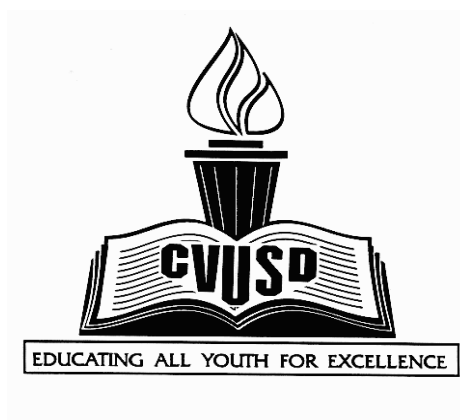


PERSONNEL COMMISSION

RULES & REGULATIONS



CASTRO VALLEY

UNIFIED SCHOOL DISTRICT

January 2019

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INTRODUCTION

The Rules found herein are a result of considerable research to satisfy all provisions of the Education Code and related administrative policy. Although the Rules are flexibly tailored to the needs of the Castro Valley Unified School District, we readily recognize that as the Rules are applied, there will be need for revision, amendment, and addition.

The Rules have been:

1. Revised by the Personnel Commission
2. Reviewed and commented by employees and employee representatives
3. Approved by the Personnel Commission

The Personnel Commission is always open to recommendations and encourages public input in all aspects of the Commission's endeavors.

THE MERIT SYSTEM

The Personnel Commission, as a separate agency authorized by the State to be responsible for certain personnel matters affecting Classified School Employees, has approved the enclosed Rules and Regulations consistent with its jurisdictional authority as described in the Education Code. Merit System Law (Education Code provisions in Division Four, Chapter Five, Article 6) provides that Classified Employees are selected, retained, and promoted on the basis of merit and fitness exclusive of discrimination due to race, color, age, religion, political affiliation, marital status, sex, disability and other areas protected by federal and state laws. The Merit System means that an impartial body is responsible for implementing and interpreting Merit System Rules and adjudicating appeals on those facets of employment within its purview.

Through administration of the Classified Merit System, the Commission shall strive for:

- * Equal treatment for all classified personnel and applicants for employment.
- * Protection of individual rights as well as the rights of the Classified Service, pursuant to rules and regulations adopted for the Classified Service.
- * Maintenance of harmonious relationships with the Governing Board.

The Commission shall have jurisdiction over and the responsibility over the following activities:

- * Establishment of the general policy governing the administration of a comprehensive Merit System.
- * Appointment of the Personnel Administrator and commission staff.
- * Development and adoption of an annual budget.
- * Development of the procedures for the hearing of Classified Personnel appeals.

ARTICLE 1 - DEFINITION OF TERMS

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

ACT OR THE ACT:

The Act shall mean those sections of the Education Code of the State of California applying the merit system to classified employees in certain school districts. It shall include all of the provisions of Article 6, Chapter 5, Division 3.

ADJUSTMENT CLASS:

One of the classes meeting the criteria outlined in the rule on overtime. Incumbents of positions in such classes do not receive payment or compensating time off for overtime work. (Also known as “Confidential Employees.”)

ADMINISTRATIVE CLASS:

One of the classes meeting the criteria under the Fair Labor Standards Act which exempt incumbents from receiving payment or compensating time off for overtime.

ADVANCED STEP PLACEMENT:

An initial hiring rate other than the beginning range for the class, which must be specifically authorized by the Personnel Commission for the particular class. Such rates are based upon anticipated or actual recruitment difficulties. See also Salary Range.

ALLOCATION:

The placement of a class on a salary range or rate.

ALTERNATE ELIGIBILITY LIST:

Designation of an eligibility list as appropriate for certification of names for use in making appointments in an equal or lower class of which entrance qualifications are similar.

ANNIVERSARY DATE:

The date upon which an employee is granted an earned salary increment. The anniversary date shall be the first of the month in which the employee completes six months of satisfactory service, or if the completion of the probationary period

falls after the 15th of the month, the anniversary date shall be the first of the following month.

APPEAL:

A protest by an employee regarding an administrative action, actually or potentially detrimental to the employee.

APPLICANT:

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

APPOINTING AUTHORITY OR POWER:

The Board of Education of the Castro Valley Unified School District.

APPOINTMENT:

The official act of the appointing authority in approving the employment of a person in a specific position.

APPRENTICE:

An employee assigned to an established apprenticeship position requiring paid on-the-job and unpaid classroom training in accordance with the Apprenticeship Standards of the District

ARMED FORCES:

The United States Air Force, Army, Coast Guard, Marine Corps, National Guard, Navy and Reserved Forces thereof.

ASSIGNMENT:

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

ASSIGNMENT BASIS:

Authorized employment in relationship to the number of hours per week and months per year for a specific position.

