

JEFFERSON SCHOOL DISTRICT
PERSONNEL COMMISSION

RULES AND REGULATIONS

TABLE OF CONTENTS

<u>ARTICLE I</u>	<u>DEFINITIONS & PRELIMINARY STATEMENT</u>	<u>PAGE</u>
<u>Rule 1</u>	Definitions.....	1-6
1.2	Preliminary Statement	7
1.2.1	Statutory Authority of These Rules.....	7
1.2.2	Interpretation & Application of Rules.....	7
1.2.3	Generic Terminology	7
1.2.4	Amendment, Deletion or Addition to Rules.....	7
1.2.5	Judicial Review	7
<u>ARTICLE II</u>	<u>THE PERSONNEL COMMISSION</u>	
<u>Rule 2</u>	Organization of the Commission.....	8
2.1	Terms.....	8
2.1.2	Personnel Commissioner Eligibility.....	8
2.1.3	Personnel Commissioner Appointment.....	8
2.1.4	Officers.....	8
2.1.5	Quorum & Majority.....	8-9
<u>Rule 2.2</u>	Meetings	9
2.2.1	Regular Meetings	9
2.2.2	Adjourned Regular Meetings	9
2.2.3	Special Meetings	9
2.2.4	Public Meetings.....	9
2.2.5	Executive Sessions	9
2.2.6	Agenda & Supporting Data	9
2.2.7	Minutes.....	9
2.2.8	Recording of Meetings	10
<u>Rule 2.3</u>	Commission Employees	10
2.3.1	Status of Commission Employees	10
2.3.2	General Duties of the Director of Classified Personnel	10-11
<u>Rule 2.4</u>	Miscellaneous Provisions	11
2.4.1	Communications.....	11
2.4.2	Budget	11
2.4.21	Reimbursement of Expenses	11
2.4.3	Annual Report	11
<u>ARTICLE III</u>	<u>POSITION CLASSIFICATION PLAN</u>	
<u>Rule 3</u>	The Classified Service.....	12
3.1	Positions Included	12
3.2	Exemption from the Classified Service.....	12
3.3	"Part-Time" Defined.....	12
3.4	Effect of Exemption	12

<u>ARTICLE III</u>	<u>POSITION CLASSIFICATION PLAN</u>	<u>PAGE</u>
3.5	Professional Expert Assignments	12
3.6	General Nature of the Classification Plan	12
3.7	Class Standards.....	13
3.8	Interpretation of Class Standards.....	13-14
3.9	Allocation of Positions to Class	14
3.10	Changes in Duties of Positions.....	14
3.11	Working Out of Classification	14
3.12	Classification Plan Review.....	15
3.13	Creation of New Positions.....	15
3.14	Reclassification - Requests for Study.....	15
3.15	Reclassification - Guidelines and Effective Date	15
3.15.1	Criteria for Reclassification.....	15
3.15.2	Realignment.....	16
3.16	Effects on Incumbents	16
3.17	Re-employment List for Displaced Incumbents.....	16
3.18	Increases in Assigned Time.....	16
3.19	Decreases in Assigned Time	17
3.20	Voluntary Decrease in Assigned Time.....	17

<u>ARTICLE IV</u>	<u>APPLICATION</u>	
<u>Rule 4</u>	Application	17
4.1	Filing of Application	17
4.2	General Qualifications of Applicants	17
4.3	Elimination of Unfit Applicants, Candidates, and Eligibles	18
4.4	Rejection and Appeal from Rejection	18-19
4.5	Action When Rejection is Not Sustained	19
4.6	Applications Not to be Returned	19
4.7	Applicants' Names Not Made Public.....	19
4.8	Veteran's Preference	19

<u>ARTICLE V</u>	<u>EXAMINATION</u>	
<u>Rule 5</u>	Examinations	20
5.1	Promotional Examinations	20
5.2	Who May Compete	20
5.3	Notice of Examination.....	20
5.4	Character of Examinations	20
5.5	Examination Procedures.....	21
5.6	Rating Required.....	21
5.7	Examination Review and Protest Procedure	21-22
5.8	Examination Papers	22
5.9	Qualifications Appraisal Interview (Oral Examination)	22
5.10	Seniority Credit - Promotional Examinations	22-23
5.11	Scoring	23
5.12	Notice of Final Score.....	23

<u>ARTICLE VI</u>	<u>CERTIFICATION AND APPOINTMENTS</u>	
<u>Rule 6</u>	Employment Lists.....	23
6.1	Establishment and Life of Eligibility Lists.....	23
6.2	Re-employment Lists	23

<u>ARTICLE VI</u>	<u>CERTIFICATION AND APPOINTMENTS</u>	<u>PAGE</u>
6.3	Termination of Eligibility Lists.....	23-24
6.4	Consolidation of Eligibility Lists	24
6.5	Eligibility After Appointment	24
6.6	Removal of Names from Eligibility Lists.....	24
6.7	Order of Precedence	25
6.8	Dual Certification	25
6.9	Procedure When Fewer Than Three Names Remain	25
6.10	Other Sources of Eligibility.....	25
6.12	Waivers of Certification	26
6.13	Refusals of Appointment.....	26
6.14	Certification from List for Another Class	26
6.15	Withholding Names from Certification.....	26
6.16	Restoration to Certification	26
6.17	Duties of Eligible.....	27
6.18	Subjects Regarding Which No Questions Shall Be Asked.....	27
6.19.22	Substitute and Temporary Service.....	28
6.19	Provisional Appointments	28
6.20	Conditional Provisional Appointments	29
6.21	Limited-Term Appointments.....	29
6.22	Emergency Appointments	29
6.23	Reduction in Eligibility	29
6.24	Anniversary Dates	30
6.25	Typing Certification	30

<u>ARTICLE VII</u>	<u>IN-SERVICE STATUS AND TRANSACTIONS</u>	
<u>Rule 7</u>	Probationary Period.....	30
7.1	Duration of Probation.....	30
7.2	Rights of Probationary Employees.....	30
7.3	Regular Employee Changes in Position and Class-Transfer	31
7.3.1	Transfer Status.....	31
7.3.2	Transfer to Related Position	31
7.3.3	Transfer/Probationary Status.....	32
7.3.4	Transfer/Seniority.....	32
7.3.5	Transfer and Impending Layoff	32
7.3.6	Involuntary Transfer.....	32
7.3.7	Posting	32
7.4	Demotions	32
7.5	Restorations	33
7.6	Assignments of Disabled Employees - General Policy	33
7.7	Reasonable Accommodation	33
7.8	Special Accommodation Approval.....	33
7.9	Performance Evaluations - When Evaluations Are to be Made	34
7.10	Who Makes Evaluations.....	34
7.11	Procedure to be Followed.....	34
7.13	Layoff--Regular Employee Procedures Regarding Layoff	35
7.14	Provisions for Determining Seniority.....	35
7.14.1	Provisions for Random Selection in the Event of Equal Seniority.....	36
7.15	Resignation.....	36
7.16	Disciplinary Action and Appeal - Causes for Suspension, Demotion, Dismissal	36-38

<u>ARTICLE VII</u>	<u>IN-SERVICE STATUS AND TRANSACTIONS</u>	<u>PAGE</u>
7.17	Procedure for Disciplinary Action.....	38-39
7.18	Appeal	39
7.19	Hearing Procedure	39-40

<u>ARTICLE VIII</u>	<u>MISCELLANEOUS PROVISIONS</u>	
<u>Rule 8</u>	Miscellaneous Provisions	40
8.1	Purpose of the Adjustment Procedures	41
8.2	Matters Excluded from the Adjustment Procedure.....	41
8.3	Time Limit - Employee Grievance Initiation.....	41
8.4	Time Limit - Response to Employee	41
8.5	Steps in the Adjustment Procedure.....	42-44
8.6	Requirements for Registration of Employment Organizations	44
8.7	Registration of Employee Organizations	44
8.8	Board Rules	45
8.9	Unlawful to Strike or Engage in Other Concerted Labor Activities.....	45
8.10	Political Activity - Political Activity Freedom	45
8.11	Cause for Disciplinary Action	45-46
8.12	Personal Candidacy	46
8.13	Leave of Absence	46
8.14	Election to a Political Office.....	46
8.15	Intent.....	46
8.16	New Employee Clearance - Physical Examinations	46-47
8.17	Criminal Records Check.....	47
8.17.1	Fingerprinting	47
8.17.2	Review of Criminal Records	48
8.17.3	Removal from Eligibility List.....	48
8.17.4	Procedure for Appealing Removal	48
8.18	Compliance for Wage or Salary Payment.....	48
8.19	Employee Access to Personnel Files	48
8.19.1	Personnel Files.....	48
8.19.2	Adverse Action.....	48-49
8.19.3	Access to Personnel Files by Others.....	49

<u>ARTICLE IX</u>	<u>LEAVES OF ABSENCE WITH PAY</u>	
<u>Rule 9</u>	Leaves of Absence With Pay.....	49
9.1	Vacations	49-50
9.2	Holidays.....	50-52
9.3	Personal Necessity.....	52
9.4	Sick Leave	53-54
9.5	Industrial Injury or Illness	54
9.6	Bereavement Leave	54-55
9.7	Jury Duty	55
9.8	Military Leave	55

<u>ARTICLE X</u>	<u>LEAVES OF ABSENCE WITHOUT PAY</u>	
<u>Rule 10</u>	Leaves of Absence Without Pay.....	55
10.1	General	55-56
10.2	Maternity Leave.....	56
10.3	Procedure.....	56-57

<u>ARTICLE XI</u>	<u>WAGE AND SALARY PROVISIONS</u>	<u>PAGE</u>
-------------------	-----------------------------------	-------------

<u>Rule 11</u>	Wage and Salary Provisions.....	57
11.1	Factors in Salary Determinations	57
11.2	Salary Studies.....	58
11.3	Placement on Salary Schedule.....	58
11.4	Overtime.....	59
11.4.1	Overtime Defined	59
11.4.2	Compensation for Overtime	59
11.4.3	Compensatory Time Off in Lieu of Overtime	59
11.4.4	Exclusion from Overtime	59
11.4.5	Holiday Compensation for Excluded Positions.....	59
11.4.6	Positions Excluded	59-60
11.4.7	Requests for Overtime.....	60
11.5	Rest Periods.....	60
11.6	Lunch Periods.....	60
11.7	Call Back and Standby Time.....	60
11.8	Conditions of Employment	60-61

JEFFERSON SCHOOL DISTRICT

PERSONNEL COMMISSION

ARTICLE I - DEFINITIONS AND PRELIMINARY STATEMENT

Rule 1 - Unless otherwise required by context and/or prevailing law, words used in these Rules are understood to have the following meaning:

ABOLISHMENT OF POSITION: A position within a classification that no longer exists as a result of Governing Board action to reduce or eliminate the duties required of the position.

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California applying the merit system to classified employees. It shall include all of the provisions of Article 5, Chapter 3, Division 10, and applicable provisions of Chapter 1 and Article 1 to 4, Chapter 3, Division 10.

ADMINISTRATIVE SUPERVISION: See Supervision.

ADMINISTRATOR: Employees with the rank of Director or higher in the line of authority, and others who may be designated by the Governing Board.

ALLOCATION: The official placing of a position in a given class and the assignment of the class title to the position.

ANNIVERSARY DATE: The date upon which an employee is hired.

APPLICANT: A person who has filed an application for a classified position.

APPOINTING AUTHORITY OR POWER: The Governing Board of the Jefferson School District.

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

EMERGENCY APPOINTMENT: A term used in Education Code 45290 to designate appointment of a substitute for a period not to exceed fifteen (15) working days to prevent the stoppage of public business when persons on eligibility lists are not immediately available. No time served shall count toward acquiring permanent status in any position.

Revised 05/03/05

LIMITED-TERM APPOINTMENT: A term used in Education Code Section 45286 to designate employment as a substitute to a position, the duration of which is not to exceed six months or, in the case of an absent regular employee, not to exceed the authorized absence of said employee. A limited-term appointee shall come from an appropriate eligibility list. No time served shall count toward acquiring permanent status in any position.

