

Personnel Commission Rules and Regulations

May, 2018



Walnut Valley Unified School District

California School Employees Association

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PERSONNEL COMMISSION

RULES AND REGULATIONS

APPROVED: May 16, 2018

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2018 PERSONNEL COMMISSION

RULES AND REGULATIONS

This revised edition of the Walnut Valley Unified School District's Personnel Commission Rules and Regulations was approved on May 16, 2018. All legal cites were believed to be accurate at that time. Although a great deal of care was given to this revision, legislation is constantly subject to change and before any important decision is made, the reader should avail himself/herself of a current copy of the Education Code or any other code cited.

The Education Code and other government codes are available on the internet at <http://www.leginfo.ca.gov>.

The Personnel Commission would like to thank the Personnel Commission Rules and Regulations Committee for their many hours of time and dedication in completing this revision.

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RULE I – DEFINITIONS

1.1 GENERAL DEFINITIONS

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

Act or The Act: The Act shall mean those sections of the Education Code of the State of California applying to the merit system for classified employees. It shall include all of the provisions of Article 6, Chapter 5, Division 3 and such other provisions of the Education Code that are specifically applicable.

Administrative Transfer: Upon the recommendation of the Superintendent or designee, an employee may be voluntarily or involuntarily transferred on a temporary or permanent basis at anytime such transfer is in the best interest of the District as determined by the Superintendent or designee.

Affirmative Action: Positive steps taken by an employer to ensure equal employment opportunity to applicants from all segments of the work force population.

Allocation: The official placing of a position in a given class by the Personnel Commission and the placement of a class on a salary schedule.

Anniversary Date: The date upon which an employee is granted earned salary advancement. The anniversary date shall be the first of the month closest to the date of hire or promotion. Example: First or fifteenth of the month will have the anniversary date of the first of the month; those hired or promoted on the sixteenth of the month or after will have the anniversary date of the first of the following month.

Appeal: A formal request, in writing, to review, reverse, or modify an action detrimental to an employee or applicant.

Applicant: The person who has filed an application to compete in a District selection process.

Appointing Authority or Power: For the purpose of these Rules and Articles, the following names shall be synonymous: Walnut Valley Unified School District, Board of Trustees or Governing Board.

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

Armed Forces: United States Air Force, Army, Navy, Marine Corp., Coast Guard, National Guard, Merchant Marine or a nurse on active duty with the Red Cross.

Assignment: The placement of a person in an officially authorized position.

Benchmark: A common easily identifiable job category for which salary data is obtained. Salaries for other positions in the particular occupational group may be set according to the relationship of each class to the benchmark.

Board: For the purpose of these Rules and Articles the following names shall be synonymous: Walnut Valley Unified School District, Board of Trustees, or Governing Board.

Candidate: A person who has competed in one or more portions of the District selection process.

Certificated Service: All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials (Ed Code 44065).

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

Class: A group of positions sufficiently similar in duties and responsibilities that a related 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 the incumbents and the same tests of fitness may be used in choosing qualified appointees. The salary range may be applied with equity to all members of the class.

Class Specification: A formal statement of duties and responsibilities of the position(s) in the class, illustrated by examples of typical tasks, as well as the qualification requirements for employment in the position(s) in the class.

Class Title: A definitive, descriptive title applied to a class and to all positions of the class. To be taken with the meaning set forth in the description of the class as embodied in the specifications and to be as descriptive as possible of the duties assigned to the class.

Classification: The act of placing a position in a class, meaning that each position in the classification shall have a designated title, minimum qualifications and placement on the appropriate salary schedule and duties.

Classified Employee: An employee who is a member of the Classified Service in a position that does not require a credential.

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

Commission: The three-member Personnel Commission established pursuant to the merit system provisions of the Education Code.

Compensation: The salary, wage allowance, and all other forms of valuable consideration to which an employee is entitled by reason of service for the District in any position within the Classified Service.

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

Continuous Examination: A procedure or procedures authorized by the Personnel Commission for the frequent testing on an open and competitive basis of applicants in certain specified classes (or classifications).

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.

Disability: A physical, cognitive/mental, sensory, emotional or developmental impairment which limits an employee from performing duties/responsibilities of their position.

Disabled Veteran: Any Veteran, as defined in Education Code Section 45294, who is currently declared by the United States Veterans Administration to be ten percent (10%) or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

Discharge or Dismissal: Separation from the classified service for cause in accordance with the Rules and Regulations of the Personnel Commission.

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

District: The Walnut Valley Unified School District.

Dual Certification: A special procedure which provides for certification, in specified cases, from an open eligibility list while a promotional eligibility list exists.

Eligibility List: The rank order by examination score of the names of applicants who have qualified in a competitive examination. In the event of tie scores, more than one name may hold the same rank.

Eligible: A person whose name appears on a merit system eligibility list and who is ready, willing, and able to accept an appointment.

Emergency Appointment: An appointment 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.

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

Employment List: A list of names from which certification(s) may be made. The term includes eligibility lists, reemployment lists as well as lists of individuals who wish to be transferred, voluntarily demoted, reinstated or reemployed after resignation, or those who wish to be reinstated to a former class after voluntary demotion or reduction to limited-term status.

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

Examination Types: Performance, oral, written, or application evaluation, or other examination(s) deemed appropriate.

Exhausted List: A list of eligibles from which there are insufficient qualified candidates who are ready, willing and able to accept an assignment on either a regular full-time or part-time basis.

Exempt Position: A management or specialist position which meets the requirements of the Fair Labor Standards Act and the Education Code for exclusion from overtime pay provisions.

Fringe Benefits: Term used to encompass items such as vacations, holidays, insurance, medical benefits, pensions, and other similar benefits that are given to an employee under his/her employment in addition to direct wages.

Full-time: A position or an employee engaged by the District for a period of forty (40) hours per week on a monthly basis for periods of ten (10), eleven (11) or twelve (12) months.

Governing Board: For the purpose of these Rules and Articles, the following names shall be synonymous: Board of Trustees, Governing Board.

Hearing: The actual presentation of evidence before a Personnel Commission or its designated representative, usually concerning an appeal from a disciplinary action, although hearings may be held for other matters under the jurisdiction of the Commission as specified in the Education Code.

Hearing Officer: A qualified person to hear and make recommendations on appeals from disciplinary action.

Hourly Pay: Compensation based on a set number of hours per day. The hourly rate is computed on a factor of 173.33 hours per month.

Immediate Family: The spouse, son, daughter, mother, father, guardian, brother, sister, grandfather, grandmother, or a grandchild, registered domestic partner, son-in-law, or daughter-in-law, of either the employee or employee's spouse, or any relative living in the employee's immediate household at the time of death.

Immediate Supervisor: A person occupying a position in a higher classification who assigns, checks or supervises the work of a given employee.

Immigration Requirement: Eligibles hired for provisional, limited term, substitute, or permanent positions must be U.S. Citizens or possess appropriate documents approved by the Immigration and Naturalization Service which allows them to provide service to the public agency. Documentation must be presented to the Human Resource Office in order to process the acceptance of assignment.

Incumbent: An employee assigned to a position within a class.

Insubordination: Failure of an employee to comply with a reasonable directive from his/her supervisor, or any act which indicates an unwillingness to accept the authority of a supervisor.

Job Family: Those classes similar in type of duties and responsibilities or related by other criteria as set forth by the Personnel Commission.

Layoff: Includes any reduction in hours or employment or assignment to a class or grade lower than that in which the employee has permanence, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.

Leave of Absence: An approved absence from duty, with or without pay, for a prescribed period of time.

Limited Term: A term used in the Ed Code and these rules to designate employment for a period of time not to exceed six (6) months or appointment of a person in lieu of an absent employee not to exceed the authorized absence of said employee.

Limited-Term Employee: An employee serving in a limited term assignment not to exceed six (6) months who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited period of less than six (6) months.

May: An auxiliary verb indicating that an action is permissive.

Merging: The combining of two or more eligibility lists for the same class in the rank order of the eligibles' examination scores. List shall be terminated after one (1) year after its establishment.

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

Military Leave: An authorized absence when an employee is ordered to military service.

Monthly Pay: Compensation based on twenty-two (22) working days per month and computed in terms of months.

M.O.U.: Memorandum of Understanding.

Nepotism: Favoritism shown to a person on the basis of relationship versus merit.

Open Examination: A competitive examination in which any qualified person may compete.

Part-time: All those who have less than a 40 hour work week.

Pay Period: (Definition to reflect the pay practices of the District).

Performance Evaluation: The supervisor's specific, official summary of his/her evaluation of an employee's performance.

Permanent: Used as 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.

Permanent Position: A position established for a continuing, an indefinite or unlimited period of time.

Position: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person. A position can only be established by action of the Board of Trustees.

Probationary Period: A person who has served an initial probationary period in a class not to exceed six (6) months or 130 days of paid service, whichever is longer, shall be deemed to be in the permanent classified service (excluding days of absence for illness or injury or any type of leave) in the classification for which employed.

For positions designated as executive, administrative, or supervisory etc.... the probationary period shall be two-hundred (260) days/1 year of paid regular service (excluding days of absence for illness or injury or any type of leave) in the classification for which employed.

Professional Expert: A person employed in a professional capacity for a specific short-term project. They are not a part of the Classified Service.

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

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

Provisional Appointment: When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days, except that when no one is available on an appropriate eligibility list for a part-time position, successive 90 working days provisional appointments may be made to the part-time position for a total of no more than 126 working days in any one (1) fiscal year.

Provisional Employee: An employee employed under a provisional appointment.

Reclassification: The upgrading of a position to a higher classification as a result of a gradual increase of the duties being performed by the incumbent in such position. A reclassification may not result in a change in title or salary.

Reemployment: Return to duty of an employee who has been laid off

Reemployment List: A list of names, in rank order of seniority, of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in the Personnel Commission Rules and Regulations and who are eligible for reemployment without examination in the former class or classes within a period of thirty-nine (39) months following the date of layoff. List may be extended.

Regular Employee: A classified employee who has probationary or permanent status.

Reinstatement: A reappointment without examination after resignation to a position in the employee's former class within a thirty-nine (39) month period from the last day of paid service.

Restoration: The reinstatement to duty of an employee or former employee with all of the rights, benefits and burdens held prior to the break in service. This term includes reemployment as well as reinstatement following demotion or dismissal when an appeal is sustained by the Personnel Commission.

Restricted Employees: Specifically refers to Education Code Section 45105(b)(1&2) for specially funded positions. These employees shall be classified employees for all intents and purposes except that: (a) they shall not be accorded permanency; (b) they shall not acquire seniority credit; and (c) they shall not be eligible for promotion unless provisions listed in sub-section 2(c-d) have been met.

Restricted Position: Any position which is funded specifically by the District in accordance with Education Code 45105.

Rule of Three: The choice available to the appointing authority in selecting eligibles from the first three (3) ranks on an eligibility list who are ready, willing and able to accept an appointment.

Salary Range: A series of consecutive salary steps that comprise the rates of pay for a classification.

Salary Rate: An amount of money authorized to be paid on an hourly, daily, weekly, monthly or annual basis for a particular classification, assignment or contract.

Salary Step: A specific rate in a salary range. One of the consecutive rates that comprise a monthly or hourly salary range.

Salary Step Advancement: The movement to a higher step within a salary range as a result of having served the required number of months in that class.

Seniority: Status secured by length of service counted in hours or by the hire date.

Separation: The ending of all status as an employee with the District including resignation, dismissal, layoff or retirement.

Shall: An auxiliary verb indicating that the action is mandatory.

Status: The employee's present standing in the classified service.

Substitute: An employee temporarily occupying a regular position during the absence of the incumbent.

Superintendent or designee: The Superintendent or designee of the Walnut Valley Unified School District or those persons to whom authority is delegated by him/her to take specific actions referred to in these rules.

Suspension: Disciplinary action resulting in the temporary removal of an employee from a position for cause without pay.

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

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

Unclassified Service: All positions and employees not in the classified or certificated service; i.e., those exempted by law. (See Education Code Section 45256)

Veteran: Any person who has served in the United States Air Force, Army, Navy, Marine Corp., Coast Guard, National Guard, Merchant Marine, or a nurse on active duty with the Red Cross, and who have been discharged or released under conditions other than dishonorable, proof of which shall be submitted at the time of testing.