BEREAVEMENT LEAVE:

A paid leave of limited duration granted to an employee upon death of a member of the employee's immediate family or household.

BREAK IN SERVICE:

Severance of an individual's employment relationship with the District. The break in service may be canceled by subsequent reemployment within 39 months.

BUMPING RIGHTS:

The right of an employee under certain conditions to displace an employee with less seniority in a class.

CANDIDATE:

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

CAUSE:

The grounds for discipline identified within these Rules as being subject to disciplinary action or offenses enumerated in the law. No disciplinary action may be maintained for any 'cause' other than as defined herein.

CERTIFICATED SERVICE:

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

CERTIFICATION:

The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing power who will select an eligible.

CHANGE OF LOCATION:

The reassignment of an employee from one position to another position in the same class, but in a different administrative unit.

CHANGE OF SERVICE ASSIGNMENT:

An employee's change from the certificated to the classified service of the District or vice versa.

CIVIL SERVICE:

All the government departments of a state and the people who work in them.

CLASS:

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

CLASS DESCRIPTION:

A formal statement, approved by the Personnel Commission, of the nature and level of duties and responsibilities of the positions in a class and containing the qualification requirements of the positions in the class (also known as Class Standard).

CLASSIFICATION:

The act of placing a position in a class.

CLASS STANDARD (JOB DESCRIPTION):

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

CLASSIFIED SERVICE:

All positions in the District's service to which the Act applies and which are not in the certificated service.

COMMISSION:

See Personnel Commission (used interchangeably in these rules).

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 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 salary range with a lower maximum rate.

DIFFERENTIAL:

Salary allowance in addition to that basic rate or schedule based on additional skills, responsibilities or night work; or means a reduction in the number of hours required to be actually worked. Also, the size of the interval between salary schedules, salary ranges, rates of related classes. Differential is also within the scope of collective bargaining.

DISABILITY:

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

DISCHARGE OR DISMISSAL:

Separation from service for cause in accordance with Personnel Commission rules; requires action by the Board of Education.

DISCIPLINARY ACTION:

Includes any action whereby an employee is deprived of any classification or any incident of any classification in which they have permanence, including dismissal, suspension, demotion or any reassignment, without their voluntary consent, except a layoff for lack of work or lack of funds.

DISCRIMINATION:

The actual behavior towards members of a group protected under federal and/or state laws involving the exclusion or restriction of members of that group from opportunities that are available to other groups.

DISTRICT:

The Castro Valley Unified School District.

DUAL/SENIORITY CREDIT CERTIFICATION:

A procedure authorized by the Personnel Commission under specific conditions that provides for certification from a combined eligibility list according to examination scores where promotional candidates have received seniority credit.

DUTIES STATEMENT:

A listing of the specific duties assigned to an individual position by the Governing Board.

ELIGIBLE:

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

ELIGIBILITY LIST:

A rank order list of the names of persons who have qualified in a merit system competitive examination.

EMERGENCY APPOINTMENT:

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

EMPLOYEE ORGANIZATION:

An organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer, as defined in the Government Code in Section 3540 et seq.

EMPLOYEE TYPES:

A person who is currently employed or on authorized leave of absence. Refer to
Probationary
Permanent
Limited Term Assignment
Restricted Position
Substitute Employee
Provisional Appointment

EMPLOYMENT LIST:

A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote (see demotion), be reinstated after resignation, or be reduced to limited-term status.

ENTRANCE MINIMUM QUALIFICATIONS:

Minimum mandatory experience and education qualifications prescribed for those who wish to compete in merit system examinations for a specific class.

EXAMINATION:

The process of testing and evaluating the fitness and qualifications of applicants. Refer to open and promotional examinations. An open examination is an examination which is not restricted to persons who are current permanent employees of the District; i.e. may be taken by any person otherwise qualified.

EXECUTIVE SECRETARY EXEMPTION:

A position approved by the Personnel Commission and exempt from specific provisions of these Rules in accordance with Education Code 45272.

EXEMPT CLASSIFIED:

Refers to those positions and employees exempt from the regular classified service as provided by Education Code sections 45256b, 45257 and 45258.

EXHAUSTED LIST:

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

FISCAL YEAR:

July 1 to June 30.

GOVERNING BOARD:

The Board of Education of the Castro Valley Unified School District.
(Synonymous with Appointing Authority or Power.)

GRANDFATHERING:

When job requirements or benefits are changed which would disqualify or adversely affect present employees, the employees may be retained and exempt from the change during the term of their employment.

GRIEVANCE:

An employee complaint concerning a violation of the collective bargaining agreement.