Revised 05/03/05

PROVISIONAL APPOINTMENT: A term used in Education Code Section 45287 to designate temporary appointment as a substitute made in the absence of an appropriate eligibility list, not to accumulate to a total of more than 90 working days. A 90 calendar day period shall then

elapse during which a provisional appointee will be ineligible to serve in any full-time position, except for part-time positions when there is not a limited term employee available. No one shall serve in provisional status for more than a total of 126 working days in a fiscal year and except in specified-circumstances (Education Code Sections 45288, 45289). No time served shall count toward acquiring permanent status in any position.

Revised 05/03/05

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.

CERTIFICATIONS: The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to approval of the appointment power.

CAUSE: Relating to disciplinary actions against classified employees means those grounds for discipline, or offenses enumerated in the law or written rules of a public school employer.

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 on choosing qualified appointees; and the same salary range may be applied with equity.

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

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

COMMISSION: The Personnel Commission established pursuant to the Act for the Jefferson School District (November, 1967).

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.

DIRECT SUPERVISION: See Supervision.

*DIRECTION: Work is reviewed for information, over-all effectiveness and compliance with Board direction and policies and the Education Code. Employee has wide latitude of independent judgment for planning, method of accomplishment, assignment of work to subordinates and determinations regarding finished product. Supervisor is usually top or second level within organization.

GENERAL DIRECTION: General direction is given to the Superintendent by the Governing Board and by the Personnel Commission to the Director of Classified Personnel.

DISCHARGE or DISMISSAL: Separation from service for cause.

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

DISTRICT: The Jefferson School District.

DUAL CERTIFICATION: A special procedure which provides for certification, in specified cases, from an open list while a promotional list exists. (CEC 45284)

ELIGIBLE: Adjective: Legally qualified to be appointed. Noun: A person whose name appears on an eligibility list, not necessarily among the top three.

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

EMERGENCY APPOINTMENT: See Appointment.

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

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for an absent employee or in a position established for a limited period of less than six months. (Not a permanent classified employee.)

PART-TIME EMPLOYEE: An employee who is serving in a position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service. (A permanent classified employee.) (CEC 45256)

SUBSTITUTE EMPLOYEE: An employee occupying a permanent position during the absence of the incumbent, on a day-to-day basis. (Is not a permanent classified employee.)

TEMPORARY EMPLOYEE: Employment on a basis other than permanent or probationary. (See Emergency Appointment, Limited-Term, Provisional, or Substitute.)

RESTRICTED EMPLOYEE: A person employed in a position designated by the appointing authority as "restricted" (CEC 45105 and 45108) shall be a classified employee for all purposes except that tenure for such a position shall not be considered in computing service required for bumping privileges or other related seniority rights unless they have complied with probationary period and examination requirements in Education Code Section 45105.

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

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

GENERAL DIRECTION: See Direction.

GENERAL SUPERVISION: See Supervision.

GOVERNING BOARD: The Board of Trustees of the Jefferson School District. (Synonymous with appointing authority or power.)

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

*IMMEDIATE SUPERVISOR: The individual to whom the employee normally reports or receives instruction from.

INDIVIDUAL JOB DESCRIPTION: A description of duties and responsibilities assigned to a single specific position in the classified service.

INITIAL HIRE DATE: The date upon which an employee is initially hired by the District.

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

LIMITED-TERM APPOINTMENT: See Appointment.

LIMITED-TERM EMPLOYEE: See Employee.

LONGEVITY: The total number of years of service from initial hire date, excluding unpaid breaks in service, determines longevity.

PART-TIME EMPLOYEE: See Employee.

PERMANENT: "Permanent" as used in the phrase "permanent employee" includes tenure in the classification in which the employee passed the required probationary period, and includes all of the incidents of that classification.

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 Governing Board.

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

RESTRICTED POSITION: A position designated by the Governing Board in the categories described in Education Code Section 45108 and which restricts initial appointments of new employees to persons in low income groups or residing in specifically designated areas of the community. The title "restricted" is an addition to the regular class title and such employees are classified employees except as provided in Education Code Section 45108.

PROBATIONARY PERIOD: The trial period of six months immediately following an original or promotional appointment to a permanent position from an eligibility list. (Exception: See Education Code 45301.)

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: See Appointment.

REALIGNMENT: An adjustment to the salary range of a class based on the practice of equal compensation for positions of comparable difficulty and responsibility.

RECLASSIFICATION: The upgrading of a position to a higher classification as a result of gradual accretion of duties.

RE-EMPLOYMENT 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 positions, or other reason specified in these rules, and who are eligible to re-employment without examination in their former class, arranged in order of their right to re-employment.

REGULAR: "Regular" as used in the phrase "regular classified employee" or any similar phrase, refers to a classified employee who has probationary or permanent status.

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

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

RESTRICTED EMPLOYEE: See Employee.

RESTRICTED POSITION: See Position.

SALARY ADVANCEMENT DATE: The date for step advancement on the salary schedule following satisfactory performance of duties for one year on each step.

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

SALARY STEP: A specific location in a salary range, i.e., Step 1 through 5.

SALARY STEP PLACEMENT: The placement on a specific step of the salary range as a result of appointment, promotion, reclassification, or annual salary step increment.

SENIORITY: The date of hire in a class determines seniority in that class.

Revised 05/03/05

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

SERIES: A grouping of classes which have closely related skills and duties, progresses in qualifications and responsibilities, and would normally form a promotional ladder.

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

SUBSTITUTE EMPLOYEE: See Employee.

SUPERVISION:

*ADMINISTRATIVE SUPERVISION: Guidance and direction is given on a day-to-day basis in terms of completed or desired work. The employee participates in selection, evaluation, assignment and setting priorities for work.

*DIRECT SUPERVISION: Detailed direction on a daily basis. Work is reviewed or observed while in progress. Employee has limited latitude for independent judgment.

GENERAL SUPERVISION: Employee has latitude for planning, determining methods and independent judgment for his/her own work within guidelines.

*TECHNICAL SUPERVISION: This type of supervision is given to specialized occupations on a periodic or requested basis which includes function, methods, procedures, and standards.

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

TECHNICAL SUPERVISION: See Supervision.

TEMPORARY EMPLOYEE: See Employee.

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

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

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

*NOTE: Except for "General Direction" any supervisor could, if assigned, exercise any combination or all of the above types of supervision or share responsibility

PRELIMINARY STATEMENT

Rule 1.2 - PRELIMINARY STATEMENT

1.2.1 Statutory Authority of 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 and supersede (but shall not reduce benefits hereby) all policy regulating working conditions and conditions for employment. It is recognized that certain of these rules venture into substantive matters within the prerogative of the Governing Board. For that reason, the initially adopted set of rules and regulations were submitted to the Governing Board.

It shall be the policy of the Commission to submit new rules or amendments or deletion of existing rules to the Governing Board when: county counsel determines a given question is not within the purview of Personnel Commission determination or the rule obviously requires Board approval.

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

1.2.2 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; and may be liberally construed to encourage excellence insofar as the intent is not perverted. The Commission is open to responsible suggestions to amend or waive a rule or rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability.

1.2.3. 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.

1.2.4 Amendment, Deletion or Addition to Rules

1.2.41 All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They shall not, unless a critical emergency exists, be acted upon at that meeting.

1.2.42 At the "first reading" the Commission will set a date for Commission action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Director of Classified Personnel to refer the proposal to interested persons or organizations for comment and recommendation.

1.2.43 Interested parties shall be encouraged to 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.

1.2.5 Judicial Review

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

ARTICLE II - THE PERSONNEL COMMISSION

Rule 2 - ORGANIZATION OF THE COMMISSION

2.1 Terms

2.1.1 By law, the term of each Commissioner is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Personnel Director shall notify the Commissioner whose term expires and determine if he will accept a reappointment. The Personnel Director shall then notify the Governing Board and/or the organization representing the classified employees of the name and home address of the Commissioner whose term will expire and whether or not he will accept reappointment. The notification shall also list the appointing authority and indicate that the Board/Organization must follow the provisions of Education Code Section 45245 and 45246.

2.1.2 Personnel Commissioner Eligibility

2.1.2 To be eligible for appointment or reappointment to the Commission a person shall (a) be a registered voter and resident within the territorial jurisdiction of the school district and (b) be a known adherent to the principle of the Merit System. No member of the Governing Board of any school district or a County Board of Education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During his term of service, a member of the Commission shall not be an employee of the school district.

2.1.22 A "known adherent to the principle of the Merit system," with respect to a new appointee, shall mean a person who by the nature of his prior public or private service has given evidence that he supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. "Known adherent to the principle of the Merit System," with respect to a candidate for reappointment, shall mean a Commissioner who has clearly demonstrated through meeting attendance and actions that he does, in fact, support the Merit system and its operation.

2.1.3 Personnel Commissioner Appointment

2.1.31 One member of the Commission shall be appointed by the Governing Board of the District. One member shall be appointed by the other two Commission members. One member shall be appointed by the Governing Board of the District upon the recommendation of the classified employees of the District. "Classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the District as determined by the Board exercising its authority under Section 3544.1 of the Government Code. If there is no such organization existing within the District, the Governing Board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

2.1.4 Officers

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

2.1.5 Quorum and Majority

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

2.2 Meetings

2.2.1 Regular Meetings 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 adjourns its meeting to some other time or place.

2.2.2 Adjourned Regular Meetings The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

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

2.2.4 Public Meetings 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 2.2.5. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meeting.

2.2.5 Executive Sessions The Commission may hold executive sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not consider any matter in executive session relating to an employee unless the employee has been notified of his/her right to a public hearing and has declined the public hearing or properly failed to request same. The Commission may hold executive sessions also to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.

2.2.6 Agenda and Supporting Data

2.2.61 Insofar as possible, at least 48 hours prior to every regular or 14 hours prior to every special Commission meeting, the agenda shall be provided the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted in public view and distributed to news media which have requested it.

2.2.62 Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in Rule 2.2.5 and shall be provided reasonable opportunity to present their views orally. The Commission shall consider their comments and recommendations prior to arriving at a course of action.

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

Copies of the official minutes shall be distributed to recognized employee organization representatives who have requested them.

2.2.8 Recording of Meetings

The meetings of the Personnel Commission, both regular and special meetings, shall be electronically recorded and retained for future reference for a period of three years. The recordings shall be maintained in a secure place under the control of the Director of Classified Personnel. The tapes may be reviewed upon request by employees, representatives of the employee organizations, and the public during regular working hours, but shall not be removed from the Personnel Office.

2.3 Commission Employees

2.3.1 Status of Commission Employees The Director of Classified Personnel and other persons required to carry out the responsibilities of the Commission shall be employees of 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.

2.3.2 General Duties of the Director of Classified Personnel

(1) The Director of Classified Personnel shall perform and discharge all of the powers, duties, and functions which are necessary to carry out the intent of these rules, establishing such administrative controls as may be necessary subject to appeal to the Personnel Commission.

(2) The offices of the Commission shall be under his jurisdiction, and he shall conduct such administrative transactions consistent with the intent of these rules or law as may be necessary to the functioning of such offices.

(3) Act as Secretary to the Commission.

(4) Administer, maintain and adjust the Classification and Pay Plan and recommend rates of pay for each classification or position.

(5) Make policy and rule amendment recommendations.

(6) Prepare budget for the Commission, approve accounts, and administer the expenditure of funds appropriated for the operation of the Commission.

(7) Pass upon all questions relating to the eligibility of applicants, the admissibility of applicants to the examination, extensions of time and all questions arising during the course of an examination, subject to appeal to the Commission.

(8) Perform all other functions necessary for the proper carrying out of these rules and such additional duties as may be assigned to him from time to time by the Commission.

(9) Determine precise recruiting methods to be used for each vacancy or each recruiting effort after consultation with the division head if indicated.

(10) The Personnel Director will effect the recruitment, examination and selection for all vacancies unless it is determined that centralized recruiting and examination procedures are not feasible for a given position or class of position. In that case, the Director of Classified Personnel may authorize direct department recruitment. Such direct recruitment shall be subject to submittal of application to the Director of Classified Personnel for pre-appointment review to assure that the selected applicant

is qualified and that there is no evidence of patronage or discrimination. The standard recruitment procedure, however, will require the use of eligibility lists as provided in Rules 4.1 through 5.12.