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

Workday: The part of a twenty-four (24) hour period during which an employee is scheduled to work in accordance with the employee's specific assignment.

1.2 PRELIMINARY STATEMENT

A. Statutory Authority for These Rules:

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45262, and other provisions governing the Merit System Act in the Education Code. 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 will be submitted to the Governing Board for its approval. Policy of Commission Regarding Rules:

It shall be the policy of the Commission to submit all new rules or amendments or deletions of existing rules to the Governing Board.

A rule will not become effective until it has been approved by the Governing Board.

1.3 INTERPRETATION AND APPLICATION OF RULES

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

RULE II – COMMISSION ORGANIZATION AND PROCEDURES

2.1 INITIAL TERMS OF OFFICE

The Personnel Commission is composed of three (3) persons who are registered voters and reside within the territorial jurisdiction of the Walnut Valley Unified School District, and they must be known adherents to the principles of the Merit System.

- A. One member shall be appointed by the Governing Board. One member shall be appointed by the Governing Board with the recommendation of the classified employees. These two members shall in turn appoint the third member.
- B. No one shall be eligible for appointment or continuance who is an employee of the Walnut Valley Unified School District or a sitting member of the Governing Board.
- C. The term of one Commissioner expires each year. The term of office is three (3) years, expiring at noon, December 1 of the third year.
- D. On or about September 1 of each year, the Classified Personnel Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Sections 45245, 45246, (b) (2), 45247, and 45248.

2.2 SUBSEQUENT TERMS OF OFFICE

On or about August 1 of each year, the Classified Personnel Director shall notify the Governing Board, through the Superintendent or designee, of the Commissioner whose term will expire and whether or not that Commissioner will accept reappointment.

When the vacancy is the Governing Board's appointee, the Board shall publicly announce, by September 30, the name of its intended appointee. At a Board Meeting held after thirty (30) but within forty-five (45) days of the date the Board publicly announced the name of its intended appointee, there shall be a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the candidate's qualifications.

When the vacancy is the classified employees' appointee, the classified employees shall submit the name of its nominee to the Governing Board at least thirty (30) days prior to the date on which the vacancy will occur.

When the vacancy is the other two (2) Commission members' appointee, those two (2) members shall publicly announce, by September 30, the name of the person they intend to appoint. If the Board's appointee and the classified employees' appointee are unable to agree upon a nominee, the Superintendent of Public Instruction shall, within thirty (30) days after December 1 make the necessary appointment.

Education Codes: 45246(b)(2) and 45244-45248

Government Code: 1302

2.3 ELECTION OF OFFICERS

- A. The officers of the Personnel Commission shall be Chairperson and Vice-Chairperson.
- B. At its first meeting in December of each year, the Personnel Commission shall elect one of its members to serve as Chairperson for a period of one (1) year.
- C. The Commission shall also elect one of its members to serve as Vice-Chairperson.
- D. The Chairperson shall be the presiding officer at all regular and special meetings of the Commission. In the event of the absence of the Chairperson, the Vice-Chairperson shall preside.

2.4 VACANCY BEFORE EXPIRATION OF TERM

Personnel Commissioners shall be expected to attend all regular and special meetings of the Personnel Commission. A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission because of any of the following situations:

- A. The death of the Commissioner or if a Commissioner is adjudged to be physically or mentally incapacitated due to disease, illness or accident, and that there is a reasonable cause to believe that the Commissioner will not be able to perform the duties of the office for the remainder of the term.
- B. The Commissioner's resignation.

C. The Commissioner ceases to meet prerequisite legal requirements.

Government Codes: 1060 et seq., 1750, 1770, 3001, 3100 and 3753

Penal Codes: 1026, 1368 et seq.

Education Codes: 45244, 45245, 45246 and 45247

2.5 EMERGENCY APPOINTMENT OF COMMISSIONER

The Governing Board shall declare that an emergency exists when any of the items listed in Section 2.4 exists, and shall make an interim appointment to fill a vacancy or vacancies to ensure the continuance of the functions of the Personnel Commission. The interim appointment shall terminate on the date that a permanent appointment has been made. The interim appointment shall only be valid for sixty (60) days.

Education Codes: 45244, 45246 and 45248

2.6 MEETINGS

The Personnel Commission shall adopt a regular schedule of meeting dates and establish their time and location.

2.7 CONDUCT OF COMMISSION MEETINGS

A. All meetings shall be tape recorded or summary notes taken by the Personnel Commission recording secretary.

B. Recommendations on action items shall be incorporated as part of the motion.

C. Any person addressing the Commission shall be recognized by the Chairperson and shall identify themselves. District employees shall provide their name, work location and classification (title). All shall provide the topic or topics of concern.

D. Items identified by individuals will be considered in their order on the agenda. A person shall be allowed three (3) minutes to speak to an agenda item.

E. At the conclusion of regular items of business set forth on the agenda, any person may appear before the Commission to address any item of interest to the public that is within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda

unless otherwise authorized by the Government Code. Each individual shall be limited to three (3) minutes of speaking time.

Government Code: 54954.3

2.8 ADJOURNED REGULAR MEETINGS

The Commission may adjourn any regular or previously adjourned meeting to a time and place specified in the motion of adjournment. The reconvened meeting is to be considered a regular meeting. Within twenty-four (24) hours after the adjournment, a notice of adjournment must be posted. When an order of adjournment of a regular meeting or of a previously adjourned meeting fails to state the hour at which the reconvened meeting is to be held, it shall be held at the hour normally designated for regular Commission meetings.

2.9 RULES OF ORDER

The Commission may use the parliamentary rules of order as set forth in Robert's Rules of Order, Revised, unless specific exceptions are made by Commission action.

2.10 ORDER OF BUSINESS

The order of business at each meeting of the Commission shall be established when the agenda is adopted.

2.11 AGENDA

The Classified Personnel Director shall prepare an agenda for each meeting of the Commission. The agenda shall be delivered to each Commission member at least twenty-four (24) hours prior to the meeting. The agenda shall be posted at least seventy-two (72) hours prior to the meeting.

2.12 ADDENDA TO AGENDA

The Classified Personnel Director may submit addenda to the agenda in writing prior to a regular meeting which may be acted upon by the Commission provided that it has been posted and made public in accordance with the requirements of the California Government Code.

Government Code: 54954.2

2.13 QUORUM

Two (2) members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of at least two (2) members of the Commission is required to carry any motion or action.

Education Codes: 45260 and 45261

2.14 SPECIAL MEETINGS

Special meetings may be called by the Chairperson or the Classified Personnel Director. A Personnel Commissioner may also request that the Chairperson call a special meeting of the Commission.

In special situations, the Commission may meet at some other time or place, provided that notice is given to the Board of Trustees and the Superintendent or designee, and recognized employee organization representatives, as well as being posted on the Commission's official bulletin board at least twenty-four (24) hours in advance of said meeting.

The members of the Commission shall be notified of each special meeting by written notice delivered to them personally, or by mail, at least twenty-four (24) hours in advance of the meeting. Only those items of business listed in the call of the special meeting agenda will be considered at the meeting.

2.15 CLOSED SESSIONS

A closed session may be conducted during a regular or special meeting of the Personnel Commission. Prior to holding a closed session, the Commission shall state the general purpose or reason(s) for the closed session. In the closed session, the Commission may consider only those matters covered in its statement of reasons.

The Commission shall publicly report any action taken in closed session and the vote or abstention of every member present at that meeting, with the exception that report of a dismissal shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

Government Code: 54957.1

The following are appropriate items for closed session discussion:

A. Appointment, employment, dismissal or evaluation of employees.

- B. Meeting to consider matters pertaining to litigation. Legal counsel may be present to advise.
- C. Discussions relative to negotiations, conciliation, mediation, or other matters affecting classified employee labor relations if the Commission has a representative involved in the negotiating process.

Education Codes: 35146, and 49703

Government Codes: 1222, and 1770

2.16 MINUTES

The Classified Personnel Director shall record in the minutes the time and place of the meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, the Classified Personnel Director shall record that Commissioner's approval or dissent and any expressed reasons therefore. 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 the recognized employee organization representatives who have requested them.

Education Code: 45260

2.17 AMENDMENT AND SUSPENSION OF RULE

The Commission shall prescribe, amend, and suspend, subject to the provisions of Chapter 3, Article V, of the Education Code, such rules as may be necessary to ensure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.

There will be a first reading and, at a subsequent meeting, a second reading prior to adoption.

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 Classified Personnel Director, subject to appeal to the Commission.

2.18 NOTIFICATION OF RULE CHANGE

The Personnel Commission shall notify the Board of Trustees and the exclusive bargaining representative of any proposed rule or rule amendment that would affect represented classified employees.

2.19 COMMISSION BUDGET

Annual budgeting process shall be covered, including its timeline, hearing and input process, judicial review if needed, as well as its adoption process by the Commission, the school board and county office of education.

The Commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the Governing Board in the regular budget of the District. The budget shall be prepared for a public hearing by the Commission to be held no later than May 31 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 on the budget and shall invite Board, designated employee organizations, and district administration representatives to attend and present their views.

Education Codes: 45253 and 45260

2.20 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

This section should cover the obligation of district legal counsel to aid and represent the Personnel Commission as well as the alternatives if and when the conflicts exist.

The legal counsel for the Board of Education shall also aid and represent the Personnel Commission in all legal matters. If such counsel refuses, or if the Commission or legal counsel determines that a conflict of interest may exist, the Commission may employ its own legal counsel and the reasonable cost thereof shall constitute a legal charge against the District Board of Education's general funds, whether or not the costs of such legal services appear in the Commission's budget.

Education Code: 45313

2.21 ANNUAL REPORT

The Classified Personnel Director shall prepare an annual report of the Commission's activities. The report shall include the information concerning the Personnel Commission's activities for the preceding fiscal year.

Education Code: 45266

2.22 COMMISSION EMPLOYEES

The Classified Personnel Director, and other persons required to carry out the day-to-day responsibilities of the Personnel Commission, shall be selected by the Commission and shall be employees of the Personnel Commission. The Commission shall decide what functions those employees will perform and determine the assigned time of each employee reporting to the Commission, as well as the compensation to be paid the employees. However, the persons so employed shall be a part of the classified service and subject to all of the rules, procedures, benefits and burdens pertinent thereto, except as the Commission may specifically direct otherwise.

Education Code: 45264

2.23 APPOINTMENT OF CLASSIFIED PERSONNEL DIRECTOR

The Commission shall appoint a Classified Personnel Director from an eligibility list established from a competitive examination given under the auspices of the Commission.

Education Code: 45264

2.24 DUTIES OF THE CLASSIFIED PERSONNEL DIRECTOR

The Classified Personnel Director shall perform all of the duties assigned and carry out all of the functions required by law and by these Rules and Regulations. The Classified Personnel Director shall act as Secretary to the Personnel Commission and shall distribute, issue and receive all notifications on its behalf. The Classified Personnel Director shall manage and supervise the employees of the Commission.

Education Code: 45266

RULE III – PERSONNEL CLASSIFICATION PLAN

3.1 THE CLASSIFIED SERVICE

The Education Code provisions and the Rules and Regulations of the Personnel Commission shall apply to all persons who are a part of the classified service who are employed by the Walnut Valley Unified School District.

All positions not required by law to have certification qualifications or specifically exempted in these rules shall be designated as classified.

Education Codes: 45100, 45104, and 45105

3.2 POSITIONS EXEMPT FROM THE CLASSIFIED SERVICE

- A. Positions required by law to have certification qualifications.
- B. Full-time students employed on a part-time basis.
- C. Part-time students employed part-time in any work-study program. Employment of full-time or part-time students shall not result in the displacement of any classified personnel.
- D. Apprentices: Positions where the principal requirement is that of learning to perform efficiently, by study and practice, within a plan approved by the California Apprenticeship Council for the designated trade.
- E. Professional Experts: Individuals recognized as such by reputable members of their own professions. They will be employed only on a temporary basis for a specific project, as defined and certified in Section 45256, provided the Commission has agreed to designate such positions as professional experts.
- F. Part-time playground positions: Those in which employees are assigned less than thirty-five (35) hours per week.
- G. Architectural and engineering firms employed on a temporary basis for a specific project by the Governing Board or the Commission, when so designated by the Commission.
- H. Part-time playground positions, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part

of the classified service when the employee in the position also works in the same school district in a classified position.

