unemployment Insurance Code.
ARTICLE 8
EMPLOYER-EMPLOYEE RELATIONS PROCEDURES

8.10 PROCEDURE FOR THE ADJUSTMENT OF COMPLAINT OF CLASSIFIED PERSONNEL

8.10.1 Intent of This Article

The intent of this article is to establish an orderly procedure wherein employees may be afforded timely consideration concerning their complaints. Although specific chronological steps and time limits are set forth in the procedure, it is recognized that the expedient settlement of complaints may dictate an alternative procedure in certain situations. Under such circumstances, the Personnel Director, Personnel Commission or Superintendent may determine if modifications are necessary in specific cases and order that they be made. It is also the intent of this article to emphasize the need for employee complaints to be submitted through established chains of authority and for satisfaction of the complaint to be reached at the lowest possible level in that chain. If more than one supervisor or administrator has cognizance of an employee’s activities as they concern a complaint, all should participate as necessary at appropriate stages in order to ensure compliance with the intent of this article. The Personnel Director shall interpret the steps of the procedure as necessary and may make adjustments which are mutually satisfactory to all parties.

8.10.2 Purpose of the Adjustment of Complaint Procedure

The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints stemming from the belief of an employee that established rules, regulations, laws, or administrative procedures, have not been followed or regarding working conditions and job relations including the complaint of one employee against another employee. Whenever “employee” is used in this rule, it also includes groups of employees.

8.10.3 Consideration of the Complaint

A. The subject of any particular complaint will determine whether it will be directed for consideration to the Board of Education or the Personnel Commission. The decision as to which official body may consider the matter will be made by the Personnel Director and/or Superintendent as early as possible, in the proceedings but not later than the stage of Administrative Review. A claim by one or more employees of a violation or misapplication of the Personnel Commission rules will be referred to the Personnel Commission and the claim of a violation or misapplication of the Board of Education or Administrative Regulation for classified employees will be referred to the Board of Education. For example:

The Personnel Commission rules set the procedure for examinations. A claim of a violation would be referred to the Personnel Commission.
The Board of Education and Administration sets the working hours and vacations. A claim of a violation would be referred to the Board of Education. The Personnel Director and or Superintendent shall inform the parties involved in the complaint, the Board of Education and the Personnel Commission of his decision.

B. In the event established rules, regulations, laws, policies, and procedures of the Commission regulate less than the total subject matter of a particular complaint, or if it is whether the Commission or the Board would be the proper party to consider the complaint, the Board is hereby declared the proper party to consider the complaint.

8.10.4 Matters Excluded from the Adjustment of Complaint Procedure

A. Any complaint which relates to cause for disciplinary action as defined in Rule 6.70 may not be the subject matter of a complaint.

B. Complaint about the subject matter of a rule, policy, or administrative procedure rather than the administration thereof may not be subject matter of a complaint. An employee with such a complaint should direct his suggestions for change through administrative channels to the authority who established it, or if need be the Personnel Commission or the Board of Education.

8.10.5 Steps in the Adjustment of Complaint Procedure

A. The sequence of steps to be followed in the adjustment procedure is outlined below. At any step in the procedure, the services of the Personnel Commission and/or Classified Personnel Director will be available to all parties to provide requested information and to assist in the settlement of the problems. If settlement is reached without the involvement of the Personnel Commission or Classified Personnel Director, the Personnel Director shall be informed of the decision.

At all stages beyond informal review and discussion, the Personnel Director shall be informed of all proceedings, and receive copies of all communications submitted in the case.

1. Informal Discussion

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt a resolution of the problem. The conference shall be confined to the parties immediately concerned. A prompt and courteous examination of the facts to reach a satisfactory adjustment shall be attempted within one working day. The supervisor shall promptly communicate his decision and supporting reasons to the employee(s).

2. Informal Review

a. If the problem has not been resolved by the immediate supervisor, the employee may request, either orally or in writing, that an informal
review be made by the next higher-level supervisor in whom authority exists to take corrective action. In the case of school assigned personnel, the supervisor would be the principal unless the informal discussion was between the principal and the employee.

b. The supervisor shall hold a conference not later than three working days after s/he has received the employee's request for an informal review.

c. The employee must be in attendance; he may present his own views or may present the problem through a representative of his own choosing at the informal review and at any subsequent stage of the adjustment procedure. Any employee of the District may serve as a representative without prejudice or loss of salary, provided that he notifies his supervisor in advance.

d. The supervisor shall communicate his/her decision and supporting reasons to the employee, the respondent if other than the supervisor, the employee’s immediate supervisor, and the appropriate cabinet level administrator(s) within five working days.

3. Administrative Review

a. If the employee remains dissatisfied following the informal review, s/he may submit a written complaint within five working days after receipt of the decision, requesting a formal administrative review.

b. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the informal review, the reasons why the decision is not satisfactory, and the name of the employee's representative, if any.

c. The employee shall submit the complaint directly to the appropriate cabinet administrator, and route one copy of the complaint through the employee's administrative chain of authority.

d. The administrator or his/her designated representative shall hold a conference with all interested parties regarding the complaint within five working days of receipt. Unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved.

e. The administrator or his/her designated representative shall submit written notice to the employee and the employee’s supervisors of the decision in the matter within five working days after the conclusion
of the conference. One copy shall be forwarded through the administrative chain of authority

f. The administrator shall implement the decision.

4. Superintendent's Review

If the employee or respondent is dissatisfied with the decision of the administrator, s/he may send to the Superintendent, within five working days after receipt of the decision, a written request for a review by the Superintendent or a hearing by the Superintendent. The Superintendent shall submit written notice to the employee or respondent of his/her decision in the matter within five working days after receipt of the request.