(11) Strive for excellence in attracting the most outstanding applicants by whatever source.

(12) Develop resource material and information on matters of current or pressing interest in the field of public and private personnel administration relating to school personnel administration.

(13) 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 Director of Classified Personnel, subject to appeal to the Commission.

2.4 Miscellaneous Provisions

2.4.1 Communications

2.4.11 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.

2.4.12 Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Director of Classified Personnel for placement on the Commission agenda. It is the policy of the Commission to consider proposals at open meetings. The Commission may designate one of its members to investigate a specific subject.

2.4.2 Budget The Director of Classified Personnel shall prepare and submit to the Commission a proposed operating budget for the next ensuing fiscal year. The budget shall be prepared for a public hearing by the Commission not later than May 30th of each year. The Commission shall forward a copy of its proposed budget to the Governing Board indicating the time, date, and place for the public hearing of the budget, and shall invite Board and District administration representatives to attend and present their views prior to adoption of its proposed budget. The Commission shall then forward the proposed budget to the County Superintendent of Schools for action, as provided in Education Code Section 45253.

2.4.21 Reimbursement of Expenses

2.4.21 Following approval of all expenditures, Personnel Commissioners and classified personnel office staff shall be reimbursed for all actual and necessary expenses incurred in connection with related Commission activities. Reimbursement shall be paid upon presentation of original receipts related to claims made.

2.4.3 Annual Report

2.4.31 The Director of Classified Personnel shall prepare, as required by Education Code Section 45266, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Governing Board.

2.4.32 The annual report shall be prepared for Commission approval as soon after each calendar year as possible and no later than a meeting in January. The report shall cover Commission activities for the preceding calendar year.

ARTICLE III - POSITION CLASSIFICATION PLAN

Rule 3 - THE CLASSIFIED SERVICE

3.1 Positions Included

3.1.1 All positions established by the Governing Board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.

3.1.2 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.

3.2 Exemption from the Classified Service

3.2.1 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.

3.3 "Part-time" Defined

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

3.4 Effect of Exemption

3.4.1 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 Governing Board.

3.5 Professional Expert Assignments

3.5.1 When a professional expert assignment is to be made, the Administration shall submit to the Director of Classified Personnel 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 re-employment or eligibility list exists.

3.5.2 When the person is known who is to be appointed as a professional expert, his name and data relative to his qualifications shall be submitted to the Director of Classified Personnel. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his own profession. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Authorization for service as a professional expert shall not exceed six months. Additional required service shall be submitted to the Commission for approval.

3.6 General Nature of the Classification Plan

3.6.1 The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the class(es) in each series which are usually filled by open competitive examination.

Those classes not so designated shall be considered as "promotional classes," provided that the Personnel Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate or range applicable to each class.

3.7 Class Standards

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

- (a) The official class title;
- (b) A definition of the class indicating the type of duties and responsibilities and placement within the organizational scheme;
- (c) A statement of typical tasks to be performed by persons holding positions allocated to the class;
- (d) A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics;
- (e) A statement of distinguishing characteristics which differentiates the class from other related or similar classes; and
- (f) License or other special requirements for employment or service in the class;
- (g) Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications even though such additional qualifications are not a prerequisite to consideration for employment.

3.8 Interpretation of Class Standards

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

- (a) The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- (b) In determining the class to which any position shall be allocated, the standard 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 standards, 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 standard is construed in its proper relationship to other standards, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.

(d) Qualifications commonly required of the incumbents of all, or many offices or positions, such as good physical condition, freedom from disabling defects, honesty, sobriety, and industry, even though not specifically mentioned in the standards, are implied in the qualification requirements.

(e) The statement of qualification requirements, when considered with other parts of the standard, is to be used as a guide in the announcement and preparation of tests and in the evaluation of 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.

3.9 Allocation of Positions to Class

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

3.10 Changes in Duties of Positions

3.10.1 Any substantial changes in the duties of existing positions shall be promptly reported in writing by the appointing authority to the Director of Classified Personnel, who shall determine whether the positions should be allocated to different classes.

3.11 Working Out of Classification

3.11.1 Classified Personnel employees shall not be required to perform duties which are not fixed and prescribed for the position by the Governing Board in accordance with Education Code Section 45109, unless the duties reasonably relate to those fixed for the position by the Board.

3.11.2 A unit member working out of class for a period exceeding three (3) working days within a fifteen (15) calendar day period shall receive a salary adjustment to the step of the salary range for the temporary class which will give him/her not less than a five (5%) percent increase. The salary adjustment shall be made for each day the unit member is working in a higher classification. A unit member working out of class not exceeding three (3) working days within a fifteen (15) calendar day period shall not receive a salary adjustment. A unit member working out of class, whose job in the temporary classification was terminated before three (3) days had elapsed, may not return to the temporary classification until thirty (30) days have elapsed, without receiving pay at a rate not less than five percent (5%) more than his/her regular rate of pay.

3.11.3 In addition to the requirement of three (3) working days in a fifteen (15) calendar day period, the above-mentioned provisions will apply any time a unit member works out of classification for a period of three (3) or more consecutive working days.

3.11.4 If a unit member is substituting in a lower classification, then the unit member shall retain the higher regular rate of pay.

3.11.5 Requests for working an employee out of his/her assigned classification shall be submitted by the employee's supervisor to the Director, Classified Personnel. The request will include the period of time that is required to be worked and the reason for the request. The Director will obtain the administration's approval and process the request for Governing Board approval, or Personnel Commission approval where appropriate.

Revised 4/6/04

3.12 Classification Plan Review

The job descriptions will be reviewed and updated on an "as-needed" basis to reflect the typical assigned duties of classifications. Through periodic site visitations, job analysis, Commission direction or other appropriate methods, the class description will be maintained. Recommended revisions will be presented to the Commission and/or Board of Education as appropriate for approval.

Classification Review Guidelines for employees and supervisors are available in the Classified Personnel Office.

3.13 Creation of New Positions

When the Board creates a new position, it shall submit to the Director of Classified Personnel, in writing, the duties to be performed by the position. The Director of Classified Personnel 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) Designate the proper salary placement of a new class, if one is established.
- (c) Notify the Board of its action.

3.14 Reclassification - Requests for Study

Requests for classification study of existing positions shall be presented to the Director of Classified Personnel together with a statement of the reasons for requesting study. Requests for study may be initiated by the Administration, with the approval of the Superintendent, or by employees or employee organizations. Requests initiated by the Administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes.

3.15 Reclassification - Guidelines and Effective Date

1. The basis for reclassification of a position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. (Ed. Code 45285)
2. Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but for no more than three months.

3.15.1 Criteria for Reclassification

The following criteria shall be used for a reclassification:

1. That the minimum time frame for consideration be 24 months for a reclassification review.

Revised 05/03/05

2. That the gradual increase in duties are evidenced throughout the period being reviewed.
3. That the duties and/or assignment can be distinguished from a working out of classification claim.

4. That the issue be raised with the Personnel Commission through the Director of Classified Personnel prior to Board action or negotiations in order to insure compliance with Personnel Commission rules and Regulations and integrity with the classification plan.

5. That the review process be concluded with a formal recommendation in writing to the requesting party.

3.15.2 Realignment

A realignment is defined as "an adjustment to the salary range of a class based on the practice of equal compensation for positions of comparable difficulty and responsibility." A realignment is other than an internal alignment which is the Personnel Commission jurisdiction.

3.16 Effects on Incumbents

A. When positions or whole classes are reclassified upward, the rights of incumbents are determined in accordance with Education Code Section 45285. Those incumbents not able to be reclassified with their position shall have one opportunity to compete in a competitive examination for the higher class.

B. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:

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

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

3. The right to be demoted or to transfer, without examination, to the class to which his/her position is reclassified; and,

4. The employee may choose to transfer, demote, or exercise bumping rights at his option.

C. If the duties of two or more classes are combined into one new class standard and the qualifications of the higher class are maintained, incumbents of the lower class or classes must compete in an examination at the same level as that previously administered to the incumbents of the higher class.

If the new qualifications are higher than those of the combined previous class standards, all incumbents not qualifying to be reclassified, must test.

3.17 Re-employment List for Displaced Incumbents

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 re-employment list will be established in accordance with these rules.

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

3.18 Increases in Assigned Time

A. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the class. When an existing position is assigned increased hours, the increased position shall be considered "vacant" for the purpose of this rule.

B. A seniority bid list shall be maintained for the purpose of this rule. Employees may waive their opportunities for increased hours of work; however, once proper assignment is made, it shall not be revoked or revised because of withdrawal of waivers.

3.19 Decreases in Assigned Time

A. When a permanent position is to be reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his/her former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided that he has greater seniority. If no such option is available, he may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that he has greater seniority. An employee so bumped shall have similar bumping rights.

B. 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.

3.20 Voluntary Decrease in Assigned Time

A. A permanent employee may request a voluntary decrease in assigned time by transferring to a vacant position in the same class. This rule will apply to decrease in hours per day, week, or month.

B. Requests for transfer to a position with less assigned time shall be presented to the Director of Classified Personnel. A seniority bid shall be maintained for the purpose of this rule.

ARTICLE IV - APPLICATION

Rule 4 - APPLICATION

4.1 Filing of Application

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

4.2 General Qualifications 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 must, in addition, be qualified for employment in accordance with applicable immigration laws.

4.3 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 4.2.
- B. Knowingly becoming or knowingly remaining a member of the Communist Party on or after September 9, 1953.
- 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 or pleading guilty in court to a charge of moral turpitude, or any sex offense, or mistreatment of children.
- E. Criminal, or disgraceful conduct according to standards approved by the Personnel Commission with prospective application.
- F. Intentionally making a false statement or omitting a statement as to any material fact on the application form.
- G. Practicing any deception or fraud in connection with an examination or to secure employment.
- H. Drug addiction and/or use of intoxicating beverages to excess.
- I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- J. A record of unsatisfactory service with this District even though separation has not occurred.
- K. Unsatisfactory health conditions.
- L. Dishonorable discharge from the armed forces of the United States.
- M. Failure to report for duty after an assignment has been offered and accepted.
- N. Failure, after due notice, to report promptly for review of any of the above bases for rejection.
- O. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Governing Board.

4.4 Rejection and Appeal from Rejection

A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 4.3 shall be notified in writing by the Director of Classified Personnel. The notification shall state:

1. The reason(s) for rejection.

2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.

3. That within seven calendar days, the individual may appeal to the Director of Classified Personnel for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:

1. Given a written notice outlining the reason(s) for sustaining the rejection, and

2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:

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

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.

4.5 Action When Rejection is Not Sustained

If a rejection is not sustained by the Director of Classified Personnel or the Personnel Commission, the Director of Classified Personnel 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.

4.6 Applications Not to be Returned

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

4.7 Applicants' Names Not Made Public

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

4.8 Veteran's Preference

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 November 11, 1918

World War II - September 16, 1940 to December 31, 1946

Korea - June 27, 1950 to January 31, 1955

Vietnam - August 5, 1964 to May 7, 1975

(Per County Office 5/31/79)

Service in the Coast Guard between December 7, 1941, and January 1, 1946, is also credited. Or, in time of peace in a campaign or expedition for service for which a medal has been authorized.

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 present thereafter.

ARTICLE V - EXAMINATION

Rule 5 - EXAMINATIONS

5.1 Promotional Examinations

Examinations shall be given on a promotional basis to permanent classified employees within the District who meet the necessary qualifications. When no adequate field of competition appears to exist, the Commission may order a promotional examination, an open examination, or simultaneous open and promotional examination.

The Commission may determine whether an examination shall be limited to a promotional examination only, or whether it shall be an open/promotional examination.

All permanent employees of the District who meet the qualifications for education and experience shall be eligible to compete in the examination as promotional candidates in accordance with Rule 5.10 A.

The open and promotional candidates shall be merged into a single list following the adjustment for promotional credit. The top three (3) ranks from the eligibility list shall be certified for consideration to fill a vacancy. (Ed. Code Section 54272)

5.2 Who May Compete

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 4.4, except where examinations may be restricted to promotional candidates.