GROUP/JOB FAMILIES:

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

HEARING:

A formal proceeding to review, in the presence of the parties involved, evidence in connection with an action affecting an employee, about which the employee has filed an appeal.

HEARING OFFICER:

A qualified person authorized by the Personnel Commission to hear and make recommendations on appeals from disciplinary actions.

ILLNESS:

Any physical or mental condition preventing an employee from performing work duties.

ILLNESS LEAVE:

Paid or unpaid leave given to an employee because of illness or injury.

INCUMBENT:

An employee assigned to a particular position within a class.

INDUSTRIAL ACCIDENT OR ILLNESS LEAVE:

Absence because of injury or illness which arose out of and in the course of employment with the District.

INTERVIEW:

Part of the selection process of an examination for the purpose of evaluating the education, experience and personal qualifications of the candidates (also known as an oral interview). This term also applies to a meeting between an eligible and the appointing authority, or its designated representative, to discuss appointment to a specific position vacancy within the District.

INVESTIGATION:

A fact-finding procedure related to an appeal or complaint or other matter assigned by the District or Commission.

INVOLUNTARY LEAVE:

Paid or unpaid leave of absence resulting in the temporary removal of an employee from the workplace.

JOB AUDIT:

A personnel job evaluation technique by which a staff analyst may use various combinations of job audit questionnaires, personal interviews, as well as work site observations and conversations, to collect data on the actual duties, tasks and responsibilities of a position.

JOB TITLE:

The title assigned to a classification by the Personnel Commission. The District may suggest titles for new classifications.

LATERAL TRANSFER:

The reassignment of an employee without examination from one position to a position in a related class with the same salary range or hourly rate.

LAYOFF:

Separation from employment by reason of lack of work or lack of funds.

LEAVE OF ABSENCE:

An approved absence from duty, with or without pay, for a prescribed period of time from a class, with the right to return at the expiration of the period.

LIMITED TERM:

A term used in the Education Code to designate employment for periods not to exceed six months or employment during the authorized absence of a permanent employee. (Synonymous with temporary). (Education Code Section 45286).

LIMITED TERM EMPLOYEE:

An employee who is serving as a substitute for a regular employee, or serving in a position established for a limited and specified period of time of six months or less.

LOYALTY OATH:

A statement required of each new employee affirming their support of the United States and California Constitutions.

MERGING:

The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores of the eligibles.

MERIT SYSTEM:

A personnel system in which merit and fitness govern each individual's selection and progress in the service as outlined in Education Code Sections 45220-45320. (Synonymous with Civil Service.)

MILITARY LEAVE:

Authorized absence to engage in military duty pursuant to federal and/or state laws.

MINIMUM QUALIFICATIONS:

See Entrance Qualifications.

MULTIPLE ASSIGNMENTS:

An employee holding more than one regular assignment.

NEPOTISM:

Favoritism shown to a relative on the basis of relationship versus merit.

OPEN EXAMINATION:

An examination which is not restricted to people who are current permanent employees of the District, i.e. may be taken by any person otherwise qualified. See Examination.

PERFORMANCE EVALUATION: (See CSEA contract)

An evaluation of the work and conduct of an employee. Also refers to the form used for this purpose.

PERMANENT EMPLOYEE:

In reference to district employment status, an employee who has completed a probationary period of 130 work days in a class in the classified service. (Up to 260 work days may be required for management classes.) An employee must complete a probationary period in a class in order to attain permanent status in the classified service. (Education Code Section 45301.)

PERMANENT POSITION:

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

PERSONNEL COMMISSION:

The three-member body empowered by the Education Code, commencing at Education Code Section 45240, to prescribe and amend such rules as may be necessary to ensure the efficiency of the service and the selection and retention of employees based upon merit and fitness.

PERSONNEL COMMISSION STAFF:

Those persons appointed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

PERSONNEL ADMINISTRATOR:

As used in these Rules, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the Merit System under the provisions of law and the Rules and Regulations established by the Personnel Commission.

POSITION:

Any office or employment in the classified service as such is defined in Education Code Section 45256. A position consists of a group of duties and responsibilities, assigned by competent authority, and performed on a full or part-time basis by one individual.

POSITION CLASSIFICATION:

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

PROBATIONARY EMPLOYEE:

An employee who has not completed 130 work days (or up to 260 days for employees in management classes) in a class, and therefore has not completed the probationary period of the class.

PROBATIONARY PERIOD:

The trial period of 130 working days (or up to 260 days for employees in management classes) of paid service in a class as established by the Personnel Commission pursuant to Education Code Section 45301, immediately following an original or promotional appointment to a permanent position. The probationary period shall exclude time while employees are on leave of absence.

PROFESSIONAL EXPERT:

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

PROMOTION:

A change in the assignment of an employee from a position in one class to a vacant position in another class that includes a higher maximum salary rate.