5. Board of Education or Personnel Commission Consideration

a. The employee or respondent may submit a written appeal of the cabinet administrator's or Superintendent’s decision for consideration to the Board of Education or the Personnel Commission according to the decision of the Personnel Director and/or Superintendent as to which body may consider the matter within five working days after receipt of the decision of the cabinet administrator. A copy of the appeal shall be submitted to the Superintendent and the Personnel Director.

b. A copy of the appeal shall be provided to the employee or respondent, and he shall be required to submit his written reply to the Board of Education or Personnel Commission to the points made in the appeal within five working days of receipt thereof.

c. The Board of Education or Personnel Commission may but need not review the entire written records of the complaint and conduct its own hearing or investigation of the matter.

At the hearing or investigation before the Board of Education or Personnel Commission, all persons involved may appear personally or have a qualified representative to present documents or give oral testimony.

d. When the Board of Education or Personnel Commission has reached a decision, it shall notify the Superintendent or Personnel Director, and the individual involved as soon as possible and no later than 30 days after the completion of the consideration of the appeal. The Superintendent or Classified Personnel Director shall implement the decision.
8.20 EMPLOYER-EMPLOYEE RELATIONS

8.20.1 General Provisions

The Board of Education, agents, and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of (commencing with Section 44000) of the Education Code.

8.30 POLITICAL ACTIVITY

8.30.1 Political Activity Freedom

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

8.30.2 Cause for Disciplinary Action

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

A. The use of any district property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.

B. The use of any district property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.

C. Engaging in active campaigning in behalf of any candidate including himself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during his assigned hours of employment.

D. Attempting to gain any advancement or privilege under the Act or these rules through political activity.

8.30.3 Personal Candidacy

Any employee may be a candidate for any political office for which he may file without suffering any loss of employment status in the district unless he violates the provisions of Rule 8.30.2.

8.30.4 Leave of Absence

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

**8.30.5 Election to a Political Office**

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the district, may request, and shall be granted, an unpaid leave of absence which shall commence on the date he assumes the office and shall terminate not later than thirty days after his last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

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

**8.30.6 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.

**8.40 NEW EMPLOYEE CLEARANCES**

**8.40.1 Physical Examinations**

A. Tuberculosis Examination

Each new employee of the Simi Valley Unified School District shall have an examination to determine that he is free from active tuberculosis. The date of this examination shall not be more than sixty (60) days previous to the employment. Thereafter, an examination shall be required at least once in four years. This examination shall consist of an approved intradermal tuberculin test which, if positive, shall be followed by an x-ray of the lungs. After such examination, each employee shall file with the Personnel Office, at the beginning of the school year, a report showing that the employee was examined and found free from active tuberculosis. The source of this intradermal tuberculin record must be acceptable in the Office of the Superintendent of Schools. Failure to comply with the above regulations will be considered sufficient cause for withholding of pay warrant and/or dismissal.

The Personnel Office shall advise every regular employee of the Simi Valley Unified School District of the date of the next required intradermal test for tuberculosis. This notice will usually be given well in advance of the due date. However, the ultimate
B. Other Examination

A physical examination including substance testing may be prescribed for any applicant or employee when the Personnel Director and/or Cabinet-Level administrator 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 examinations 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, s/he may have an additional examination at his/her own expense. The reports of both examinations will be considered by the Personnel Director and/or Cabinet-Level administrator before making a decision relative to the case.

No school building administrator and/or the employee's immediate supervisor shall require or permit any person to work in a school cafeteria, either preparing food or serving food, if the person appears to be infected with any contagious or communicable disease which can be transmitted by the food involved.

C. Responsibilities of the Classified Personnel Office include:

1. Identification and listing all licensed physicians in the area who are willing to perform required physical examination.

2. Send notices of required examinations along with medical report forms to employees, as required.

3. Initiate requisitions for payment to physicians, as appropriate.

4. Evaluate the significance of medical reports, making recommendations for initial employment or continued employment.

D. 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 State of California Vehicle Code, Division 6, Section 12804.

2. The district shall arrange for and defray the costs of the school bus driver's examination for its employees and shall reimburse District approved doctors for costs of the required examinations.
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.

8.40.2 Criminal Records Check (Ed Code 45125)

A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. Employment will not start until the Department of Justice returns the fingerprint report. The cost of fingerprinting will be borne by the district.

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 Personnel Director shall decide whether or not the person is eligible to compete in the selection process. The decision of the Personnel Director shall be subject to appeal to the Personnel Commission. The appointing authority shall decide whether or not the persons shall be employed or retained in employment. If the records disclose no information beyond that supplied by the person on his application form, and s/he was accepted for examination and/or appointment, s/he shall be considered employable.

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

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

8.40.3 Availability of Personnel Records

A. Any member of the classified service may, by his/her request, inspect his/her personnel file whether maintained by the Commission, in the district office, or at a school or other district location.

B. Information of a derogatory nature, except material mentioned in the third paragraph of this section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

C. Prior to his/her 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.

8.50 VIOLATIONS (Ed. Code 45317)

Any person who willfully or through culpable negligence violates any of the provisions of Education Code Article 6 (commencing at Section 45240) is guilty of a misdemeanor. It is also unlawful for any person to:

A. Willfully by him/herself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under Education Code Article 6 or Commission rule.

B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under Article 6 or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

C. Willfully to furnish to any person any special or secret information regarding contents or an examination for the purpose of either improving or injuring the prospects or changes of any person examined, or to be examined, or to be examined under Article 6 or Commission rule.
ARTICLE 9

AMENDMENT

9.10 PROVISIONS FOR AMENDMENT

9.10.1 Provisions for Amendment

These rules or their provisions may be amended or suspended by the Personnel Commission at any regular or special meeting to respond to any extraordinary circumstances provided that such actions are not inconsistent with the law.