5.3 Notice of Examination

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

5.4 Character of Examinations

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

5.5 Examination Procedures

A. Competitors in any written test must take the test on the prescribed date, unless approved by the Director of Classified Personnel. Special administration of a test shall not delay the examination process.

B. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.

C. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated.

D. Any competitor in any examination who places any identifying mark upon his test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his papers prior to the completion of the examination shall be disqualified.

5.6 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 participating in the next succeeding part.

5.7 Examination Review and Protest Procedure

A candidate may review and protest any part of an examination in accordance with this Rule.

A. Timelines

The review-and-protest period shall be five (5) working days from the date of the notification of the test. A written protest must be filed in the Classified Personnel Office within the timelines to receive consideration. The written protest shall include specific reasons and the remedy requested by the candidate.

B. Access to Examination Records

Examination records are confidential and shall not be made available to the public or to any person for any purpose not directly connected with the examination. The right to privacy for all candidates will be observed. Records directly connected with the examination will be made available to the candidate or his/her representative within a reasonable time limit by the Classified Personnel Office. (Ed. Code 45274)

C. Written Test Inspection

A request for the review of a written test received within the five (5) working day review period will be granted within a reasonable time period as described herein.

The candidate will be provided with a list of his/her incorrect responses and an unmarked written booklet containing all questions. No candidate shall copy or otherwise remove any written questions from the Inspection Room.

D. Written Protest

An applicant wishing to protest shall submit a written statement indicating the specific reason(s) for the complaint. The protest must be received by the Personnel Office within five (5) working days of notification of the results.

E. Director's Response

The Director of Classified Personnel shall review and act upon all protests within five (5) working days from receipt. If the protest involves a written test, the Director may allow more than one answer to a question or may disqualify a question if he finds the protest to be valid. All approved protests will result in changes to the examination key before any test papers are rated. The Director of Classified Personnel shall inform the protestant of his decision.

F. Appeal

If the Director's response disallows the protest, the candidate may make written appeal to the Personnel Commission. Such appeal shall only be heard if filed within two (2) working days after receipt of notification from the Director that the protest was rejected.

5.8 Examination Papers

All examination papers submitted by competitors are the property of the District and are confidential records. All data relative to examinations shall be retained by the Commission for at least ninety (90) days.

5.9 Qualifications Appraisal Interview (Oral Examination)

A. If an examination includes a Qualifications Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).

B. Oral examiners will not be provided confidential references on District employees competing in a promotional examination nor shall examiners be provided scores achieved by candidates on other parts of the examination.

C. All oral examinations must be electronically recorded and retained by the Commission for at least 90 days.

D. A QAI Board shall be composed of at least two or more members, one of whom shall be technically qualified to interview for knowledge in the area of the class of positions being tested for. The Director of Classified Personnel or a member of the Commission may be in attendance at QAI sessions.

E. Whenever possible, classified employees of the District shall not serve on an oral board. In cases of emergency, the Director of Classified Personnel may designate a District employee as a member of an oral board. District employees who are at the first or second level of supervision in the class being examined may not serve as oral examiners; other District employees may serve. Personnel Commission members shall be encouraged to attend oral interviews.

5.10 Seniority Credit - Promotional Examinations

A. In promotional examinations only, seniority credit shall be added to the final passing scores of candidates in the amount of 1/4 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 in the classified service while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis. Credits shall be calculated for units of not less than a half year, unless greater accuracy is required in order to break ties in examination scores, and fractions of years shall not normally be counted.

B. Permanent employees of the District who attain a passing score on an open-competitive examination will be given a promotion credit of five (5) points which will be added to his/her total score to constitute his/her final grade.

5.11 Scoring

Education Code 45272 states: "The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. An eligible with the same percentage score will be considered as having the same rank. Appointment shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position."

5.12 Notice of Final Score

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

ARTICLE VI - CERTIFICATION AND APPOINTMENTS

Rule 6 - EMPLOYMENT LISTS

6.1 Establishment and Life of Eligibility Lists

6.1.1 After an examination, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points where applicable. The list shall be presented for approval and certified by the Personnel Commission before any regular appointment is made therefrom.

6.1.2 An eligibility list shall be in effect for one year, unless exhausted, and may be extended for not to exceed one additional year at the discretion of the Commission. Names of successful competitors may be added to eligibility lists resulting from continuous examinations with the approval of the Commission.

6.2 Re-employment Lists

6.2.1 There shall be established for each class a re-employment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all permanent classified service employees who have been laid off or demoted from any position because of lack of work or lack of funds. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the re-employment list in any given class. At the request of such employee and with the approval of the

Commission, the name of the employee may also be placed on a re-employment list for comparable or lower classes.

6.3 Termination of Eligibility List

6.3.1 An eligibility list is automatically terminated one year from the date of its approval unless previously extended by the Commission to a specified date.

6.3.2 An eligibility list may be terminated by the Commission at the recommendation of the Director of Classified Personnel.

6.3.3 An eligibility list may be terminated by the Personnel Commission when less than three (3) candidates are eligible for certification.

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

6.4 Consolidation of Eligibility Lists

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

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

C. When a new Merged Examination is posted, the eligibles remaining on an active list will be notified and given an opportunity to compete in the new processes. If an eligible competes, the new passing score will be used for the consolidated list even if the new score is lower. A failing score on any test part will leave the eligible on the consolidated list without an extension of eligibility.*

*Approved 12/15/97

6.5 Eligibility After Appointment

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

6.6 Removal of Names from Eligibility Lists

The names of an eligible may be removed from an eligibility list by action of the Commission for any of the following reasons:

A. A written request by the eligible for removal.

B. Failure to respond to a written inquiry regarding availability for employment within 72 hours.

- C. Waiver of two offers of regular appointment, or
- D. Any of the causes listed in Rule 4.3.

6.7 Order of Precedence

Certification from eligibility lists shall be of the first three ranks of available candidates. Names shall be certified for appointment from employment lists in the following sequence:

- A. Re-employment List - due to layoff (One name in order of seniority until re-employment list is exhausted.) (Ed. Code Sections 45308 & 47309)
- B. Promotional eligibility list (first three ranks). (Ed. Code Section 45272)
- C. Open eligibility list (first three ranks). (Ed. Code Section 45272)

6.8 Dual Certification

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

6.9 Procedure When Fewer Than Three Ranks Remain

- A. When fewer than three ranks are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three ranks if an open list is available.
- B. When fewer than five ranks are available for certification, the available eligibles or ranks may be certified; however, the Director of Classified Personnel may request a new examination.

6.10 Other Sources of Eligibility

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

6.11 Procedure of Certification and Appointment

- A. When a position is to be filled, the appointing power shall notify the Director of Classified Personnel of that fact and of the date of the anticipated need by completing the A-81 Form (Employee Requisition and Procurement of Temporary or Additional Staffing Form.) The request

for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Director.

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

C. The appointing power shall make its selection and shall notify the Director who shall see that the necessary employment procedures are carried out.

6.12 Waivers of Certification

A. An eligible may waive certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions.

B. Certification of eligibles who have waived shall not be made provided that eligibles may revise or withdraw their waivers in writing.

6.13 Refusals of Appointment

An eligible may refuse appointment to a specific position and retain eligibility provided that refusal of two offers of appointment or certification within the areas of employment not waived may be cause for removal from the eligibility list.

6.14 Certification from List for Another Class

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

6.15 Withholding Names from Certification

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

A. He expresses unwillingness or inability to accept appointment.

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

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

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

6.16 Restoration 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 restored thereto by the Personnel Commission under the following circumstances:

A. When the withholding or removal was for a reason stated in Rule 4.3 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.

6.17 Duties of Eligible

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

1. In the event an eligible is notified by telegram of the certification, he shall present himself before the appointing power with some form of communication within 24 hours after receiving the telegram.

2. Failure of an eligible to respond within the above-stated time will be deemed an automatic waiver of certification, and the Director of Classified Personnel 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 to report for duty after an offer of employment to a permanent position has been made. If he is unable or unwilling to report by the end of two weeks, he may be considered to have refused appointment; and the appointing power may request certification of another name from the eligibility or re-employment list.

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

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

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

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

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

6.18 Subjects Regarding Which No Questions Shall Be Asked

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

6.19-22 Substitute and Temporary Service

No time served in substitute or temporary service shall count toward acquiring permanent status in any position.

6.19 Provisional Appointments

A. When the Commission certifies that no eligibility list exists for a vacant position in the classified service, a new employee may receive provisional appointments which may accumulate to a total of ninety (90) working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity; but, for part-time positions when no one on an eligibility list is available, successive 90 working-day appointments may be made.

B. No person shall be employed in provisional capacities for a total of more than 126 working days in any one fiscal year.

(CEC 45286)

C. Successive provisional appointments, each of 90 working days or less, may be made in any class in the absence of an appropriate eligibility list, provided that continuous examination procedures for the class have been authorized by the Commission.

Such successive provisional appointments may:

- 1) Be made and persons employed in temporary capacities under a given Governing Board for a total of more than six months in any one year.
- 2) Continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list.

(CEC 45289)

D. The extension of a provisional employee's assignment may be authorized by the Personnel Commission for a period not to exceed 36 working days provided the following requirements are met:

- 1) An examination for the class was completed during the first 90 working days of his provisional assignment.
- 2) Evidence satisfactory to the personnel commission is presented indicating:
 - (a) That an adequate recruitment effort has been and is being made.
 - (b) That extension of the provisional assignment is necessary to carry on vital functions of the district.
 - (c) That the position cannot be satisfactorily filled by use of other employment lists or procedures.

(CEC 45288)

E. The services of a provisional appointee shall be terminated within fifteen (15) calendar days after the date on which an eligibility list has been established.

Revised 05/03/05

6.20 Conditional Provisional Appointments

Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointments as stated in the class specification. When no one who meets the minimum qualifications is available, a conditional provisional appointment may be made if approved by the Director of Classified Personnel.

6.21 Limited-Term Appointments

Whenever the Governing Board shall require the appointment of a person to a position, the duration of which is not to exceed six (6) months, or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee, eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited-term employees. (CEC 45286)

6.22 Emergency Appointments

A. If it should become necessary in time of emergency to fill a position in the classified service to prevent the stoppage of public business, the Governing Board may make an emergency appointment, without reference to eligibility lists, for one time not to exceed fifteen (15) working days.

B. When an emergency appointment is made, it shall be the duty of the Governing Board to notify the Director of Classified Personnel in writing, naming the appointee, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointment. Time served under such emergency appointment shall be considered as part of the period permitted under the Education Code for provisional appointments.

C. A classified employee retired under PERS may be appointed by the Governing Board only in an emergency to prevent the stoppage of public business or because the employee has skills needed in performing specialized work of limited duration. Such appointments shall not exceed sixty (60) working days in any calendar year, and the rate of pay for such employment shall not be less than the minimum nor exceed that paid to other employees performing comparable duties. Such appointment shall be without reinstatement from retirement or loss or interruption of benefits under this part and no additional rights or benefits shall be granted with respect to such appointment. (CEC 45135)

D. In an emergency as declared by the President of the United States or the Governor, the Commission may authorize an extension of a limited-term appointment that may not exceed one year. The duties of the extended position must be related to the emergency. (CEC 45286)

Revised 05/03/05

6.23 Reduction in Eligibility

A reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall result in his name being removed from the eligibility list for the higher class and placed at the bottom of the eligibility list for the lower class, if such eligibility list exists. When no eligibility list exists for the lower class, reduction in eligibility may be granted by the Personnel Commission.

6.24 Anniversary Dates

Time-in-grade (anniversary date) for permanent employees will commence on the first day of service, regardless of status during that period if service was continuous. (Conversion from "restricted" to permanent.) This provision is not applicable to "substitute" or temporary service.

6.25 Typing Certification

All candidates testing for positions requiring a typing skills test shall receive a two-year (2-yr.) certification validating their typing speed. This certification shall grant a waiver for all typing tests, if the certificate shows that the candidate has met the typing skills requirement.