Education Codes: 44065, 44068-69, 45103, 45103.5, 45104, 45104.5, 45105, 45106, and 45256

3.3 RESTRICTIVE CLASSES

Positions not requiring certification qualifications created by the Board of Trustees under specially funded programs as provided in Education Code Section 45105, which are restricted to the employment of persons in low income groups from designated impoverished areas, and other criteria which restricts the privilege of all citizens to compete for employment in such positions, shall in addition to the regular class title be classified as "restricted." Persons employed in "restricted" classes shall be classified employees for all purposes except--

- A. They shall not be accorded permanency.
- B. They shall not acquire seniority credit for the purpose of layoffs for lack of work or lack of funds.
- C. The provisions of Education Code Sections 45287 and 45289 shall not apply.
- D. They shall not be eligible for promotion in the regular classified service until they have complied with the provisions below.

Any time after completion of six (6) months of satisfactory service, a person may take such competitive examinations as are required for all other persons in the same class of the regular classified service. If the person satisfactorily completes the examination, regardless of final numerical listing on the eligibility list, he/she shall be accorded full rights and benefits of other employees in the regular classified service. His/her service in the regular classified service shall be counted from the original date of employment in the "restricted" position.

Education Code: 45105.

3.4 THE CLASSIFICATION PLAN

The Board of Trustees shall prescribe the duties to be assigned to all positions in the classified service except the Personnel Commission staff.

Education Code: 45109

3.5 CONTENT OF THE CLASSIFICATION PLAN

The Commission shall classify all employees and positions within the jurisdiction of the Board or the Commission based on prescribed duties, except those positions which the Commission determines to be exempt from the Classified Service pursuant to Rule 3.2 The Personnel Commission shall classify existing and new positions including, but not limited to the following: assigning a job classification title; establishing minimum qualifications for regular employment; allocating positions to appropriate classes; arranging classes into occupational hierarchies; recommending reasonable relationships between classes, within occupational hierarchies, and overall internal alignment; and preparing written class specifications.

3.6 ALLOCATION OF POSITIONS TO CLASSES

The Commission may create new classes and abolish, divide or combine existing classes within the classification plan as the needs of the classified services require, as determined by the Commission. The Personnel Commission shall also recommend to the Board of Trustees the allocation of classes to an appropriate salary range.

Education Codes: 45256, 45268, and 45276

3.7 CLASS SPECIFICATIONS

For each class of positions in the classified service established by the Commission, the Classified Personnel Director shall maintain in the Human Resources Office, official class specifications as approved by the Commission including:

- A. The official class title.
- B. A definition of the class, indicating duties, responsibilities and the distinguishing characteristics from other classes, the positions to be included in and excluded from each class.
- C. The statement of typical tasks performed by those holding positions allocated to the class.
- D. A statement of the minimum qualifications for determining the fitness and qualifications of employees for each class of position for temporary appointments, and for applications for examinations -- which include

education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics.

E. The schedule of compensation for the class.

3.8 CLASS DEFINITIONS

The Commission reserves the right to amend and amplify the definitions established for each class. It is the intent of the Commission that the class specifications shall present a true picture of the position and the classes described.

3.9 INTERPRETATION OF CLASS SPECIFICATIONS

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

- A. In determining the class to which any position shall be allocated, the specifications for each class are considered as a whole.
- B. Each class specification is construed in its proper relationship to other class specifications.
- C. The class title shall be used with the meaning set forth in the remainder of the specifications.
- D. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to their respective classes as determined by their duties, responsibilities, and qualification requirements and do not prescribe what these details, in respect to any position, shall be.
- E. The statement of qualification requirements is an integral part of the description of the kind of employment by expressing the minimum qualifications required of any new appointee, as well as additional qualifications considered desirable.
- F. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of examinations and in the evaluation of the qualifications of

applicants seeking appointments to positions allocated to the class, but does not require particular form or content of examination or examining procedure.

3.10 CLASSIFICATION OF NEW POSITIONS

When the Board of Education creates a new position, a list of the duties to be performed shall be submitted to the Classified Personnel Director in writing. The Classified Personnel Director shall review the duties and responsibilities, and submit recommendations to the Commission which will:

- A. Determine if the new position shall be a part of the Classified Service or if it meets the exemption criteria as specified in these rules.
- B. Classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established.
- C. If a new class is recommended, the Classified Personnel Director shall set forth a proposed class specification setting out the title, duties, qualifications, and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Education.
- D. The Commission shall designate the proper salary placement on the appropriate classified salary schedule.
- E. The Commission shall direct the Classified Personnel Director to notify the Board of the Commission's action.

Education Codes: 45109, and 45256

3.11 CHANGE IN DUTIES

Any change in duties of existing positions shall be promptly reported in writing to the Classified Personnel Director by the appointing authority. The Classified Personnel Director shall investigate the changes to determine whether a new class should be created. Should investigations disclose the actual duties of a position to be 25% or more of the duties assigned to the class in which the position has been allocated, the Commission may reallocate to another class, or may create a new class.

3.12 RECLASSIFICATION POLICY

- A. The basis for reclassification of a position can be the gradual accretion or growth of duties, or a reorganization. Recommendations as to gradual accretion will be made by the Classified Personnel Director. The Commission's final recommendations shall move forward to the Board for final approval.
- B. The Classified Personnel Director will recommend the reclassifications to be reviewed annually. Requests for an individual position review shall be submitted to the Classified Personnel Director by December 15. A reclassification committee consisting of three (3) members; the Assistant Director of Classified Personnel, the CSEA President (or appointee), and a classified manager recommended by the Classified Personnel Director, will review all requests by February 15.
- C. When a position in a class is reclassified upward.
 - 1. Incumbents of a position who have been in a class for two (2) or more years will be granted status in a higher class without further competitive examination. Incumbents granted status pursuant to this paragraph shall be granted all the rights and benefits in the higher class which were attained in the lower class.

3.13 REEMPLOYMENT LISTS FOR DISPLACED INCUMBENTS

Any displacement of a regular employee resulting from a reclassification of a position, positions, or a class of positions, shall be considered a layoff for lack of work, and an appropriate reemployment list will be established. These rules shall be followed in all instances of reclassification, whether or not they result in an upgrading, downgrading, lateral class movement, bumping, or a complete displacement of incumbents.

- A. Persons laid off because of reclassification are eligible for reemployment for a period of thirty-nine (39) months. These persons have the right to participate in promotional examinations during that thirty-nine (39) month period.
- B. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff due to a reclassification, or who remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for

reemployment for an additional period of twenty-four (24) months, provided that the same tests of fitness still apply.

Education Codes: 45260, 45285, 45298, and 45308

3.14 ANNOUNCEMENT OF RECLASSIFICATION PLAN

The Personnel Commission shall notify the Board of Trustees and exclusive bargaining representative of any position classification or reclassification plan prior to adoption.

3.15 CLASSIFICATION PLAN MAINTENANCE SERVICE

- A. The Commission shall maintain this classification system and will conduct studies, as it deems necessary, to review classifications and maintain internal alignment in the classified service.
- B. The Classified Personnel Director shall establish a procedure whereby the duties and responsibilities of a position will be reviewed to determine the proper classification.
- C. Any major changes in duties of existing positions shall be promptly reported to the Classified Personnel Director. A job review may be pursued and/or result in the reallocation of positions to another classification, a revision to current class specifications, reclassification, the creation of a new classification or any combination of actions.
- D. The subsequent activities necessary to provide the Commission with an opportunity to make a decision and/or recommendations to the Board of Trustees shall be completed prior to June 15, with the appropriate organizations, as well as District staff, receiving notification of the recommendation.
- E. Request for Classification: The study of a position may be initiated by the employee, the District administrator or other interested groups, subject to the provisions of Rule 3.12.
- F. After the completion of the 2017-2018 classification study, the next groups for consideration will be Instructional, Library/Media (Group 5, 2002 PC Rules and Regulations); Supervisory, Childcare (Group 1, 2002 PC Rules and Regulations). This will conclude a classification study rotation.

When the District establishes a classification study rotation, the table below will determine the groups and the order of rotation.

Once the District completes a full classification rotation the subsequent rotation will include supervisors for the specific classification being studied.

Education Codes: 45256, 45260, 45268, 45285, and 45285.5

Group	1	<ul style="list-style-type: none"> • Nutrition Services • Security • Technology • Transportation • Warehouse
Group	2	<ul style="list-style-type: none"> • Custodial • Grounds • Maintenance
Group	3	<ul style="list-style-type: none"> • Accounting • Clerical • Confidential • Health
Group	4	<ul style="list-style-type: none"> • Child Care • Instructional • Library/Media

3.16 CLASS SPECIFICATIONS

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

Class specifications are descriptive and explanatory only. They are not restrictive. They indicate the type of positions that are allocated to the respective classes, but do not prescribe the specific duties and responsibilities for any position. The use of a particular expression or illustration in the examples of duties and responsibilities or other attributes typical or descriptive of the class does not exclude others not mentioned that are of a similar nature.

3.17 DETERMINATION OF GRADUAL ACCRETION OR GROW OF DUTIES

A. For purposes of these guidelines, two (2) or more years of regular service shall be interpreted to mean assignment for at least two (2) complete years, performing the assigned duties of the class or position. Determination as to

gradual accretion will be based on an analysis of data to be supplied by the operating unit.

1. The nature and scope of each identified change in duties and responsibilities.
 2. The approximate date the incumbent began the performance of the newly acquired duties and responsibilities.
 3. The conditions which led to the added duties and responsibilities.
 4. Evidence of the employee's performance of the added duties and responsibilities
- B. Reassignment of positions, where there has been a significant change in title, duties or minimum qualifications, and the duties remain at a higher or different level, i.e., substituting in a higher classification. Working out of classification shall not change an employee's eligibility to be reviewed for reclassification.

Education Code: 45285

3.18 ESTABLISHMENT OF SENIOR MANAGEMENT EXEMPTIONS

The Board of Education may adopt a resolution designating certain positions as senior management of the classified service. Notwithstanding the provisions of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code (The Rodda Act), the decision of the Board of Education shall not be deemed a matter subject to negotiation with any exclusive certified employee organization. The decision of the Board to make a position senior management shall be subject to review by the Public Employment Relations Board.

This section may include the lawful maximum number of senior management positions that can be established based on ADA.

Education Code: 45108.5

A. Definition of Senior Management

1. Positions designated senior management must conform to either of the following two definitions in order to be legally declared senior management of the classified service:
 - a. An employee in the highest position in a principal district program area,

as determined by the Board of Education, which does not require certification qualifications, and which has district-wide responsibility for formulating policies or administering the program area.

- b. An employee who acts as the fiscal advisor to the Superintendent.

B. Filling Senior Management Positions

Positions in the senior management of the classified service shall be filled using the Rules and Regulations of the Personnel Commission except as noted below:

1. The position shall be filled from an unranked eligibility list developed by the Personnel Commission and arrived at by competitive examination(s) as determined by the Commission.
2. The appointing authority shall have the right to interview all eligible candidates certified by the Commission from the unranked list.
3. The Personnel Commission shall determine the minimum qualifications for the position designated senior management, taking particular note of managerial ability necessary to successfully perform in the position and that the final eligibility list shall be unranked rather than ranked.

C. Impact Of Senior Management Designation On Incumbents

Employees whose positions are designated as senior management of the classified service shall be a part of the classified service, and shall be afforded all rights, benefits, and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status in a senior management position.

D. Discontinuance of Senior Management Position

The Board of Education may adopt a resolution abolishing any or all positions of the senior management of the classified service. An employee occupying a senior management position abolished by the action shall become a member of the classified service in a position to which he/she would otherwise be entitled if the employee had not been a member of the senior management of the classified service.

If the employee in the senior management of the classified service had been a member of the regular classified service, he/she shall be entitled to a position

which is the same as, or similar to, the position to which he/she holds rights outside of the senior management of the classified service.