ARTICLE VII - IN-SERVICE STATUS AND TRANSACTIONS

Rule 7 - PROBATIONARY PERIOD

7.1 Duration of Probation

A. A new employee appointed from an eligibility list shall serve a probationary period of (six months) (130 working days) in one class before attaining permanency in the classified service except for appointees to positions in classes designated by the Commission as executive or administrative, e.g., those in Class Standard Series B. Persons appointed to these positions will serve a probationary period of one year from the effective date of appointment from an eligibility list. An employee who has been promoted shall serve a probationary period of six months--130 working days in the higher class before attaining permanency in that class. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.

7.2 Rights of Probationary Employees

A. A new employee who resigns in good standing during the initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.

B. A new employee who is suspended or dismissed during the initial probationary period shall be notified in writing of the action taken and the charges. The employee 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 class, may be demoted during the probationary period to his/her former class. He/she shall be notified in writing of the action and the charges, but shall not have the right of appeal.

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

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

7.3 Regular Employee Changes in Position and Class - Transfer

A transfer is a change in work locations from a regularly assigned school or worksite to another school or worksite within the District. It does not include the assignment of particular duties at the same school or worksite, or emergency reassignments.

When a new position or pilot program is created or existing position becomes vacant, the District shall post and first offer the opportunity for transfer to unit members serving in the same class in the District. A copy of each notice shall be directed to the [CSEA] Association President at the time of posting.

[In the case of a Bargaining Unit position.]

A. A request for transfer to a position with the same number of hours shall be considered by a committee of three (3) represented as follows:

Site Principal/Supervisor
CSEA President (Or Designee)
One Classified Employee elected by the Site Classified Employees

The Committee shall interview all applicants and will consider the needs of the site, work performance, qualifications, and experience related to the position. Unanimous agreement is needed in order for the voluntary transfer to occur. If no consensus can be reached, the District shall consult with the Association prior to taking action on the transfer.

An employee denied a voluntary transfer, shall receive the reason for denial in writing upon request. The employee may request a review by the Personnel Commission/Director within five (5) days if the decision can be demonstrated by the employee to be arbitrary and capricious.

B. [Part-time positions] If no request for transfer with the same number of hours is granted by the District, as provided in section A above, then a request for an increase in assigned hours in the same class shall be granted to the most senior employee (based on class hire date) with an acceptable work record.

C. When a temporary situation exists, an employee may be temporarily transferred within the District. At the end of the temporary transfer, the employee may request to be returned to the original assignment and job site. No temporary transfer shall extend beyond the fiscal year in which it is made; however, if the temporary situation exists beyond the fiscal year, the District shall meet with the Association to come to resolution.

7.3.1 Transfer Status

Transfers shall be made without change in salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit.

7.3.2 Transfer to Related Position

The Personnel Commission shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers

is permitted when the transfer request is based on reclassification, impending layoff, or for a qualified employee with a disability.

7.3.3 Transfer/Probationary Status

A permanent employee who transfers to a position in a class in which the employee has not previously completed a probationary period shall be considered probationary in that class for a period of six months--130 working days. At any time during the probationary period, the employee may be returned (transferred) to the former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.

7.3.4 Transfer/Seniority

Transfers shall have the following effects on seniority:

1. Within the same class--none.
2. From one class to another--the regular employee shall not receive seniority credit in the new class for service in other classes; however, seniority in the classified service shall be retained.

7.3.5 Transfer and Impending Layoff

Transfer shall not be used as a device to alter the effects of impending layoff, although employees whose positions are to be eliminated may transfer to other classes for which they are qualified.

7.3.6 Involuntary Transfer

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

7.3.7 Posting

Transfer opportunity notices shall be posted in a conspicuous place at each worksite and in the Personnel Office for the required negotiated period of time.

The [CSEA] Association President shall be provided with copies of the transfer opportunity notices.

7.4 Demotions

A. Permanent employees may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of the current department head, the Director of Classified Personnel, and the head of the department to which the employee will be assigned.

B. Voluntary demotion is a privilege available to a probationary employee.

C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

7.5 Restorations

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

B. An employee who has taken a voluntary demotion may be restored to a former class or to a related lower class, as determined by the Commission, within 39 months.

C. Reinstatement or re-employment of a former employee shall have the following effects:

1. Restorations to the former step in the salary range for the class, or, if re-employed in a lower class, to the nearest step within the range that does not exceed the former class.
2. If restored to regular status, restoration of accumulated sick leave and all other fringe benefits.
3. Restoration of former anniversary date, but without step-advancement credit for the off-duty period.

7.6 Assignments of Disabled Employees - General Policy

The American with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all areas of employment. Non-discrimination areas include promotion, assignment, training, evaluation and discipline.

When an employee becomes disabled, as defined by ADA, the following procedures will be utilized:

- A. The qualified disabled employee's limitations will be reviewed.
- B. The essential functions of the employee's assignment will be reviewed.

This information will be utilized to determine if a reasonable accommodation can be provided by the District.

7.7 Reasonable Accommodation

The District will make a reasonable accommodation to the known physical or mental limitations of a qualified employee with a disability unless it can show an undue hardship on the operation of its business. The District will consider reasonable accommodations proposed by the employee.

7.8 Special Accommodation Approval

Modified work schedules, reassignment to an equal or lower vacancy or other accommodations due to disability require approval of the supervisor and the Director of Classified Personnel and/or Personnel Commission.

7.9 Performance Evaluations - When Evaluations Are To Be Made

All members of the classified service and substitute or limited-term employees shall be evaluated by their immediate supervisor in accordance with the following schedule:

A. Permanent Employees. A performance report shall be completed on each regular classified employee at least once each year during the month of birth. Performance reports which fall due outside the regular school calendar shall be processed before June 15 of each year. When an employee leaves the control of a supervisor at any time after sixty (60) working days, a performance report shall be completed.

B. Probationary Employees. A performance report shall be completed on each probationary employee at the end of the second and fifth months of employment except for Management positions, whose performance report shall be completed at the end of the third, sixth, and tenth months of employment.

C. Substitute or Limited-Term Employees. A performance report shall be completed on each substitute or limited-term employee on an "as needed basis", as determined by the supervisor. Substitute or limited-term employees working an extended period of time shall have performance reports submitted from the time of appointment to the long-term position.

7.10 Who Makes Evaluations

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

7.11 Procedure to be Followed

A. Performance evaluation reports shall be made on forms prescribed by the Commission which shall be prepared by the employee's immediate supervisor.

B. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it. The evaluation shall be signed by the employee to indicate receipt, and he/she shall be given a signed copy. The employee's signature does not indicate agreement. A written rebuttal may be submitted to the Personnel Office in case of disagreement. The employee's rebuttal will be attached to the evaluation in the employee's personnel file.

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

D. An evaluation shall not be placed in the personnel file without first providing the affected employee the opportunity to discuss the evaluation with the evaluator.

E. Any information used for evaluation purposes that is not based upon the direct knowledge of the evaluator shall be verified prior to utilization.

F. If a need for improvement is indicated by an evaluator, the evaluator must indicate specific problems in writing on the evaluation form. Any such problems or deficiencies must be accompanied by specific recommendations and/or assistance as to means of improvement, and by a

description of expected performance. Timelines for improvement and a schedule for future feedback are strongly encouraged.

7.13 Layoff--Regular Employee Procedures Regarding Layoff

A. When regular employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, in the same family in line of promotion, shall be considered to have the least seniority and, therefore, shall be laid off first.

B. The names of permanent and probationary employees thus laid off shall be placed upon the re-employment list for the class from which they were laid off. Names on the re-employment list shall be in the relative order of seniority.

C. Length of service shall be determined by date of hire in the classification, plus higher classifications, in the same family, in the line or promotion shall count as seniority within the classification. No seniority shall be earned during unpaid periods of separation from the service of the school district.

D. A permanent employee in the classified service who is laid off from a class shall have the right to bump the employee with the least seniority in his/her classification if no equal position is offered by the District.

E. A permanent employee may accept a voluntary demotion in lieu of layoff. The action requires approval of the appointing authority and the Personnel Commission.

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

G. A limited-term employee may be released at the completion of an assignment without regard to the procedure set forth in this rule.

H. An employee may refuse an offer of re-employment to a specific position and retain eligibility for re-employment; however, refusal of two offers of re-employment to the classification from which the employee was laid off shall be cause for removal from the re-employment list.

7.14 Provisions for Determining Seniority

A. The seniority list shall be prepared and posted based on seniority showing the employees' names and date of hire in the current class and higher classes of the same family in line of promotion.

B. Seniority credit may be granted by action of the Commission in any classification due to retitling, abolishment, splitting or combining, establishment, internal realignment, reorganization, classification or reclassification of positions and/or classifications, or in other circumstances recognized by the Commission.

7.14.1 Provisions for Random Selection in the Event of Equal Seniority

A. In the case of two or more employees having identical seniority in accordance with Education Code Section 45308, the Personnel Commission shall determine the order of seniority by the following procedure:

1. The employee having the highest ranking on the eligibility list at the time of hire shall be deemed to have greater seniority.
2. In the event the eligibility list ranking does not break the tie, lots shall be drawn by the employees concerned at a public meeting of the Personnel Commission.

B. The order of seniority once determined by the above procedure shall be permanent and shall be entered upon the permanent records of the District. The Director of Classified Personnel is authorized, and it shall be his/her duty to correct any errors discovered from time to time on the records showing the order of seniority.

C. The eligibility list ranking and/or the drawing procedures and entry onto the order of seniority shall be conducted by the Personnel Department staff under the direction of the Director of Classified Personnel. The Director of Classified Personnel shall cause to be prepared and maintain the re-employment list which shall be open for review by any classified employee or designated representative.

7.15 Resignation

When an employee desires to resign from a position, the employee shall present a resignation in writing to the appointing power, and a copy of such resignation shall immediately be filed by the appointing power with the Personnel Director. Employees are expected to give at least two weeks' notice prior to resignation. A resignation relates only to the specific position from which the employee resigns and does not impair rights to other positions through eligibility lists.

7.16 Disciplinary Action and Appeal - Causes for Suspension, Demotion, Dismissal

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

1. Incompetency - A pattern of below standard work performance.
2. Inefficiency - The continued inability to perform the assigned duties of the position.
3. Insubordination - Knowingly refusing to perform lawful and reasonably assigned duties.
4. Inattention to or Dereliction of Duty - Negligence in the performance of assigned duties.
5. Wilful and persistent or negligent violation of the Education Code, of Rules and Regulations, or procedures adopted by the District or a department.
6. Dishonesty, theft, wilful misuse for personal gain, wilful destruction or mishandling of District property.

7. Political activities engaged in by an employee during his assigned hours of employment.
8. Conviction of a serious crime by a court of law; a record of one or more convictions which indicates that the person is a poor employment risk for the particular job assignment. A plea, verdict, or finding of guilty or a conviction following a plea or nolo contendere is deemed a conviction within the meaning of these Rules.
9. Unexcused absence or frequent tardiness, abuse of leave privileges or absence without proper notification.
10. Possession of opened alcoholic beverage containers on District property, drinking alcoholic beverages on District property, or being intoxicated while on duty.
11. The use or possession while on duty of illegal or restricted dangerous drugs, other than that prescribed by a licensed physician.
12. Arrested, being formally charged, and convicted of a sex offense as defined in Education Code Section 44010. Conviction of such offense shall result in dismissal.
13. Arrested, being formally charged, and convicted of a narcotics offense as defined in Education Code Section 44011. Conviction of such offense shall result in dismissal.
14. Conviction of a crime involving moral turpitude.
15. Violation of local, state, or federal law which results in cancellation or suspension of a license required for the performance of assigned duties.
16. Gender, ethnic, racial, age, religious harassment, harassment of a disabled person, or sexual harassment of another (Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work setting).
17. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
18. Abusive, unprofessional conduct, or harassment directed toward a student, parent, co-worker, teacher, administrator or any member of the public.
19. Failure to report suspected child abuse as required by law.
20. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
21. Abandonment of position. An employee is presumed to have abandoned a position after three days without making contact with the District.

22. Knowingly falsifying or withholding any material information supplied to the District, including but not limited to, information supplied on application forms and employment records.
23. Flagrant disregard of on-the-job safety principles.

7.17 Procedure for Disciplinary Action

A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of the employee's affiliations, political or religious acts or opinions, race, color, national origin, age, sex, disability, employee organization membership, or marital status, subject to the provisions of Paragraph A3, Rule 7.16.

B. Prior to formal action by the Governing Board, the employee shall receive a "notice of proposed disciplinary action." The notice shall contain the following information in ordinary and concise language:

The nature of the proposed action (suspension, demotion, dismissal, etc.)

The specific causes and sections of these rules that the employee is accused of violating.

The specific charges, including times, dates, location, and a description of the chargeable actions or omissions in ordinary and concise language.

The proposed effective date(s) of the disciplinary action.

The employee's rights to see and obtain copies of all evidence and documentation to support the District's case against the employee.

The employee's right to representation.

The employee's right to a preliminary review with an administrator to dispute the charges prior to final action.

The employee's right to respond to charges either orally or in writing at the time of the preliminary review.

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

D. The "Notice of Disciplinary Action" shall include:

The nature of the action (suspension, demotion, dismissal, etc.)

The specific charges, including times, dates, location, and a description of the chargeable actions or omissions in ordinary and concise language.

The effective date(s) of the disciplinary action.

The employee's rights to see and obtain copies of all evidence and documentation to support the District's case against the employee.

The employee's right to representation.

The employee's right to appeal the Governing Board's action to the Personnel Commission within 14 days.

E. An employee may be placed on paid administrative leave prior to Board approval at the discretion of the Superintendent. This action may be necessary while the District completes an investigation to determine if disciplinary action is needed.

F. When a regular employee is charged with a mandatory leave offense (as defined in 44940(a) - Sex/Drug offenses), the employee shall immediately be placed on a compulsory leave of absence, not to exceed 10 days after the date of entry of the judgment. The wages paid, if any, are subject to the provision of 44940.5.

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

H. Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive.

7.18 Appeal

A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made only on the following grounds:

1. That the procedures set forth in these rules have not been followed.
2. That the disciplinary action was made because of affiliations, political or religious acts or opinions, race, color, national origin, age, sex, disability, employee organization membership or marital status.
3. That there has been abuse of discretion.
4. That the action taken was not in accord with the facts.

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

7.19 Hearing Procedure

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by the technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (Board first) and closing arguments (Board first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board and the employee will be allowed to be represented by legal counsel.
- G. The Commission may, and shall, if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- I. 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 and its Personnel Director shall be permitted to participate in the deliberations.
- J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event later than 30 days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore.
- 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.
- L. The Commission's order of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision.
- M. If the Commission sustains the employee, it may order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal, or it shall order the employee's reinstatement. Upon notification of the Commission's decision, the Board shall reinstate the employee and authorize such compensation as the Commission directs.

Revised: 6/8/93

ARTICLE VIII - MISCELLANEOUS PROVISIONS

Rule 8 - MISCELLANEOUS PROVISIONS

8.1 Purpose of the Adjustment Procedures

The adjustment procedures is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board policies, Commission rules, or administrative procedures, working conditions or job relations, including the complaint of one employee against another employee.

8.2 Matters Excluded from the Adjustment Procedure

A. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Governing Board in closed session.

B. Suspension, demotion, and termination appeals as well as violations of Commission rules are specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the grievance occurred.

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

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

8.3 Time Limit - Employee Grievance Initiation

There is an obligation on the part of an aggrieved employee to make known the existence of his complaint and the facts pertaining to his complaint within thirty (30) working days of any specific or documented incident or at the earliest possible date after the recognition of a non-specific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships.

8.4 Time Limit - Response to Employee

A. Time is of the essence in handling any grievance at whatever level of authority the matter is presented. A maximum of fifteen (15) working days should elapse before the grievant receives a reply of a decision from the individual who has the problem under consideration. The Personnel Commission may require a maximum of thirty (30) days in order to explore all necessary evidence and witnesses.

B. In addition, when the individual that has the grievance under consideration reaches his conclusions and the dispute is still unresolved, he will pass this matter to the next individual in the process within two (2) working days.

8.5 Steps in the Adjustment Procedure

A. STEP I - Informal Discussion - Immediate Supervisor

Informal discussion between an employee (or a group of employees) and the immediate supervisor shall take place to attempt to resolve the problem. The conference shall be confined to the parties immediately concerned with the grievance. There is no requirement to maintain any records of this conference since it is to be of an informal nature. The immediate supervisor of the employee is the key individual in resolving employee grievances and should be the first person in this process before further appeal is requested. However, if the immediate supervisor is a party to the controversy, an informal discussion with the Department Head, the Director of Classified Personnel, or the Associate Superintendent may be held in an attempt to resolve the differences that exist.

1. Informal Discussion - Time Limit

A prompt and courteous examination of the facts to reach a satisfactory adjustment shall be attempted within one (1) working day, but not later than three (3) working days. The supervisor shall promptly communicate his decision and supporting reasons to the employee.

2. When Solution Cannot Be Reached

If satisfaction between the employee and his immediate supervisor cannot be established, the procedures that follow will govern further action.

B. STEP II - Director of Classified Personnel

If the informal discussion with the supervisor does not resolve the grievance, the employee or his representative may then present his problem, in writing, to the Director of Classified Personnel who will review the case and interview the members involved in the dispute. The role of the Director of Classified Personnel in this step of the process will be that of a sounding board for the disputing parties, interpreting and explaining the existing rules and policies and acting as an advisor to both parties, but never in a judicial capacity.

1. When Grievance is Resolved

If the grievance is resolved to the satisfaction of both parties at Step II, then the settlement shall be binding upon the employee and the other party.

2. When Dissatisfaction Persists

If dissatisfaction still persists with either party after this step has been utilized, the Director of Classified Personnel will bring this matter, through his summary document, to the attention of the Superintendent, or his designated representative for consideration and action.

3. Written Summary by the Director of Classified Personnel

The Director of Classified Personnel will prepare a written summary of the grievance describing both sides of the dispute, the rules and/or policies that are affected and the outcome of the discussion

between the disputing parties and the Director of Classified Personnel. Both parties will review this document for clarity and accuracy and sign all copies of the summary within five (5) days of receipt of this document. Each will receive a copy with the original filed in the Classified Personnel Office.

C. STEP III - Superintendent Review

The Superintendent, or his designated representative, will interview such personnel that are directly involved in the grievance and those individuals that have any bearing on it. He will make every reasonable attempt to solve the problem to the satisfaction of all concerned.

1. When Grievance is Resolved

If the grievance is resolved to the satisfaction of both parties at Step III, then the settlement will be binding upon the employee and the other party.

2. When Dissatisfaction Persists

Should the matter still remain unresolved at this step, the Superintendent, or his representative, within five (5) working days, will refer this dispute back to the Director of Classified Personnel who shall present this matter before the Personnel Commission.

3. Written Summary by the Superintendent

The Superintendent will have the responsibility of preparing a summary statement covering the dispute as well as outlining his attempts at resolution of the problem. The statement will also include the final results of his efforts. The disputing parties will sign all copies of the summary document within five (5) days of receipt of this document. Each will receive a copy with an additional signed copy forwarded to the Director of Classified Personnel for his records.

D. STEP IV - Personnel Commission

The Personnel Commission shall have the option to hear the grievance directly or appoint a Hearing Officer to investigate the grievance.

1. Fees for Hearing Officer

If the Commission elects to appoint an outside Hearing Officer, all fees for his services shall be paid from the appropriate funds of the District.

2. Decision of Hearing Officer

The findings of the Hearing Officer shall be communicated to both parties involved in the dispute. The Hearing Officer shall inform the Personnel Commission of his findings and the information that led to his position. The Personnel Commission shall not be bound by the Hearing Officer's decision, but reserve the right to conduct another hearing, amend the conclusions of the Hearing Officer in part or in total.

3. Findings of Personnel Commission

If the matter falls under the Merit System rules, the findings of the Personnel Commission shall be binding.

E. STEP V - Governing Board

After a thorough review of the grievance, if the Personnel Commission determines it is a subject that should be placed before the Governing Board, it shall be referred, in writing, along with all pertinent data, to the Board. The subsequent action of the Board shall be binding.

8.6 Requirements for Registration of Employee Organizations

An organization which wishes to be registered as an employee organization shall submit to the Director of Classified Personnel a request signed by a duly authorized officer of the organization and containing the following information:

- A. Name and address of the employee organization.
- B. Names and titles of its officers, as well as designation of the officials authorized to act as representatives of the organization in employer-employee relations with the employer.
- C. A statement of whether or not the organization is a chapter or local of, or affiliated with, a regional or state, or national or international organization, and, if so, the name and address of each such regional, state, national or international organization.
- D. A statement that the organization includes employees of the Jefferson School District and the number of employees they represent.
- E. A certified copy of the organization's constitution and/or by-laws and, if not contained in the constitution or by-laws, a statement that the organization has, as one of its purposes, representation of District employees in their employer-employee relations.
- F. A designation of the names and addresses of no more than three persons to whom notices sent by regular United States mail will be deemed sufficient notice to the organization for all purposes.
- G. A statement that the organization has no restriction on membership based on race, color, creed, national origin, or sex.
- H. A statement that the organization agrees to abide by all of the provisions of this resolution except that this shall not preclude the right of the organization to challenge by court action any provisions it deems to be invalid.

8.7 Registration of Employee Organizations

- A. Upon receipt of all information required, the Director of Classified Personnel shall notify the organization that it has been duly registered as an employee organization. A copy of this notice shall be filed with the Personnel Commission and the Governing Board.

B. The employer is under no obligation to consult with employee organizations which do not satisfactorily comply with the requirements of this section.

C. A registered employee organization shall report in writing to the Director of Classified Personnel within ten days any changes in the facts submitted. When an employee organization, which has been registered in accordance with this resolution, is no longer designated by any District employees as their representative, the organization shall promptly notify the Director of Classified Personnel who will thereupon terminate the organization's registration. Following initial registration, the Director of Classified Personnel may require verification of proof that an organization continues to represent one or more employees of the District.

8.8 Board Rules

The employer-employee relations rules for classified personnel adopted by the Board, in accordance with law, are added hereto and made a part hereof. They shall apply in the same manner as if adopted by the Commission.

8.9 Unlawful to Strike or Engage in Other Concerted Labor Activities

A. Governing Code Section 3509 specifically provides:

"The enactment of this Article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees." This section means that public school employees may not strike against the District, nor may they engage in other related type of activities in order to attempt to resolve grievances or differences, real or fancied.

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

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

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

8.10 Political Activity - Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code. (Ed. Code Section 7050)

8.11 Cause for Disciplinary Action

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

- A. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.
- B. The use of any District property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.
- C. Engaging in active campaigning on behalf of any candidate, including himself, 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.

8.12 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 8.11.

8.13 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.

8.14 Election to a Political Office

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

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

8.15 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.

8.16 New Employee Clearance - Physical Examinations

A. Initial Employment

1. Every person being initially employed by the District whether in a permanent (probationary) position and/or as a substitute, relief, limited-term, or provisional employee, shall be required to comply with the provisions of Education Code Section 45122 (Physical Examination Reimbursement)

B. After Employment

1. Every employee is required to undergo an examination to determine that he is free from active tuberculosis once every two years.

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

C. School Bus Drivers

1. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles in Chapter 29b of the Drivers' License Examiner's Manual of Procedure.

2. The District shall arrange for and defray the costs of the school bus drivers' examination.

D. 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.

8.17 Criminal Records Check

8.17.1 Fingerprinting

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

The Personnel Office will process the fingerprint cards of applicants or employees and forward them to the California Department of Justice. The Bureau of Identification will be instructed to forward the State Summary Criminal History Report to be received by any of the following authorized District administrators: the District Superintendent, the Asst. Supt. Administrative Services, and the Director of Educational Services.

8.17.2 Review of Criminal Records

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. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal report, the appointing authority shall decide whether or not the person should be employed or retained in employment. If the record discloses no information beyond that supplied by the person on his application form, and he was accepted for examination and/or appointment, he shall be considered employable.

8.17.3 Removal from Eligibility List

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.