Education Codes: 45104.5, 45260 and 45261

3.19 WORKING OUT OF CLASSIFICATION

- A. Each classified employee shall perform the duties approved by the Board of Trustees or Personnel Commission and classified by the Commission for the class to which the employee is assigned. When it becomes necessary to temporarily assign to an employee additional higher level duties for special projects for the good of the service, or in cases of emergency, including the temporary assignment of duties normally performed by an absent, higher-level classified employee, the following conditions shall govern such temporary assignment if the employee is eligible to receive additional compensation:
 - 1. The assignment of higher-level duties must exceed five (5) working days within a fifteen (15) calendar day period.
 - 2. The salary of the employee shall be adjusted upward for the entire period of working out of classification.
- B. The manager or supervisor shall review the proposed higher-level functions with the Classified Personnel Director prior to making the assignment.
- C. Management and the Classified Personnel Director shall review the following factors prior to approving a salary adjustment:
 - 1. The personal qualifications, specific knowledge and abilities of the employee recommended to be assigned the duties, ensuring that they will meet with minimum qualifications for the class.
 - 2. The urgency of the temporary assignment of duties.
 - 3. A list of the additional duties to be assigned shall accompany any request for an employee working within a different classification.
 - 4. The reasonableness of assigning the higher-level duties.
- D. The Classified Personnel Director shall, after review of duties assigned, determine the percentage of the assignment that is at a higher level and approve

any appropriate pay differential. In order to qualify for out-of-class pay, the percentage of assigned duties in the higher class should be at least 33%.

RULE IV – APPLICATION FOR EMPLOYMENT

4.1 FILING OF APPLICATIONS

All applications for employment shall be made on the official forms furnished by the District, either on-line or on paper. Every item shall be answered in full and the application shall be signed by the applicant and filed in the Human Resources Office on or before the time and date specified in the official vacancy notice.

- A. Applicants taking more than one examination must file a separate and complete application.
- B. The application form shall require that each applicant indicate whether or not he/she has been convicted of a crime. If an applicant states that he/she has been convicted of a crime, then such applicant shall be required to provide the Human Resources Department with detailed information pertaining to all convictions on a separate form. An applicant may be disqualified based on a conviction as set forth in Rule 4.3 to the extent permitted by law.
- C. Applications and examination papers are confidential and become the property of the Human Resources Department, and shall not be returned to the applicant.

4.2 GENERAL QUALIFICATIONS OF APPLICANTS

All applicants must be permanent residents of, or must otherwise prove their right to work in the United States, and possess all other requirements that are specified in the qualifications established for the class.

- A. Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination because of race, religious creed, color, national origin, ancestry, disability, medical condition (as defined in Government Code Section 12926), marital status, sex, age, sexual orientation, or gender identity.
- B. No maximum age limit shall be set as a condition for initial or continued employment in the District.

- C. Applicants with disabilities protected under the law shall be given equal employment opportunity.
- D. Every applicant must, in all respects, be mentally and physically competent to perform the essential functions of the position for which applied.

4.3 CAUSES FOR DISQUALIFICATION

An applicant or candidate may be refused initial admittance to an examination or disqualified from further competition, and an eligible may be refused certification or appointment, for any of the following reasons:

- A. Failure to meet the general qualifications as described in these rules.
- B. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- C. Conviction, either by a plea or verdict of guilty or nolo contendere, a court decision of a sex or narcotics offense as defined in Education Code Sections 44010 or 44011.
- D. A history of drug addiction without acceptable evidence of rehabilitation to the extent consistent with federal and state laws.
- E. Any conviction, other than a sex or narcotics conviction as defined in Education Code Sections 44010 and 44011, may disqualify an applicant if the criminal conviction(s) is sufficiently serious to require disqualification from employment. The following factors shall be considered in determining whether an applicant's criminal conviction(s) shall disqualify the applicant:
 - 1. Nature, seriousness, and circumstances of the offense(s)
 - 2. Recency of the convictions
 - 3. Number of convictions
 - 4. Relationship of the offenses(s) to the position for which applicant has applied
 - 5. Age of the applicant when convicted
- F. A determination that the applicant is a sexual psychopath.

- G. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.
- H. Practicing any deception or fraud in connection with an examination or to secure employment.
- I. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
- J. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these rules.
- K. Previous dismissal from the District.
- L. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement notice, unsatisfactory job performance notice, or a resignation in lieu of dismissal.
- M. Dishonorable discharge from the Armed Forces of the United States.
- N. Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or the Board of Education.
- O. Unsatisfactory health conditions which clearly indicate that the applicant or candidate would be unable to perform the essential functions of the job with or without reasonable accommodation or would endanger his/her health and safety or the health and safety of others to the extent permitted under federal and state laws.
- P. Attempting to or making contact with any member of the Board of Education or the Personnel Commission with the intent of attempting to favorably influence the recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Personnel Commission as a whole by any candidate through the established appeal process.
- Q. Failure, after due notice, to report for review of any of the above causes for disqualification.
- R. Failure to report for duty after an assignment has been offered and accepted.

- S. Failure to pass the pre-employment drug/alcohol testing for safety sensitive positions. (refer to your Board policy, e.g., 4112.41)
- T. Other causes deemed sufficient by the Personnel Commission.

4.4 APPLICATIONS AND EXAMINATION MATERIALS PROPERTY OF THE COMMISSION

- A. All application and examination materials are confidential records of the Commission and shall be retained by the Commission for a period of not less than one (1) year.
- B. Applications received by the Commission shall be reviewed only by the Personnel Commission staff prior to the establishment of an eligibility list. In the event that the appointing authority desires to make a provisional appointment, applications may be reviewed with the approval of the Classified Personnel Director.

4.5 APPLICANTS' NAMES NOT TO BE MADE PUBLIC

The names of applicants or unsuccessful candidates in any of the District's selection processes shall not be made public.

4.6 VETERANS CREDIT FOR ENTRANCE EXAMINATION

- A. An applicant requesting Veteran's credit must apply for such preference using the official application form at the time of filing such application and must forward the original or a certified photographic copy of Honorable Discharge or Certificate of Honorable Active Military Service to the Classified Personnel Director.
- B. At least (30) days of active service in the United States Air Force, Army, Navy, Marine Corp., Coast Guard, National Guard, Merchant Marine, or a nurse on active duty with the Red Cross.
- C. Veterans who become eligible for appointment by attaining a passing score established for an examination shall be allowed an additional credit of five (5) points and disabled veterans shall be allowed an additional ten (10) points.
- D. Submitting Proof of Veteran's Credit

Any applicant who claims veteran's credit must submit DD Form 214 at the time the employment application is submitted. Failure to submit DD Form 214 at the time of application shall result in no veteran's credits being considered or added to any passing score.

Veterans, except disabled veterans, shall have an additional five (5) points added to their final score in entry-level examinations on an open eligibility list.

Disabled veterans shall have an additional ten (10) points added to their final score in entry level examinations on an open eligibility list. A disabled veteran is an individual classified by the U.S. Veteran's Administration to be ten percent (10%) or more disabled as a result of service in the Armed Forces of the United States.

RULE V – RECRUITMENT AND EXAMINATIONS

5.1 HOLDING OF EXAMINATIONS

Whenever it is necessary to fill existing or anticipated vacancies in the classified service, or whenever an eligibility list is about to be abolished in accordance with the provision of law and of these rules, the Commission may direct the holding of an examination to provide eligibles.

5.2 NOTICE OF EXAMINATION

The Classified Personnel Director shall prepare, or cause to be prepared, an announcement to publicize examinations for positions within the classified service. The announcement shall be circulated widely and posted in all schools and offices at least fifteen (15) working days prior to the last date for filing applications to take the examination. The announcement shall contain but not be limited in content to:

- A. The class title.
- B. The salary range applicable.
- C. Minimum qualifications required.
- D. Description of position duties and responsibilities.
- E. Place and closing date for applications.
- F. Information as to the type of examinations.
- G. Such information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.
- H. The job announcement bulletin shall encourage affirmative action, ensuring opportunities for men and women, minority and disabled persons.

5.3 WHO MAY COMPETE

Competitive examinations for positions in the classified service shall be open to the public except in those cases where, at the discretion of the Commission, examinations are restricted to promotional candidates only.

- A. In admitting applicants to examinations, age, gender, and disability shall not be a factor, nor shall any questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, marital status or disability be asked of any applicant or any candidate whose name has been certified for appointment.
- B. For affirmative action and Federal/State reporting purposes, questions regarding ethnicity, sex, age and disability shall be placed on a separate form. Answers to such questions shall be voluntary and no other information shall be requested relative to race, religion, creed, color, national origin, ancestry, disability, medical condition, marital status, sex or age prior to employment.
- C. Applicants must be citizens of the United States or otherwise able to prove their right to work under State and Federal laws, and must possess all other requirements specified in the qualifications established for the class. Every applicant for a position must be, in all respects, mentally and physically competent to perform essential job duties, with or without reasonable accommodation.
- D. No maximum age limit shall be set as a condition for initial or continued employment within the District.
- E. Disabled persons shall be given equal employment opportunity, and reasonable accommodation for employment shall be made.

5.4 DETERMINATION OF EXAMINATIONS

The Personnel Commission shall determine the standards of proficiency to be required for each examination and determine the parts that relate to job performance to be administered objectively in any manner as determined by the Classified Personnel Director.

Examinations may be in any of the following categories:

- A. Open Competitive.
- B. Promotional.
- C. Promotional and Open Competitive with the promotional list taking precedence.

- D. Continuous.
- E. Merged - certain positions.
- F. Dual Certification.

Education Codes: 45272, 45282, and 45284

5.5 TYPES OF EXAMINATIONS

Examinations shall consist of at least two independent parts unless determined otherwise by the Personnel Commission. The parts shall be contained within the following items:

- A. Written examination.
- B. Practical demonstration of skill (performance).
- C. Oral interview panel examinations.
- D. Other tests of fitness determined appropriate by the Classified Personnel Director.

Education Codes: 45272-73, and 45284

5.6 WRITTEN EXAMINATIONS

- A. The written examination for a class may cover any subject matter appropriate to the duties of positions within the class, including testing of skill, knowledge and ability.
- B. The Classified Personnel Director shall determine the passing score and assign relative weight percentage scores.

5.7 PRACTICAL DEMONSTRATION SKILL (PERFORMANCE) EXAMINATION

When it is determined by the Classified Personnel Director that an example of work or product of skill would demonstrate the level of skill a candidate may have, then an appropriate performance examination will be held.

5.8 ORAL INTERVIEW PANEL EXAMINATIONS

- A. If the Classified Personnel Director deems that the examination requires an oral interview, the following provisions shall apply:

1. Each oral/technical panel should consist of at least two (2) persons.
2. A participating employee is not the first or second-level manager for any vacant positions of the class under examination.
3. A participating employee cannot have any direct involvement in the final employment selection process.

Education Code: 45273

- B. When the oral interview panel, in lieu of another part of the examination, is directed to evaluate technical knowledge and skill, at least two (2) members of the panel shall be technically qualified in the specific class under examination, as determined by the Classified Personnel Director.

5.9 TAPE RECORDING INTERVIEWS

Interviews shall be tape recorded and filed in the Personnel Commission Office for at least ninety (90) days from the date of the interview.

Education Code: 45273

5.10 EXAMINATION PROCEDURES

- A. Competitors in any examination must take the test on the prescribed date.
- B. Copies of the questions in a test shall not be made available in advance to any examination candidate. Candidates who violate this section will be disqualified from further competition.
- C. When 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 have been marked and rated.

Education Codes: 45261 and 45273

5.11 RATING REQUIRED (MINIMUM)

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

Education Code: 45273

5.12 OPEN EXAMINATIONS

All entry-level classes shall be examined using an open examination process and veterans' preference points shall be allowed.