8.17.4 Procedure for Appealing Removal

If the recommendation for removal from an eligibility list is approved, the Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefore. The Commission shall provide the person an opportunity to appeal the decision in writing within ten (10) days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final. (Ed. Code Sec. 45125)

8.18 Compliance for Wage or Salary Payment

The Personnel Commission shall authorize the Director of Classified Personnel to withhold salary or wage warrants from any classified employee who fails to comply with a condition of employment or a continuing condition of employment as set forth by the Commission or the Board.

8.19 Employee Access to Personnel Files

8.19.1 Personnel Files

The District shall maintain at the District Office, only one official personnel file for classified employees. Classified employees shall have access to their files at reasonable times in order to inspect such files, except for those items which are excluded from such examination by provisions of the Education Code. Such reasonable access shall include the right to obtain copies at cost for documents contained therein, and the right to examine without loss of pay, provided the normal operation of the District is not impaired.

8.19.2 Adverse Action

Information which might result in adverse action or a negative evaluation will not be placed in the personnel file until the employee has been:

- a. Provided with notice and reasonable opportunity to review the information.

- b. Accorded the opportunity to prepare a written response which shall be attached to the information; and
- c. Provided with a reasonable opportunity to confront any adverse witnesses who are the source of the information.

8.19.3 Access to Personnel Files by Others

Access to an employee's personnel file by persons other than the employee shall be for legitimate District purposes, and shall be limited to those individuals authorized by the Superintendent or the employee. All written materials placed in a personnel file shall designate the author of the document, the date of the drafting of the document, and the date of placement in the file. Any person, other than the Personnel Department staff, who reviews the file shall affix his/her signature to the file log designating the date of the review.

ARTICLE IX - LEAVES OF ABSENCE WITH PAY

Rule 9 - LEAVES OF ABSENCE WITH PAY

Rule 9.1 Vacations

9.1.1 Every regular classified employee, permanent and probationary, shall earn vacation at the prescribed rate. Vacation shall also be earned during any paid leave of absence.

9.1.2 From the first (1) year through the completion of the fifth (5) year of service, vacation shall be accrued at the rate of 5/6 of a day per month for paid service, not including overtime.

9.1.3 Commencing with the sixth (6) year through the completion of the tenth (10) year of service, vacation time shall be accrued at the rate of 1-1/4 days per month for paid service, not including overtime.

9.1.4 Commencing with the eleventh (11) year and continuing through the completion of the fifteenth (15) year of service, vacation time shall be accrued at the rate of 1-2/3 days per month for paid service, not including overtime.

9.1.5.1 Commencing with the sixteenth (16) year and continuing through the twenty-ninth (29) year of service, vacation time shall be accrued at the rate of 2.083 days per month for paid service, not including overtime.

9.1.5.2 Commencing with the thirtieth (30) year and continuing, vacation time shall be accrued at the rate of 2.5 days per month for paid service, not including overtime.

9.1.5.3 The Senior Management position of Assistant Superintendent of Business (CBO), and the Management positions of Director of Classified Personnel, General Manager of Food Services Operations, Controller, Director of Maintenance & Operations, and Technology Coordinator shall earn twenty-two (22) days vacation.

Revised 05/03/05

9.1.6 Vacation schedules shall be prepared by the administration. Effort shall be made to enable vacation to be taken at times convenient to the employees, consistent with the needs of the service and the workload of the department.

9.1.6.1 An employee may, by action of the Governing Board, be granted vacation not yet earned when extenuating circumstances exist. If the employment relationship is terminated before the advanced vacation is earned, the employee's final compensation shall be reduced by that amount of vacation taken and not yet earned.

9.1.7 Employees should make every effort to take vacations in a continuous period. Any deviations must have the approval of the employee's principal or department head.

9.1.8 Twelve-month employees may carry over vacation credit to the following year providing that they are denied the opportunity of taking their full vacation during the year, or have made prior arrangements with the administration to carry over unused vacation credit.

9.1.81 During the first (1) to the fifth (5) year of employment, employees may carry five (5) days vacation credit to the succeeding year.

9.1.82 During the sixth (6) year through the twelfth (12) year, employees may carry ten (10) days vacation credit to the succeeding year.

9.1.83 During the thirteenth (13) and continuing years, an employee may carry twelve (12) days vacation credit to the succeeding years.

9.1.10 A twelve-month employee is expected to take this vacation during the summer unless prevented by department heads.

9.1.11 Upon separation from service, the employee shall be entitled to lump sum compensation for all earned and unused vacation.

9.1.12 If a holiday falls within the vacation period, an additional vacation day will be granted.

9.1.13 An employee absent on leave without pay in excess of 30 days, or an employee laid off for lack of work or lack of funds, shall not accumulate vacation credit during the period of his absence from active service.

9.1.14 A ten-month employee is normally on vacation during the Christmas and Spring recess periods unless exceptional circumstances require work during these periods. In the event that a ten-month employee is required to be on duty during these recess periods and is unable to take his vacation days, his vacation should be extended at the end of the school year for unused vacation time due.

9.1.15 These provisions do not apply to substitute, provisional or limited-term personnel unless specifically made applicable to them by the District. (Ed. Code Section 45197)

Revised 4/2/97

9.2 HOLIDAYS

9.2.1 Legal Holidays

9.2.12 All employees a part of the classified service shall be entitled to the following paid holidays provided they are in paid status during any portion of the working day immediately preceding or succeeding the holiday:

- (1) New Year's Day - January 1
- (2) Lincoln's Birthday
- (3) Presidents' Birthday
- (4) The last Monday in May (Memorial Day)
- (5) Independence Day - July 4th
- (6) The first Monday in September (Labor Day)
- (7) The second Monday in November (Veterans' Day)
- (8) Thanksgiving Day - Thursday Proclaimed by the President
- (9) December 25th - Christmas Day

9.2.2 Declared Holidays Granted by the Governing Board

- (1) Cesar Chavez Day
- (2) Spring Vacation Day (Friday of the week of Spring Recess)
- (3) Christmas Eve (December 24th)
- (4) New Year's Eve (December 31st)
- (5) The Friday following Thanksgiving
- (6) Martin Luther King, Jr. Day
- (7) Two Floating/Personal Holidays (See 9.2.21-23 below)

9.2.21 In granting the floating holiday, the following procedures will be followed:

9.2.22 Employees may take floating holidays only after permanent status is obtained. Permission must be requested by the employee and approved by the supervisor within ten (10) workdays prior to the taking of the floating holiday.

9.2.23 No more than 10% of the employees may take the holiday at the same time unless approved by the District. It may not be used to extend the winter or spring vacations, or occur on the first or last scheduled workday of the school year, unless approved by the District.

Revised 05/03/05

9.2.3 When any of the holidays on which school would be closed fall on Saturday, the public schools shall close on the preceding Friday.

9.2.4 When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

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

9.2.6 When a classified employee is required to work on any of said holidays, he shall be paid compensation or given compensating time off for such work in addition to the regular pay received for the holidays provided in Article 8 of the Collective Bargaining Agreement.

9.3 Personal Necessity

A. It is the policy of the Jefferson School District Governing Board, in compliance with the law, to grant seven (7) days of personal necessity leaves per school year * under the following conditions:

1. Death of a member of his/her immediate family when additional leave is required beyond that provided for in the Bereavement Leave Policy.
2. Accident or illness involving his/her person or property, or the person or property of a member of his/her immediate family.
3. Appearance in court or before any administrative tribunal as a litigant, party or witness under subpoena or any other order made with jurisdiction.
4. Adoption or birth of a classified employee's child.
5. Such other reasons which may be prescribed by the Governing Board.

B. Seven (7) days personal necessity leave for classified employees will be allowed, such leave to be charged to sick leave previously earned by the employee.*

C. The District now entitles a maximum of four (4) days of bereavement, or a maximum of five (5) days if out of state, or if the employee is required to travel in excess of 200 miles. The seven (7) days of personal necessity leave, if used entirely for bereavement, entitles a person to eleven (11) days; however, seven (7) of these would be counted as sick leave.*

D. An employee shall request, in writing, use of sick leave under this policy. Whenever possible, the employee shall request such leave prior to the beginning date of the leave. When prior approval is not possible, the employee shall make an effort to contact the immediate supervisor and/or call the Code-a-Phone, leaving a message with their name, position, immediate administrator's name, and expected duration of the absence.*

E. The determination of whether or not a personal necessity exists in a given case resides with the Superintendent or his/her selected representative and ultimately with the Governing Board. Up to two (2) days of personal necessity leave may be used per year for other situations of compelling personal importance to the employee, provided that advance notice is given to the supervisor, subject to operational necessity. This leave shall not be used for the employee's personal convenience.*

F. The employee may be required to submit additional proof to substantiate the personal necessity, and upon return from leave, shall verify on the A-2 District form that such leave was utilized for personal necessity as defined herein.*

G. The initial determination of whether or not a personal necessity exists rests with the immediate administrator. An employee who is denied personal necessity/personal business may request a review by the Superintendent or designee.*

*Revised 5/4/07

9.4 Sick Leave

A. Sick leave will be granted under the following conditions:

1. Employee's own illness or injury
2. Employee's exposure to contagious disease
3. Employee's eye, dental, and other physical or medical examinations

B. Employees are encouraged to schedule doctor and dental appointments outside of work hours. If this is not possible, arrangements for time off with pay may be made with and approved by the principal or supervisor. Time off with pay for these purposes shall not exceed three (3) hours per work month (exclusive of sick leave benefits of twelve (12) days per year). Any additional time taken for doctor or dental appointment shall be charged to sick leave. These three (3) hours are not accumulative.

C. All classified full-time employees shall be entitled to twelve (12) working days sick leave for illness or injury per year without deduction of pay. Employees having a work schedule of less than twelve (12) months per year and/or less than eight (8) hours per day shall be entitled to a prorata of sick leave based on twelve (12) days for twelve (12) months of full-time employment. A ten-month employee who works during the summer school program shall accrue one (1) additional day of sick leave for the six-week period of working during summer school.

D. A new employee to the District shall not be eligible to take more than six (6) days or the proportionate amount to which he is entitled under this provision until the first day of the calendar month after completion of six months of service to the District.

E. When a regular employee is absent due to illness or accident and has used all of his accumulated sick leave, the employee is eligible for extended sick leave through the fifth month of the absence period providing the absence is for a continuous and consecutive period of time. The employee shall be paid the difference between his salary and that of a substitute employee on Step 1 of his salary classification.

1. Benefits under this section shall be used after entitlement to all regular sick leave, vacation, or other available paid leaves have been exhausted. Vacation is used at the employee's option.
2. During the time the employee is receiving the difference between his salary and that of a substitute, benefits which would normally accrue will be granted.
3. The extended sick leave is granted following compliance with Section J below. (Ed. Code 45196)

F. An employee whose illness extends beyond the five-month period may, on written advice from a physician, be granted a leave of absence without pay, not to exceed one year. Upon his return to work, the anniversary date of his increment will be changed to make adjustment for time not worked and not covered by sick leave.

G. Emergency, limited-term, and provisional employees will not earn sick leave credit unless they are subsequently appointed into permanent positions without a break in service.

H. The unused sick leave shall be cumulative. If an employee leaves the District, accumulated sick leave will not be credited to the employee's final payment.

I. All absences due to illness or injury must be verified. An employee must submit an absence statement to the Administration not later than five (5) calendar days after returning to work.

J. For illness or injury of more than five (5) consecutive workdays, or for any amount of sick leave during a vacation period, a written statement from an attending physician shall be required. This statement must verify that the employee was unfit for work due to illness or injury and must be submitted before the employee is credited with pay for the absence.

9.5 Industrial Injury or Illness

A. Classified employees who have three years or more service with the District are entitled to sixty (60) working days in one fiscal year for the same industrial accident or illness.

B. The sixty (60) working days are not accumulative from year to year.

C. The sixty (60) working days of eligibility commences on the first day of absence and terminates at the end of the 60 working days or the day upon which the employee is certified able to return, whichever is sooner.

D. Eligibility is reduced by one full day for each day of absence regardless of an award made under Workers' Compensation.

E. An employee provided an award under Workers' Compensation endorses in favor of the District the daily wage award earned during the 60-working-day period.

F. If an accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee is 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.

G. If an employee exhausts the 60 working days of entitlement and is still unable to return to duty, he then commences to use his sick leave, compensating time, other leave and vacation entitlements in that order. The daily wage award made under Workers' Compensation continues to be endorsed to the District. The District pays the difference between the daily Workers' Compensation award and the normal daily rate of pay. Accumulated or available sick leave, compensating time, etc., however, is reduced only by that amount required to provide a full day's wage when added to the Workers' Compensation award for each day of absence.

H. When an employee has been absent due to industrial accident or illness and all leaves are exhausted, paid or unpaid, he is placed on a re-employment list for a period of 39 months. If at any time during the 39 months the employee is able to assume the duties of his position, he shall be re-employed in the first vacancy in the classification of his previous assignment.

9.6 Bereavement Leave

A. A regular employee shall receive necessary leave of absence with full pay, not to exceed four days, or five days if out-of-state travel is required, in the event of death of spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, grandchild of employee, and the mother, father,

grandmother, grandfather of the employee or of the spouse of the employee, or any relative living in the immediate household of the employee.

B. If needed, additional absence without loss of salary will be allowed in accordance with Section 45207 - Personal Necessity Leave, of the Education Code.

9.7 Jury Duty

A. Whenever an employee in the classified service is absent because of a call for jury duty, no deduction in salary shall be made. Any fee (excluding mileage and meals) for jury duty shall be collected by the employee and remitted to the District.

B. Leave of absence to serve as a witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant in the case. In the event an employee is called to serve as a witness, full pay not exceeding three days will be granted.

C. Any appearance as a defendant and conviction in a criminal proceeding shall be without pay.

9.8 Military Leave

A. All classified employees shall be entitled to all the rights and privileges regarding military leaves of absence provided by State law, including Sections 389 and 395 of the Military and Veterans' Code.

B. Such leave must be verified by copy of the military orders requiring military duty.

ARTICLE X - LEAVES OF ABSENCE WITHOUT PAY

Rule 10 - LEAVES OF ABSENCE WITHOUT PAY

10.1 General

A. Leaves of absence without pay will be granted to classified employees for justifiable reasons who are compelled to be absent from work five or more consecutive working days. (See Article IX, Rule 9.3 - Personal Necessity Leave)

B. A leave of absence without pay may not initially be requested for longer than six months. Extensions of leaves may be authorized for any period up to six months for each request. However, the original leave and all extensions may not exceed 18 consecutive months.

C. If an employee is unable to return to work before or at the end of this 18-month leave period, he will be terminated and placed on a re-employment list for a period of 39 months. When a vacancy in the employee's classification becomes available, he will be re-employed over all other candidates with the exception of those who have been laid off due to lack of work or funds. The employee's seniority will be the determining factor for re-employment when it is compared with the seniority of other candidates who have been laid off.

D. Requests for leaves of absence without pay must be submitted by the employee to his immediate supervisor, the Department Head, and the Director of Classified Personnel for review prior to being presented to the Governing Board for final approval.

E. Should the leave of absence without pay be denied at any level below the Governing Board, the employee has the right to utilize the established adjustment procedure. (See Article VIII, Rule 8)

F. Employees on approved leaves of absence without pay will not accrue vacation, sick leave, and credit toward retirement or promotion during this absence.

G. Medical and dental insurance coverage is terminated when an employee goes on leave of absence without pay. The health and dental insurance is reinstated at the beginning of the month following the employee's return to work.

H. However, the employee may continue his insurance coverage by prepaying his insurance premiums to the District to cover the duration of his absence before he actually takes his leave.

I. An individual may return from a leave of absence at any time before the leave expires provided he is capable of performing the duties of his position.

J. It shall be the responsibility of the employee to inform the Director of Classified Personnel, in writing, of his intention to return one week prior to his return, whether it is prior to the expiration of the leave or when the leave actually terminates.

K. Any employee who fails to return from a leave on the date specified, or to obtain an extension of his leave in the manner prescribed, shall be subject to disciplinary action up to and including termination.

L. Upon return from the leave of absence without pay, the employee will be reassigned to the classification he held prior to the leave, but not necessarily at the same work location.

Maternity Leave

A. This leave shall start no later than the end of the 7th month of pregnancy and continue for 4 months after the birth date of the child unless an approved extension of the leave has been granted. Such extension may be granted on a month-to-month basis for a period not to exceed 2 additional months. Each written request for extension shall be accompanied by a statement from the employee's physician to the effect that she is not able to return to work.

10.3 Procedure

A. It shall be the responsibility of the employee to:

1. Inform her supervisor, in writing, of her condition when she becomes aware of it.
2. Provide a written statement to her supervisor from her physician substantiating her condition and anticipated date of delivery.
3. Begin her leave of absence not later than the end of her 7th month of pregnancy.
4. When the employee is physically capable of returning to work either prior to or at the expiration of her leave, she shall submit to the Classified Personnel Department a signed statement from her doctor stating that she is now physically able to return to work.

B. It shall be the responsibility of the supervisor to:

1. Immediately upon notification by the employee, inform the Classified Personnel Department of the employee's condition and anticipated date of delivery.
2. Initiate and approve 3 copies of a Leave of Absence form to the Classified Personnel Department for the employee at least 4 weeks prior to the beginning of the leave.
3. The Leave of Absence form should be worded in this way: "Maternity Leave of Absence. Employee at end of seventh month of pregnancy (or earlier as case warrants). Leave to terminate 4 months after birth of child.

C. It shall be the responsibility of the Classified Personnel Department to:

1. Coordinate activities of all parties concerned in individual cases.
2. Administer benefits such as health insurance*, etc.
3. Process Leave of Absence forms.
4. Maintain files on condition of employee's status.
5. Conduct interviews to acquaint employees with benefits and obligations under this policy.
6. Assist in the reassignment of the returning employee.

*Revised 2/7/06

ARTICLE XI - WAGE AND SALARY PROVISIONS

Rule 11 - WAGE AND SALARY PROVISIONS

Rule 11.1 Factors in Salary Determinations

A. The Director of Classified Personnel 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.
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 work within the classified service.
4. Appropriate differentials between related classes to reflect difference in duties and responsibilities as established in the classification plan.
5. Such other information as the Commission may require.

11.2 Salary Studies

- A. A salary survey shall be conducted:
 - 1. When directed by the Commission.
 - 2. Whenever a new classification is created.
 - 3. Annually, of selected benchmark classifications representative of all classifications within the classified service.
- B. Employees, employee representatives, or the Administration may request a salary survey of a classification or several classifications 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.

11.3 Placement on Salary Schedule

- A. Upon Initial Employment:
 - 1. New employee shall be placed on Step 1 of the salary range for the classification into which employed except as provided in Rule 11.3A(3).
 - 2. Upon completion of twelve (12) months of satisfactory service, the employee will advance one step on the salary range. Each year thereafter, providing the employee has performed satisfactorily, the employee will advance one step on the salary range until Step 5 is reached.
 - 3. Upon approval by the Commission, a new employee may be placed higher than Step 1 on the salary range. When recruiting or selection of the best qualified eligible would be hampered by salary limitation in Rule 11.3(1), the Superintendent or other designated administrator shall submit a written request and recommendation to the Director of Classified Personnel for consideration by the Commission.
- B. Upon Promotion and Reclassification:
 - 1. Employees who are promoted or reclassified will be placed on the lowest step of the salary range that will result in a salary increase of at least 5% providing there is at least 5% between the old and new salary rate.
 - 2. The salary advancement date of the promoted or reclassified employee will be the effective date of the promotion or reclassification. Future step advancements will be in accordance with Rule 11.3(A)(2).

Revised: 8/9/05

11.4 Overtime

11.4.1 Overtime Defined

Overtime is ordered and authorized working time required to be worked in excess of seven and one-half (7 ½) hours in any one day and in excess of thirty-seven and one-half (37 ½) hours in any calendar week for clerical and paraprofessional employees, and eight (8) hours in any one day in excess of forty (40) hours in any calendar week for food service, maintenance, and custodial employees.

11.4.2 Compensation for Overtime

An employee who works authorized overtime on Sundays or holidays up to seven and one-half (7 ½) for clerical and paraprofessional employees and eight (8) hours for food service, maintenance, and custodial employees shall be compensated at 2 ½ times the regular rate of pay. All hours worked in excess of these hours on Saturdays, Sundays, or holidays shall be compensated at 2 ½ times the regular rate of pay.

11.4.3 Compensatory Time Off in Lieu of Overtime

Compensatory time off in lieu of cash compensation may be authorized by the District. Such compensatory time off shall be granted within twelve (12) calendar months following the month in which the overtime was worked, provided the services of the District are not impaired. (Ed. Code Section 45128, 45129, 45130)

11.4.4 Exclusion From Overtime

Education Code Section 45130 provides that certain positions or classes of positions may be specified as supervisory, administrative, or executive and the positions and the employees serving in such positions are excluded from the overtime provisions. To be excluded from such overtime provisions, the positions or classes of positions must clearly and reasonably be management positions. In approving positions or classes of positions for exclusion from the overtime provisions, the Commission shall certify, in writing, that the duties, flexibility of hours, salary, benefit structure, and authority of the positions or classes of positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions, and that employees serving in such excluded positions or classes of positions will not be unreasonably discriminated against as a result of the exclusion.

11.4.5 Holiday Compensation for Excluded Positions

All persons serving in excluded positions, if required to work on a holiday, shall be paid, in addition to their regular pay for the holiday, compensation or given compensatory time off at a rate not less than their normal rate of pay.

11.4.6 Positions Excluded

The following positions designated as management and supervisory in Governing Board Policy 2480 and 2123 are excluded from the overtime provisions and are subject to the provisions of Personnel Commission Rule 9.1(E)(1): Director of Classified Personnel, Director of Maintenance & Operations, Director of Food Services, Accounting Services Manager, Administrative Services

Manager, Central Kitchen Supervisor, Supervisor of Maintenance, Warehouse Supervisor, and Custodial Supervisor. Employees serving in excluded positions are expected to adjust their work day and work week to the regularly established work day and work week of the District.

11.4.7 Requests for Overtime

Requests for overtime, when known in advance, shall be submitted in writing by the employee's supervisor to the Assistant Superintendent of Administrative Services on the prescribed District form. The request shall contain all the information necessary to comply with this rule.

11.5 Rest Periods

All classified employees are permitted to take rest periods which insofar as practicable, shall be in the middle of each work period at the rate of fifteen (15) minutes per three and three-quarters (3 3/4) hours worked or major fraction thereof. Rest periods are considered a part of the regular work day and employees are compensated at their regular rate of pay.

11.6 Lunch Periods

All classified employees who are assigned to full-time positions shall be allowed a lunch break to be scheduled as near as possible at the mid-point of their assigned hours. Unless prevented by an emergency situation, the designated time shall be scheduled to provide an uninterrupted duty-free lunch period.

11.7 Call Back and Standby Time

Employees shall be compensated as provided herein for services provided when called back to work after completion of their regular assignment or when required to standby for weekend or holiday duty. Call-back time will be compensated at the overtime rate for a minimum of two (2) hours. Standby time will be compensated at a minimum of twenty-five dollars (\$25) per day for each day required plus the regular overtime rate of pay for the time required.

11.8 Conditions of Employment

11.8.1 The District will pay for retirees the medical insurance premiums at the premium rate in existence at the time of retirement from the District, as long as the following provisions are met:

11.8.11 The bargaining unit member is at least age 55 and has qualified for retirement under PERS.

11.8.12 The bargaining unit member was continuously employed by the District for ten (10) years immediately prior to retirement.

11.8.13 The bargaining unit member was eligible for medical insurance while in active employment in the District.

11.8.14 The retiree forwards to the District the difference between premium costs at time of retirement versus premium costs at the time payment is due.

11.8.2 The District will pay the aforementioned premiums for the retiree only for a period not to exceed six (6) years or until such time the retiree reaches age 65, whichever comes first.

11.8.3 Once an employee selects to retire under this option, the benefits shall be vested and will not thereafter be reduced. However, if the net cost of this program exceeds the net savings to the District due to turnover and replacement, the District shall not be required to add any persons to the program after the end of the fiscal year in which the costs are exceeded.