5.13 PROMOTIONAL

- A. Where it has been determined by the Classified Personnel Director that an adequate field of competition exists within the District and examinations can reasonably be expected to result in at least three (3) qualified ranks of eligibles, the field of competition may be limited to promotional applicants. As a guideline, six (6) qualified applicants will be considered an adequate field of competition.
- B. Promotional examinations shall be restricted to probationary and permanent employees of the District and former employees on a valid reemployment list who meet the qualifications of the class. Probationary employees will not be eligible for certification until permanent status is attained.
- C. Performance evaluations and employee development appraisals prepared by the immediate supervisor and reviewed by the employee may be considered in evaluating an employee's general fitness for promotion.
- D. Applicants for promotional examination must meet the established minimum qualifications for the class and the grade on their last performance evaluation report shall have been satisfactory or higher. Any probationary, limited term or provisional appointee who immediately preceding his/her current appointment held permanent status in an eligible class shall be deemed to meet the requirement of permanent status for eligibility to compete in a promotional examination.

Education Codes: 45260, 45261, 45272 and 45281

5.14 PROMOTIONAL AND OPEN COMPETITIVE EXAMINATIONS

Where it has been determined by the Classified Personnel Director that an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Classified Personnel Director may advertise the examination among employees and the general public.

Applicants shall be considered as a group in determining passing scores on the examination.

This examination procedure shall result in a promotional and an open eligibility list. The promotional eligibility list shall take precedence when certifying eligibles. When the promotional eligibility list does not contain sufficient ranks of eligibles (defined as having fewer than three (3) eligible and available ranks), certification of additional ranks shall then be made from the open list.

Education Codes: 45260, 45261, 45272, 45281 and 45284

5.15 DUAL CERTIFICATION

A. An examination may be held under merged promotional and open competitive procedures. The resulting eligibility list shall consist of promotional and open competitive candidates merged on one eligibility list. Scores on this type of list shall include all applicable veterans' preference points for open candidates.

Education Code: 45284

5.16 CONTINUOUS EXAMINATIONS

The Commission may designate examinations for specified classes as continuous examinations. Applications shall be accepted every working day and examinations shall be given as the need arises. If a qualifications appraisal interview is required, the interview panel may consist of two (2) persons who may be employees of the District or the Commission, as designated by the Classified Personnel Director.

Education Code: 45292

5.17 APPOINTMENT OF CANDIDATES

Appointments shall be made from the top three (3) ranks of eligibles on the list at the time the Classified Personnel Director can first reasonably certify three (3) ranks or three (3) names to the appointment authority.

5.18 RETENTION OF NAMES ON ELIGIBILITY LIST

Names of individual eligibles shall be retained on the certified list for a period of six (6) months to one (1) year as determined by the Classified Personnel Director, unless previously removed in accordance with pertinent rules and regulations.

Education Code: 45300

5.19 RANKING OF EXAMINATION SCORES

A. Candidates will be required to attain a designated minimum rating in each part or in combined parts of the selection process to qualify for participation in the next succeeding part.

Education Codes: 45260, 45261, 45272 and 45273

B. Weighted Scores: All examination parts shall be prepared under the direction of the Classified Personnel Director who shall determine passing scores and assign relative percentage weights to each part. The procedure for setting percentage weights shall be impartial.

Education Codes: 45260 and 45261

5.20 NOTICE OF RESULTS OF EXAMINATION

Each candidate who qualifies shall be notified by the Personnel Commission's staff within fifteen (15) working days after completion of the examination of his/her standing on the eligibility list. Candidates who do not qualify shall be notified within fifteen (15) working days after completion of the examination.

Education Codes: 45260 and 45261

5.21 EXAMINATION APPEALS PROCEDURES

Protest forms must be filed within twenty-four (24) hours of the ending of the examination. The Classified Personnel Director shall review and act upon all protests. If the protest results in any change, the test papers of all applicants shall be reviewed and re-rated.

Appeals to the Personnel Commission shall be submitted in writing to the Personnel Commission Office within three (3) working days of receipt of the decision of the Classified Personnel Director.

The Personnel Commission shall hold a hearing to hear the appeal of the applicant. The decision of the Personnel Commission shall be in writing. The decision of the Personnel Commission shall be final and binding on all parties.

Education Codes: 45260, 45261 and 45274

5.22 EXAMINATION DOCUMENTS

- A. All examination documents submitted by competitors are the property of the Commission and are deemed to be confidential records.
- B. Examination records, including test answer sheets, and the rating sheets of each member of an oral interview panel shall be retained by the Personnel Commission for a period of not less than ninety (90) days from the date of the examination.
- C. Examination records shall be available to candidates or their representative for review, but shall not be available to the public or any person not directly connected with the examination, and shall be considered confidential. Such candidate or eligible representative may not review the examination records of another person or the confidential records received from previous employers.

5.23 CONFIDENTIALITY OF RECORDS

- A. All papers submitted by candidates in the course of an examination process are the property of the Personnel Commission and shall be confidential. Records, such as identifiable ratings of oral panel members and confidential references of previous employers, shall not be available for review.

Education Code: 45274

RULE VI – ESTABLISHING ELIGIBILITY LISTS

6.1 ESTABLISHMENT OF ELIGIBILITY LISTS

- A. After an examination for any class is completed, names of the successful candidates shall be arranged on a list in the order of their qualifying score. The eligibility list thus created shall be presented to the Personnel Commission for ratification at the next scheduled Commission Meeting.
- B. All appointments to positions in the classified service shall be made from eligibles whose names appear on eligibility lists certified to the appointing authority.

6.2 DURATION OF ELIGIBILITY LISTS

- A. Eligibility lists shall expire after a period of six (6) months to one (1) year from the date that they are adopted by the Commission, subject to the provisions of the Education Code, unless an extension of time, not to exceed one (1) year, is authorized by the Commission.
- B. Eligibility lists may be established for a period of six (6) months upon the approval of the Personnel Commission. The six (6) month duration must be noted in the recruitment bulletins.
- C. Notices of intention to abolish an eligibility list shall be sent to all eligibles whose names appear on the list to be abolished. Any person who desires to retest for that class must file a new application in accordance with application procedures.

6.3 PROMOTIONAL ELIGIBILITY LISTS

- A. The names of competitors who are successful in promotional examinations, as provided in these rules, shall be placed on a promotional eligibility list for the class for which such examination is held.
- B. An employee who leaves the service (except by layoff) shall be considered as having relinquished the right to promotion and the terminated employee's name shall be stricken from promotional eligibility lists.

6.4 MERGING OF ELIGIBILITY LISTS

When an open competitive or promotional eligibility list is already in existence and a new examination is held to provide additional eligibles, unless the original list has been abolished by the Commission, all successful candidates shall have their names merged into the new eligibility list in accordance with the ratings received in the respective examinations.

When lists are consolidated under this rule, the earlier list shall be terminated six (6) months to one (1) year after its establishment and those eligible names shall be removed from the consolidated list.

In the cases of all eligibility lists which are modified by supplemental or continuous examination procedures, each merging of new eligibles shall be certified by the Commission.

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

Education Codes: 45260, 45261, 45286 and 45300

6.6 REEMPLOYMENT LISTS

A reemployment list shall take precedence over all other employment lists in filling vacant positions. The reemployment list shall contain the names of all regular classified employees who have been laid off or demoted from any position because of lack of work or lack of funds, abolishment or reclassification of position, exhaustion of illness or accident leave or return from military duty as set forth herein.

6.7 SUBSTITUTE LISTS

Whenever necessary in any class, there may be established and maintained a list for substitute appointments. Selection of candidates for such a list shall be made in the following order: first, from the reemployment list; second, from the eligibility list for that class in the order of rank on such list and the willingness of the candidates to accept such employment.

- A. Should a candidate employed on a substitute basis receive two or more written complaints related to job performance from two or more supervisors, the Classified Personnel Director will review the concerns and meet with the substitute to determine whether the substitute employee should be removed from the established eligibility list.

RULE VII – CERTIFICATION

7.1 RECLASSIFICATION OF REEMPLOYMENT AND ELIGIBILITY LISTS

The reclassification or reallocation of all incumbents and positions in a given class shall automatically reclassify or reallocate the reemployment and eligibility lists for that class, unless otherwise designated by action of the Commission.

7.2 REQUEST TO FILL VACANCIES

When a position is to be filled, the appointment authority, or its proper agent, shall notify the Classified Personnel Director in advance of the date of the anticipated need and make written request for certification.

7.3 RULE OF THREE RANKS

- A. The appointing authority or its representative will receive the first three (3) ranks of eligibles who are ready, willing and able to accept the position(s) to be filled.
- B. Eligibles are placed on the eligibility list in rank order according to their score on the examination. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same percentage score shall be placed in the same rank.
- C. For classes approved for continuous testing, certification shall be made at the time the Personnel Commission can first reasonably certify three (3) ranks of eligibles to the appointing authority.

Education Code: 45272.

7.4 CERTIFICATION OF NAMES TO FILL VACANCIES

The Classified Personnel Director shall certify to the appointing authority from the appropriate eligibility list the names of eligibles who have indicated a willingness to accept the conditions of employment as specified. The names of the eligibles shall be taken from the appropriate list in the following order:

- A. Reemployment lists for the class in which vacancy exists:

1. The name of the eligible standing highest on the reemployment list for the appropriate class shall receive the first appointment. Eligibles shall be taken in order until the list is exhausted.

B. Promotional eligibility list for the class in which vacancy exists:

1. Appointment from the list resulting from a promotional examination shall be one of the eligibles from the three (3) ranks standing highest on the list who are ready, willing and able to accept the appointment.
2. Appointments may be made from either open competitive or promotional lists when the examinations have been held simultaneously.

Education Code: 45300

3. By Education Code, promotional eligibility lists shall be certified and exhausted prior to the certification of open competitive eligibility lists unless the Commission authorized the appointment from either list prior to the giving of an examination.

Education Code: 45300

C. Open competitive eligibility list for the class in which vacancy exists:

1. When the eligibility list is the result of an open competitive examination, the appointment shall be one of the eligibles from the first three (3) ranks standing highest on the list who are ready, willing and able to accept the appointment.
2. When a requirement of a position to be filled is that the eligibles have the ability to speak, read or write a language in addition to English or to possess a valid driver's license, the Commission may authorize selection certification. Certification and appointment shall then be made from among the highest three (3) eligibles who meet requirements subject to the following conditions:
 - a. The appointment authority must certify to the Classified Personnel Director in writing the reasonableness of the requirements.
 - b. The job announcement must have indicated the special requirement(s).

Education Codes: 45272 and 45277

7.5 CERTIFICATION FROM LIST FOR ANOTHER CLASS

If there is no eligibility list for the class in which a vacancy exists, certification may be made from a list for another class at a higher level within the same occupational series, provided that substantially all duties and qualifications of the position to be filled are included within the higher level class.

7.6 WITHHOLDING CERTIFICATION OF ELIGIBLE

- A. A person on an eligibility or reemployment list who fails to respond within three (3) days, upon request of written notification to a communication involving a possible permanent appointment, may have his/her certification as an eligible withheld until he/she has submitted an acceptable written explanation of his/her failure to respond.
- B. An eligible shall promptly file with the Commission, in writing, his/her correct mailing address and place of residence. It shall be to this place which the Commission shall direct all notices deemed necessary and proper in carrying out the provisions of these rules regarding notification of eligibles. It is hereby required that whenever such person shall change his/her mailing address or place of residence, he/she shall promptly notify the Human Resources Office of his/her new mailing address and place of residence.

Failure or neglect on the part of any person to file such information may, at the discretion of the Commission, operate as a waiver of his/her order of certification and/or appointment from any eligibility or reemployment list.

- C. Any person who fails to attend any interview appointments scheduled by the District and/or Classified Personnel Director shall have his/her name immediately stricken from the eligibility list. The Classified Personnel Director may, upon receiving a written request for good cause, reinstate the person to the eligibility list after it has determined that good cause exists for doing so.

7.7 WAIVER OF APPOINTMENT

- A. An eligible may waive an appointment after certification to a permanent appointment. The eligible shall be contacted for appointment to the next vacancy in the class on which his/her name appears as an eligible.

- B. An eligible may decline two offers of permanent appointments without jeopardizing eligibility status, provided an acceptable written explanation is submitted for declining the appointment. A third refusal of appointment will result in the eligible's name being removed from the eligibility list.

7.8 VOLUNTARY WITHDRAWAL FROM ACTIVE LIST

- A. An eligible may at any time have his/her name temporarily withdrawn from the eligibility list and placed on an inactive list upon giving, in writing, reasons satisfactory to the Classified Personnel Director.
- B. The name may be restored to the eligibility list at the discretion of the Classified Personnel Director upon receiving a request for reinstatement during the period of eligibility.

7.9 CERTIFICATION WHEN NO ELIGIBILITY LIST IS AVAILABLE

If less than three (3) qualified applicants apply for an advertised employment vacancy, the examination procedures can be waived and the names of the qualified applicants will be placed on an eligibility list which shall expire when the current vacancy is filled or a new eligibility list is established. The eligibility list shall be presented to the Personnel Commission for approval.

RULE VIII – APPOINTMENTS

8.1 REPORT OF APPOINTMENT FROM CERTIFICATION

Whenever the names of the three (3) highest ranks have been certified to fill a vacancy, and an appointment is made of one of them, it shall be the duty of the appointing authority to make an immediate report in writing to the Classified Personnel Director of said appointment.

8.2 NO DISCRIMINATION IN APPOINTMENT

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

Education Code: 45293

8.3 PHYSICAL EXAMINATION

- A. The right of appointment from an eligibility list is subject to passing a pre-employment physical examination. The examination may be conducted by a physician designated by the Board of Trustees and the cost will be borne by the District.
- B. If the physician proposes to disqualify the individual, that doctor shall provide the Classified Personnel Director with a statement describing the specific conditions and limitations that have resulted in the disqualification proposal.
- C. In consultation with the physician, the Classified Personnel Director shall make a determination as to whether reasonable accommodation can be made for the individual. If it is determined that reasonable accommodation can be made, the appointment shall be made. If it is determined that reasonable accommodation is not possible, the individual will be so notified by the Classified Personnel Director and informed of appeal rights to the Personnel Commission.
- D. The report of physical examination shall be confidential and shall be released only with consent of the candidate or employee.

- E. Nothing in these rules shall be construed as preventing the Board of Trustees from ordering a health examination of an employee to determine his/her physical or mental fitness to continue occupancy of his/her position.

Education Code: 45122

8.4 FINGERPRINTS

Except in an emergency or exceptional situation in which a delay would endanger pupil health or safety, no individual shall be employed until a fingerprint check has been completed as required by California Education Code Section 45125. Individuals who have been notified of impending appointment shall submit the necessary fingerprints.

The District will provide the means whereby the fingerprints may be completed and may charge a fee determined by the Department of Justice sufficient to reimburse the Department for costs incurred in processing the application. The District may also collect a reasonable fee payable to the local public law enforcement agency taking the fingerprints and completing the data. If a prospective appointee is subsequently hired by the District within thirty (30) days of the fingerprint application, the fee may be reimbursed to the applicant.

Education Code: 45125

8.5 TUBERCULOSIS SCREENING

A. All employees shall be required to undergo an Intradermal Mantoux STU (.001 mgm) PPD skin test which, if positive (10 mm or more induration), must be followed by a chest x-ray. The employee is required to file with Human Resources a certificate from the examining physician showing the employee was examined and found free of active tuberculosis.

1. "Certificate" as used in this regulation means a certificate which indicates absence of active tuberculosis and is signed by the examining physician or an authorized representative of a public health agency or of a unit of the Tuberculosis Association.

2. New employees must file a certificate with Human Resources prior to their date of employment. New employees shall not commence employment until this certificate has been filed with Human Resources. Regular employees must file a certificate with Human Resources within thirty (30) days of the expiration of their last examination.
3. Employees of the District must furnish a certificate from a health provider every four (4) years showing that they are free from TB.
4. The Walnut Valley Unified School District shall, at least annually, make provisions for employees to have the Intradermal Mantoux test.
5. The Walnut Valley Unified School District shall notify employees of dates and locations within the District where they can have an intradermal tuberculin skin test. If an intradermal tuberculosis test is positive, the employee must have a chest x-ray. The x-ray will be administered by the District's health provider at the expense of the District.
6. Employees of the District who fail to avail themselves of the necessary tuberculosis screening as outlined in this regulation, may utilize county health clinics or other health care providers at the employee's expense, to comply with the requirements of the Education Code and Safety Code to show that they are free from active tuberculosis.
7. Regular employees who fail to meet the deadlines defined in this section will be placed on unpaid leave of absence until documented evidence that they are free of active tuberculosis is filed with Human Resources.

Education Code: 49406

Health & Safety Code: 3450-3451

- B. The provisions of the above procedure may be determined not to apply to an employee of the District if the Superintendent or designee determines by resolution, after due hearing, that the health of pupils served by the District would not be jeopardized. Such an employee must file an affidavit stating:
 1. Adherence to a faith in the teachings of any well-recognized religious sect, denomination or organization that, in the practice of religion, depends upon prayer for healing;

2. And, that to the best of the employee's knowledge and beliefs, the employee is free from active tuberculosis.

If at any time there should be probable cause to believe that an employee who has filed such an affidavit is afflicted with active tuberculosis, that employee may be excluded from service until the Board of Trustees is satisfied that such employee is not so afflicted.

Education Code: 49406

Health & Safety Code: 3450

8.6 PROVISIONAL APPOINTMENTS

- A. When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall then elapse during which the person shall be ineligible to serve in any provisional capacity.
- B. No person shall be employed in a provisional capacity for more than a total of one hundred twenty-six (126) working days in any fiscal year.
- C. If the position is one in which the assignment is less than thirty-five (35) hours per week, it shall be considered part-time and successive ninety (90) working day provisional appointments may be made to the part-time position for a total of more than one hundred twenty-six (126) working days in any one (1) fiscal year, subject to approval by the Personnel Commission.
- D. The Personnel Commission may authorize the extension of a full-time provisional assignment for not more than thirty-six (36) working days beyond the original ninety (90) working day limitation, provided the appointing authority requests such an extension and presents evidence satisfactory to the Personnel Commission that:
 1. An examination for the class was completed within the first ninety (90) working days of the provisional assignment.
 2. Adequate recruitment efforts have been made and are being made.
 3. Extension of the provisional appointment is necessary to carry on vital functions of the District.

4. The position cannot be satisfactorily filled on a regular basis by use of other employment lists or procedures.
- E. The Personnel Commission shall act on requests as outlined in Item C at its regularly scheduled meeting following the receipt of such request from the appointing authority.

8.7 TERMINATING PROVISIONAL EMPLOYEES

The services of provisional appointees who fail to establish a status for a position in their class, after having taken an examination for such position, shall be terminated within fifteen (15) calendar days after the date on which an eligibility list has been established for such position, provided this fifteen (15) day period does not extend beyond their ninety (90) day provisional assignment.

If a provisional employee shall be found incompetent or unsatisfactory, the Board of Trustees, through its proper agent, may dismiss him/her from service and report the dismissal to the Commission in writing. No person dismissed from a provisional position shall be certified to a position in the same class unless recommended by the Classified Personnel Director and approved by the Commission.

8.8 EMERGENCY APPOINTMENTS

In the event it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees may make an emergency appointment for not more than fifteen (15) successive working days.

Education Code: 45290

When such emergency appointments are made, it shall be the duty of the Board of Trustees immediately to notify the Classified Personnel Director in writing naming the appointees, date of appointment, nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of a period permitted under the Education Code for provisional appointments. No salary claim beyond the fifteen (15) successive working days emergency shall be paid for services performed under the emergency appointment until such claim shall have been approved by the Commission.

8.9 LIMITED-TERM APPOINTMENTS

- A. When the appointing power requires the appointment of a person to a position for not more than six (6) months or to an appointment replacing an absent employee, the appointing power shall comply with the following:
1. They shall submit a written request to the Personnel Commission stating the duration of the appointment.
 2. They shall choose the appointee from the appropriate eligibility list furnished by the Classified Personnel Director.
 3. They shall choose the appointee in accordance with the appointee's position on the approved eligibility list and his/her willingness to accept an appointed person as a limited-term employee.
- B. Persons accepting an appointment to a limited-term position shall retain their position on the eligibility list for the class in which they are accepting an appointment.
- C. Limited-term employees shall be subject to the following conditions relating to status and tenure:
1. Service time as a limited-term employee shall not be credited toward probationary status or salary placement.
 2. Correlated benefits will be earned after fifty (50) working days, ten (10) weeks or more.
 3. The accrual of correlated benefits following fifty (50) working days, ten (10) weeks of service, shall be retroactive to the first day of service.
- D. If a limited-term employee shall be found incompetent or unsatisfactory, the Board of Trustees, through its proper agent, may dismiss him/her from service and report the dismissal to the Commission in writing. The name of the limited-term employee will be removed from active status on the current eligibility list for that specific classification. No person dismissed from a limited-term position shall be eligible to reapply or be certified for a position in the same class unless recommended by the Classified Personnel Director and approved by the Commission. A limited-term employee does not have the right to appeal dismissal.

8.10 NON-CLASSIFIED POSITION REQUIREMENTS

Notwithstanding the provisions of Education Code Sections 45103 and 45256, which exempt certain types of positions or categories of personnel from the classified service of a school district, persons serving in exempt positions or who serve in classified positions but are exempt from the classified service shall nevertheless be subject to the provisions of Education Code Section 49406 - requirement for TB x-ray; Section 45122 - requirement for physical examination; Section 45123 - regarding sex and narcotics offenders; Section 45124 - employment of sexual psychopath; and Section 45125 - requirement for fingerprints.

Persons referred to shall include anyone who, by the very nature of the position, requires the testing procedure, i.e. substitute workers. Substitute worker is defined as an employee occupying a permanent position during the absence of the incumbent.

8.11 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.

- A. The criminal records report from the California Department of Justice and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record which was undisclosed and not reviewed prior to employment, the Classified Personnel Director may order the withdrawal of the offer of employment to the candidate.
- B. If the offer of employment to the candidate is to be withdrawn because of information disclosed on the criminal records report, the candidate shall be removed from all eligibility lists.
- C. The Classified Personnel Director shall notify the eligible of the action taken and the reasons therefore and shall provide the person with an opportunity to appeal the decision in writing within five (5) calendar days of notification. The Classified Personnel Director shall meet with the candidate and render a final decision.

Education Codes: 45125, 45260 and 45261

8.12 RETURN TO WORK AND UNSCHEDULED EXAMS

An employee may be required to undergo a physical examination at any time there is deemed to be reasonable cause by the District Administration, subject to review by the Classified Personnel Director.

A. Every employee returning from illness/injury leave of absence will be required to submit to a medical evidence to verify sufficient recovery to return to the employee's regularly assigned duties, without restrictions.

Education Codes: 45122 and 45160

8.13 SCHOOL BUS DRIVER MEDICAL EXAMINATIONS

In addition to any other examination that may be required by these rules, Bus Drivers must have a valid medical card as required by state law. Under Federal law, Bus Drivers must also test negative in a pre-employment drug screen as well as in subsequent random drug screens during their employment.

Education Codes: 45122 and 45160

RULE IX – PROBATIONARY PERIOD

9.1 PERIODIC REPORTS OF PERFORMANCE

It shall be the duty of the Board of Trustees, through its proper agent, during the probationary period of each employee, to investigate thoroughly his/her conduct, competence, capacity, moral responsibility and integrity to determine if the employee is fully qualified for permanent status. A report on these and other designated qualities and characteristics shall be made to the Classified Personnel Director for each probationary employee at the end of the second and fourth months and before the end of the six (6) months of probationary period.

9.2 PROBATIONARY PERIOD

- A. An employee in the classified service who has received an appointment to a permanent position from an open competitive eligibility list or promotional eligibility list shall become a permanent employee in his/her class when the employee has served a probationary period of six (6) months or 130 days of paid service, whichever is longer.
- B. An employee in the classified service designated by the Commission to be an executive, administrative or supervisory, etc., who is in paid service for two hundred sixty (260) days or one (1) year, whichever is longer, shall become a permanent employee in the assigned class.
- C. The probationary period shall not include time served under emergency, casual, substitute, provisional, limited-term appointment, in overtime status or time absent from paid service.
- D. A probationary employee assigned on a part-time regular basis shall complete his/her probationary period upon serving the required six (6) months or one hundred thirty (130) days. Such an employee who is transferred or assigned to a position in the same class but full-time in nature, must complete an additional probationary period of three (3) months before permanent full-time status is attained.

9.3 TERMINATION OF PROBATIONARY SERVICE

- A. If a probationary employee is found incompetent, unsatisfactory or not capable of meeting a reasonable performance standard, the Board of Trustees may dismiss the employee from service without right of appeal.
- B. No person dismissed from a position during probation shall again be certified to a position in the same class unless recommended by the Classified Personnel Director.

9.4 RIGHTS OF PROBATIONARY EMPLOYEES

- A. A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list with the approval of the Classified Personnel Director. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- B. 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 before the probationary period is completed, the employee's name shall be restored to the eligibility list. The time he/she has served shall be credited subsequent to his/her probationary period in the same class.

9.5 RIGHTS OF PERMANENT EMPLOYEES IN PROBATIONARY STATUS

- A. An employee who has permanent status in the classified service and who has been promoted to a higher class or involuntarily transferred, may be demoted involuntarily during the probationary period to his/her former class. The employee shall be notified in writing of the action. The employee shall not have the right of appeal.
- B. A permanent employee who is suspended, dismissed, or demoted to other than his/her former class of employment shall, during his/her new probationary period, retain full Commission rights of appeal of a permanent employee.

RULE X – PROMOTION

10.1 ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

Any employee in the classified service who has attained permanent status in his/her current classification or meets the minimum qualifications of education, training, experience, and length of service determined by the Commission to be appropriate for the class for which he/she has applied, and whose last performance evaluation has been satisfactory, shall be eligible to compete in the examination.

10.2 PROMOTIONAL LISTS AND APPOINTMENTS

- A. Whenever practicable, vacancies shall be filled by appointment from promotional eligibility lists.
- B. Advancement to a higher salary range for a related classification and involving a change of position and duties shall be deemed a promotion.

10.3 PROBATIONARY SERVICE IN PROMOTION

An appointment from a promotional eligibility list shall be subject to the provisions of Section 9.1 of these Rules and Regulations.

10.4 EXAMINATION AFTER DEMOTION

- A. No employee with permanent status in a class who has been demoted from a higher class during probation, in accordance with Section 9.5 of these Rules and Regulations, or who has been demoted after attaining status in a higher class, in accordance with other sections of these rules, shall be admitted to succeeding examination for the same class from which demotion occurred until the period of one (1) year shall have elapsed after the action of the Board of Trustees ordering the reduction in rank of such employee and on the approval of the Classified Personnel Director.
- B. An employee affected by Item A above may participate in any examination for another class for which the employee meets the minimum qualifications of the class.

RULE XI – TRANSFERS

11.1 TEMPORARY ASSIGNMENTS TO OTHER DUTIES

- A. An employee may be required to work out of classification on a temporary basis.
- B. An employee serving out of his/her classification for a period of more than five (5) work days in a fifteen (15) calendar day period in a higher position shall be paid for the entire period he/she is required to work out of classification at Step A of the range allocation of the higher level position. In the event that this step is lower than the employee's present salary, the employee shall be paid on the next step of the salary range that provides a 5% compensation increase.
- C. An employee may be required to work on a temporary basis in a position allocated to the same salary range without consideration of a compensation reallocation. In such cases there will be no salary adjustment. An employee required to work in a lower classification on a temporary basis will receive no reduction in his/her salary.

11.2 PERMANENT EMPLOYEE TRANSFERS

- A. Within the same class - An employee may be involuntarily transferred from one position to another in the same class upon the recommendation of District management.
- B. To a related class - An employee may be involuntarily transferred to a position in a related class at the same salary level with the approval of District management. The Classified Personnel Director shall determine whether or not classes are reasonably related based on similarity of:
 - 1. Essential job duties
 - 2. Requirement to participate in open examinations
 - 3. Minimum qualifications for successful performance
 - 4. Promotional field (above and below)
- C. An employee with permanent status may request a transfer in writing to the Human Resources Office. The request must be approved by the receiving supervisor.

- D. Transfer requests may not take precedence over other methods of appointment. All such requests for transfer shall be retained for a period of one (1) year.
- E. Status attained by transfer - A permanent employee, upon transfer to another position in the same class, shall retain permanent status in the class in which permanent status was attained. A permanent employee transferred to a related class shall attain permanent status after six (6) months' probationary service in that class.
- F. A permanent employee shall receive no loss of benefits or compensation as a result of an involuntary transfer.
- G. A permanent employee involuntarily transferred to a position in the same class shall retain seniority earned in that class.
- H. Reasons for involuntary transfer shall be explained to the employee by the employee's immediate superior. Involuntary transfer requires the authorization of the Classified Personnel Director.
- I. Transfer shall not be used to alter the incidents of an impending layoff.
- J. A permanent employee who voluntarily transfers to a position in a related class shall not transfer seniority rights earned in the former class. The employee shall earn seniority in the new class following the effective date of transfer. If the employee returns to the former class of service, the employee shall not be credited with the seniority earned in the class to which the employee was transferred, but retains seniority in the previous class.

11.3 PROVISIONAL ASSIGNMENT TO A HIGHER CLASS

An employee with permanent status in any class who vacates his/her position to accept a position as a provisional employee in a higher class in line of promotion, and for which no eligibility list exists, shall be restored to his/her former position and class provided he/she is not appointed permanently to a position in a higher class.

RULE XII – LAYOFFS

12.1 LAYOFF PROCEDURE

- A. Whenever it becomes necessary to layoff classified employees because of a lack of work or lack of funds, such layoffs shall be conducted in accordance with the procedures set forth in the applicable sections of the Education Code. The layoff of incumbents shall be made in inverse order of seniority in the classification in which layoff occurs.
- B. "Reemployment list" means a list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reasons specific in these rules, and who are eligible for reemployment without examination in their former class arranged in order of their right to reemployment.
- C. "Length of service" or "Seniority" shall include all hours in paid status as a regular employee, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 45128 of the Education Code, nor any hours compensated for in a provisional, substitute, or limited-term position.
- D. The Walnut Valley Unified School District shall notify the affected classified employees in writing a minimum of sixty (60) calendar days prior to the date of any layoff for lack of work or funds. The notice to the affected employee shall specify the reason for the layoff and be given by personal delivery or by certified mail to the last known home address of the employee on file in the Human Resources Office. Failure of the employee to retrieve delivered mail or respond to notifications by the U.S. Postal Service of attempted delivery, shall not be grounds for voiding notification or the staying of the timelines outlined in these rules. For purposes of this rule, if a notice is mailed, the second working day following the postmark date of the notice shall be considered to be the official date of receipt.

Education Codes: 45117, 45260-45261

- E. Any notice of layoff shall include the following items:
1. The reason for the layoff
 2. The employee's displacement rights, if any
 3. The employee's reemployment rights
 4. The right to an exit interview with the Classified Personnel Director or designee, during work hours, with a representative of the exclusive bargaining unit present (if applicable to the position)

12.2 ORDER OF LAYOFFS

In the event of layoff, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Classified employees who have been laid off shall have the right of reemployment. Reemployment shall be in the reverse order of layoff.

12.3 LIMITED-TERM OR PROVISIONAL EMPLOYEE LAYOFF RIGHTS

A limited-term or provisional employee may be released at any time without regard to the layoff procedure set forth in this rule.

12.4 DEMOTION IN LIEU OF LAYOFF

- A. In lieu of being laid off, an employee may elect demotion to any classification with the same or lower maximum salary in which the employee had previously served under a permanent or probationary appointment and in which the employee holds seniority rights greater than those of the incumbents.
- B. An employee displaced by such a demotion shall have the same option of demotion afforded by this rule as if his/her position had been abolished or discontinued.
- C. An employee who is laid off may elect demotion to a lower classification in which the employee has not served in a permanent or probationary status if there is a vacant position in the lower classification and if the employee meets the qualification standards of that class.
- D. In the event an employee has held permanency in a lower class which has been abolished or has been modified by the restructuring of a series, he/she may

bump into a position within the new structure which is comparable to the previous position the employee held, if he/she meets the qualifications of that position and is more senior than an incumbent.

- E. An employee who has accepted demotion in lieu of layoff has the right to be reemployed, in accordance with seniority rules, in a vacant position in the employee's former class within thirty-nine (39) months after demotion. Intervening reassignments to other classes shall not abrogate that right. If the employee has not been reemployed in that former class within thirty-nine (39) months, eligibility shall be retained for appointment to a vacant position in that class without examination for an additional twenty-four (24) months, provided that the same test of fitness under which the employee qualified for appointment to the class shall still apply.
- F. The laid-off employee may decline three (3) offers of employment before relinquishing his/her position on the list. If an employee on a reemployment list refuses the third offer of employment, no additional offers will be made, and the employee shall be considered unavailable for work and to have waived any and all reemployment rights.

12.5 BUMPING RIGHTS

An employee in the classified service who is laid off from a class, and who has previous service in an equal or lower class, shall have the right to displace a less senior employee in that equal or lower class. Seniority for purposes of bumping shall include the total of the previous service in the equal or lower class plus service in the class from which layoff occurs, and in higher classes. In the event of a layoff, the following bumping priorities will apply:

- A. An employee whose position is eliminated or reduced shall first be placed in a vacant position with an equal assignment in the same class.
- B. If the previous option is unavailable, the employee will be allowed to displace in a position providing an equal assignment in the same class and which is occupied by the least senior employee in the class with the same number of assigned hours.

- C. If the previous option is unavailable, the employee will be allowed to bump into a position with less assigned time in the class that is closest to the employee's current assigned time, and which is held by a less senior employee in the class.

RULE XIII – RESIGNATIONS

13.1 RESIGNATIONS

When an employee desires to resign from his/her position, the employee shall present a resignation notice in writing to the Classified Personnel Director or designee, who may accept the resignation in accordance with Board of Trustees policies. Failure of an employee to provide a minimum of two (2) weeks' notice of resignation may disqualify him/her from subsequent reemployment by the District.

13.2 APPOINTMENT AFTER RESIGNATION

A former employee who resigned, and within thirty-nine (39) months of the last day of paid employment is appointed to a class other than that held at the time of his/her resignation, from a valid eligibility list pursuant to these rules, shall be accorded only the benefits and rights of a probationary employee.

13.3 FAILURE TO REPORT DEEMED AN ABANDONMENT

An employee who fails to report for duty for three (3) consecutive working days without notification and approval of the District shall be deemed to have abandoned his/her position. An employee who fails to return from a leave without notification and approval of a leave extension shall be deemed to have abandoned his/her position. Permission to extend a leave of absence must be requested through Human Resources and approved by the Classified Personnel Director.

RULE XIV – SUSPENSION, DEMOTION, DISMISSAL

14.1 CAUSE FOR SUSPENSION, DEMOTION, DISMISSAL

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

- A. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty.
- B. Discourteous treatment of the public or fellow employees, or any other willful failure of good conduct tending to injure the public service.
- C. The willful or persistent violation of the provisions of the Education Code or rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission.
- D. Dishonesty, habitual drunkenness, immoral conduct, or addiction to the use of drugs and alcohol.
- E. Political activities engaged in by an employee during his/her assigned hours of employment.
- F. Conviction of a felony or crime of moral turpitude by court of competent jurisdiction, failure to disclose material facts regarding criminal records, or other false or misleading information in application forms or employment records.
- G. Frequent requests to be absent from service, thereby resulting in disruption and loss of efficiency in the operating unit in which the employee is assigned.
- H. Misuse of sick leave and other leave privileges.
- I. Excessive absenteeism for unauthorized reasons.
- J. Knowing membership by the employee in the Communist Party.
- K. Advocacy of overthrow of the Government of the United States by force, violence or unlawful means.
- L. Abandonment of position or failure to return to work without notification or permission within three (3) days following an authorized absence.

- M. Misuse or theft of public or private property, misappropriation of District funds or being an accomplice in any of these practices.
- N. Offering anything of value, or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- O. Causing damage to public or private property or causing waste of public supplies through negligence or misconduct.
- P. Discrimination against others because of association, race, color, religion, sex, national origin, age, ancestry, medical or disability, employee organization membership or non-membership.
- Q. Carrying out a verbal assault or physical attack on a pupil, a member of the public, another office employee or a District official.
- R. The uninsurability of an employee to drive a District vehicle when such is a requirement of the employee's position.
- S. Ethnic, racial, religious 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).
- T. Any willful failure of good conduct tending to injure the public service or its reputation, with particular regard to students.
- U. The employee's inability despite reasonable accommodation to perform the essential functions of the class in which they are employed.

This would not preclude his/her demotion to another position which he/she is physically able to perform, but does make it clear that if he/she is unable to perform the essential functions, with or without reasonable accommodation, then his/her employment with the District may be terminated.
- V. Failure to meet basic job requirements or loss of a license necessary to perform services.

14.2 NO DISCRIMINATION PERMITTED

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her affiliations, political or religious acts or opinions, age, race, color, gender, disability or marital status, except as expressly permitted by state or federal law.
- B. No employee shall engage in political activities during his/her assigned hours of employment.

14.3 POLITICAL ACTIVITY

- A. The following will be evidence of political activity as that term is used in the act:
 - 1. Candidacy for any public office, the duties of which, either by their nature or by the time required to perform them, are inconsistent with employment with the District.
 - 2. The use of any District property, equipment, or facility for any political purpose.
 - 3. The use or attempt to use the fact of District employment as an influence on behalf of any candidate for public office.
 - 4. The support or advancement of the candidacy of any person in return for any favor or advantage, monetary gain, threat, or other consideration, either actual or implied.
 - 5. Engagement in active campaigning on behalf of any candidate for public office, whether by speaking, soliciting funds or support, distributing hand bills, in uniform, or otherwise, during his/her assigned hours of service.
- B. Upon request, a leave of absence shall be granted to an employee wishing to run for any public office.

14.4 PROCEDURE TO BE FOLLOWED IN SUSPENSION

The Board of Trustees, through its proper agent, or the Superintendent or designee may suspend an employee for not more than thirty (30) days without pay for any of the causes set forth in Section 14.1 of these rules.

SUSPENSION WITHOUT PAY

When an employee's actions are cause for disciplinary action, as stipulated in these rules, that employee may be suspended immediately, without pay, subject to the following conditions:

1. An immediate supervisor or manager may suspend an employee for a period not to exceed two (2) working days in addition to the balance of the day the suspension takes place. Note: The applicable minimum salaried hours for the identified "balance day" will be paid to the employee.
2. The immediate supervisor shall verbally, and within twenty-four (24) hours, in writing, inform the employee of the specific acts or omissions causing such suspension and shall immediately notify the Classified Personnel Director or designee of such suspension.
3. The appointing power of its proper agent shall file written charges with the Commission within three (3) days following the effective date of any suspension. The Classified Personnel Director shall, within ten (10) days of the date of suspension, furnish the employee with a copy of the charges filed against him/her. The intent of this provision shall be deemed to have been carried out if a registered letter has been mailed to the last known mailing address of the employee which is on file in the Human Resources Office.

14.5 DEMOTION AND DISMISSAL OF PERMANENT EMPLOYEES

A permanent employee may be reduced in rank or dismissed for any of the causes set forth in Section 14.1. Charges filed against a permanent employee shall be stated in clear and concise language.

14.6 SERVICE UPON AN EMPLOYEE

Within ten (10) days of the date of suspension, demotion, or dismissal, a copy of the charges must be served upon the employee by the Classified Personnel Director. The provisions of the section shall be deemed to have been complied with, if a copy of said charges is deposited in the United States mail, addressed to the employee at his/her last known mailing address which is on file in the Human Resources Office.

14.7 APPEAL PROCEDURE

The employee so suspended, demoted or dismissed may appeal to the Commission within fourteen (14) days after service upon him/her of the charges, by making a written answer to such charges and filing said answer in the Human Resources Office. Appeal can be made only on the following grounds:

- A. That the procedures set forth in these rules have not been followed.
- C. That the removal was made because of affiliations, political or religious beliefs or opinions, race, color, or marital status.
- D. That the charges made do not constitute sufficient cause for the action taken.
- E. That the action taken was not supported by the evidence.
- F. That there has been an abuse of discretion.

14.8 TIME AND CONDUCT OF HEARING

- A. After the employee has made and filed his/her appeal and answer to the charges against him/her, the Classified Personnel Director shall investigate the matter and may require further evidence from either party. The Classified Personnel Director shall fix the time and place of the hearing of said charges which will be within a reasonable length of time from the receipt of the appeal. The investigation and hearing shall be confined to the reasons for action as charged by the appointing power and the relevant defenses set forth in the appeal and answer.
- B. The Classified Personnel Director may appoint a hearing officer or representative to conduct the hearing to report findings and recommendations to the Commission. Such recommendations shall not be binding on the Commission.

The authorized person conducting the hearing may:

1. Administer oaths
2. Subpoena and require attendance of witnesses
3. Compel production of papers and other relevant materials

4. Take depositions of witnesses as prescribed by law in civil cases before Superior Courts of the State
- C. The representatives of the appointing power shall first present evidence in support of the charges to the Commission. The appealing employee shall then have the right to present evidence. Witnesses called by either party shall be subpoenaed by the Commission at least seventy-two (72) hours prior to the date of the hearing. A list of witnesses shall be submitted to the Commission at least one week prior to the date of the hearing. No one will be permitted to testify who is not on the submitted list unless good cause is shown why the name was not submitted. At the conclusion of the hearing, the matter shall be given consideration, in closed session, after which a decision shall be rendered. The accused employee may waive his/her rights to a public hearing.
- D. Testimony of all witnesses shall be presented orally at the hearing. If, in the opinion of the hearing officer or Commission, the witness has good and sufficient reason for being unable to be present, written testimony will be accepted under the following conditions:
1. Such evidence must be submitted by sworn affidavit of the witness. The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness, and shall not contain any conclusions of the witness, except that a witness who qualifies as an expert may express his/her opinion based upon the facts about which he/she has expertise.
 2. Copies of all such affidavits must be filed with the Commission and the other party to the hearing at least seven (7) days prior to the date of the hearing.
 3. The other party does not request to cross-examine the affiant prior to the taking of testimony of any witness at the hearing.
 4. The Commission may reject any such affidavit submitted which fails to comply with any of the foregoing conditions.

14.9 TECHNICAL RULES OF EVIDENCE NOT FOLLOWED

All hearings conducted by a hearing officer, or before the Commission, shall be governed by the above procedure. In the conduct thereof, neither the Commission nor any Commissioners, nor the Personnel Director, nor other authorized agent of the Commission, shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the Commission, any Commissioner, the Classified Personnel Director, or any authorized agent of the Board shall invalidate any order, decision or rule made, approved or confirmed by the Commission.

14.10 FINDINGS AND JUDGMENT OF THE COMMISSION

The findings and judgment of the Commission, arrived at by majority action, shall be rendered in written form within thirty (30) days after the hearing is completed. Copies shall be provided to the appointing authority and the appealing employee.

14.11 FAILURE TO APPEAL OR ANSWER

If the accused employee fails to appeal within the time provided herein, or if the accused employee files written notice of appeal but does not file a written answer as provided herein, the order of suspension, demotion or dismissal shall be final without further action of the commission.

14.12 CHARGES BY CITIZENS

A citizen, for proper cause, may prefer charges against an employee in the classified service by filing written charges with the appointing authority or its proper agent. The appointing authority may make such investigation and shall take such action as it deems proper. If its decision results in suspension, demotion, or dismissal, the procedures set forth in this rule shall be followed.

14.13 DISMISSED OR CONVICTED EMPLOYEES NOT ELIGIBLE

Any classified employee dismissed from employment shall be removed from all eligibility lists and may not take examinations thereafter without specific consent of the Board of Trustees. Any eligible or employee convicted of a felony shall be dismissed from the service of the District, and shall have his/her name stricken from eligibility lists with no right to appeal to the Commission.

RULE XV – ABSENCE FROM DUTY

15.1 ATTENDANCE AT WORKERS' COMPENSATION HEARINGS

- A. When an injured employee of the District appeals the decision of the Workers' Compensation carrier in rejecting liability in his/her case and, when in the interest of justice and protecting the legal rights of the injured employee and the District, it is necessary for other District employees to attend the appeal hearing, they shall attend without loss of salary.
- B. Arrangements for employee's appearance at an appeal hearing shall be made by the Human Resources Office, subject to the approval of the Classified Personnel Director or designee.

15.2 RELEASE TIME FOR PERSONNEL RELATED EXAMINATION

Any employee in the classified service of the District shall be permitted to take any examination given by the Human Resources Office during the employee's regular working hours without deduction of pay or other penalty. This paid release time shall be valid only with written authorization to take the examination signed by the Classified Personnel Director or his/her designee. The employee shall provide at least two (2) days' notice to his/her immediate supervisor.

Attendance at Interview: Any employee in the classified service of the District shall be permitted release time to attend an interview for promotion or transfer in the District during his/her regular working hours without deduction of pay or other penalty. The employee shall provide notice to his/her immediate supervisor as soon as possible after notification by the Human Resources Office of the interview time.

15.3 ADDITIONAL LEAVES

- A. An employee on leave of absence, may not accept other gainful employment with another employer, except ordered military service, without prior approval of the Board of Trustees.
- B. Casual Absences: Department heads shall have the discretionary power to grant full-time employees permission to be absent, without loss of salary, for parts of

a day not to exceed one-half day, when good reasons (emergency) for such absence exist. Such absences must be made up within the pay period.

RULE XVI – COMPENSATION

16.1 INITIAL SALARY PLACEMENT

- A. All new regular classified employees shall be paid in accordance with the salary range established for the class to which assigned. The hiring rate will normally be the first step of the salary range. However, a new employee may be provided with advanced step placement by the Classified Personnel Director or designee based upon such factors as:
1. Additional qualifying experience beyond that required for entry into the class.
 2. Additional education at the college level (limited to no more than one step for each two (2) years of education related to the position), but beyond the educational requirements established for entry into the class.
 3. Exceptional recruitment difficulties for the classification.
 4. The additional skills or qualifications of the candidate that make him/her especially qualified for the position.
- B. Substitute employees who have been previously employed as regular full-time District employees shall be paid at the step on which they were placed immediately prior to their termination. They shall not, while in substitute status, advance to the next higher step if they are substituting in their previous classification and shall not be entitled to benefits extended to regular employees, such as vacation and medical benefits.
- C. Emergency, provisional, limited-term, and restricted employees shall be placed at Step 1 of the salary range in the classification to which they are assigned. They shall not be entitled to yearly increments of benefits such as vacation or holiday pay.

16.2 SALARY ADVANCEMENT WITHIN A CLASS

- A. A regular classified employee appointed at Step 1 of the appropriate salary range shall be entitled to be allocated to Step 2 after completion of one (1) year of service.

- B. Employees shall advance on the salary schedule each year on their anniversary date providing:
 - 1. Employment has been continuous for a year on a nine and a half (9 ½), ten (10), ten and a half (10 ½), eleven (11), or twelve (12) month basis.
- C. The District reserves the right to correlate in-service training requirements with classification advancements. All employees shall be required to attend any such meetings called by their immediate supervisor or other District official. Employees may be excused at the discretion of the immediate supervisor or next level manager.
- D. Anniversary Dates:
 - 1. Only a full month's employment shall be considered in establishing anniversary dates and correlated benefits. Any portion of a month shall be considered a partial month.
 - 2. Leaves, other than those for industrially connected accidents or illness, which are granted, shall cause the employee's anniversary date to be advanced by the number of days of such leave.
 - 3. Upon promotion, an employee's anniversary date shall be changed to the first day of that month if the employee is promoted from the 1st to the 15th of the month. The anniversary date will be the first of the succeeding month if the employee is promoted from the 16th to the end of the month.

16.3 SALARY AFTER PROMOTION, RECLASSIFICATION, OR ASSIGNMENT
TO A HIGHER SALARY RANGE

When an employee is promoted to a position in a class with a higher salary range, the new salary shall be at a rate of approximately 5% above the present rate.

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