PROMOTIONAL EXAM:

Examination which is restricted to employees that are permanent employees of the district.

PROMOTIONAL LIST:

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

PROVISIONAL APPOINTMENT:

A temporary appointment of a person to a permanent or limited-term position which is made in the absence of an appropriate eligibility list for a period of time not to exceed ninety consecutive days or 126 working days in any one fiscal year except when one is available on an appropriate eligibility list for a part-time position. (Education Code Sections 45287, 45288, 45289.)

PROVISIONAL EMPLOYEE:

A person employed while the examination process is being conducted to fill the position for less than ninety consecutive days or one-hundred twenty-six (126) days per fiscal year.

PUBLIC HEARING:

Specific items listed on the meeting agenda that allow for public input.

REALLOCATION:

Movement of an entire class from one salary schedule or range or hourly rate to another salary schedule, range or hourly rate on the basis of either internal or external alignment or a change in the salary-setting basis for the class.

RECLASSIFICATION:

The removal of a position or positions from one class and placement into another new or existing class, usually based on a change in duties, responsibilities, or class concept.

REEMPLOYMENT:

The act of returning to employment after severing employment.

REEMPLOYMENT LIST:

A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or other reasons specified in these rules and who are eligible for reemployment without reexamination in the class in which they held status or in a comparable or lower class.

REINSTATEMENT:

Reemployment after resignation and within 39 months in regular or limited-term status without examination to a position in the employee's former class or in a lower related class with restoration of employee benefits, pursuant to Education Code Section 45309.

The Personnel Commission may take action to reinstate an employee to active status if the employee prevails in a disciplinary hearing.

RESIGNATION:

A statement, in writing, from an employee requesting termination of their employment.

RESTRICTED EMPLOYEE:

A person employed in a position properly designated by the Appointing Authority as “restricted” (Education Code Sections 45105, 45108, 45259) shall be a classified employee for all purposes except that permanency for such a position shall not be considered in computing service required for bumping privileges or other related seniority benefits incompatible with the temporary or contractual nature of a given program, position, or assignment. Notwithstanding the above, after completion of a six-month probationary period (130 work days), a “restricted” employee may qualify by examination for regular classified status according to the provisions of Education Code Section 45105.

RIGHTS:

An entitlement bestowed by law or rule and that must be granted.

RULE OF THREE RANKS:

Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position. All eligibles with the same percentage score will be considered as having the same rank. (Education Code Section 45272.)

SALARY RANGE:

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

SALARY RATE:

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

SALARY SCHEDULE:

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

SALARY STEP:

A specific location in a salary range, not the dollar amount. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees.)

SALARY SURVEY:

The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry and/or other public agencies; also, the report of such data.

SENIOR MANAGEMENT:

Positions designated by the School Board which meet the requirements of Education Code Section 45108.5.

SENIORITY:

Status secured by length of service counted in hours or by the hire date. Used for determining order of layoff as well as for certain informal purposes such as, but not limited to determining transfer rights, overtime assignments, etc.

SEPARATION:

Leaving a position (includes resignation, dismissal, layoff, retirement, etc.).

SERIES:

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

SHIFT DIFFERENTIAL:

Additional pay for working unusual work schedules as defined by the applicable bargaining agreement.

STATUS:

The employee's present standing in the classified service.

STEP ADVANCEMENT:

Movement to a higher step of the salary range or schedule for a class as a result of having served the required time in paid status.

SUBSTITUTE EMPLOYEE:

A person employed to replace a regular employee who is absent from service. In addition, a substitute may be employed to fill a vacancy not to exceed 60 calendar days if the District is engaged in a procedure to hire a permanent employee.

SUSPENSION:

Temporary removal of an employee from a position.

TERMINATION:

Discontinue employment with the District due to disciplinary action.

TRANSFER:

The movement of a permanent employee from one position to another in the same or related class, without examination, when duties and responsibilities are similar, and having no difference in salary range.

UNSATISFACTORY SERVICE:

The performance of assigned duties in a manner or the failure to perform them, or the performance of actions while on duty, that are detrimental to the good of the service.

VETERAN'S CREDIT:

Additional five points awarded to veterans (Education Code 45294), or ten points for veterans disabled as the result of military service (Education Code 45295), for military or related service rendered during the time of war or national emergency and which are to be added to the final passing score of such person competing in an entrance examination. Must submit a DD214 prior to examination.

WAIVER:

The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list in one or more positions, locations or for a specific or unlimited period of time, not to exceed the limited duration of the employment 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.

WORK-WEEK:

A consecutive period of seven twenty-four hour periods.

WORK-YEAR:

The portion of the year for which work is authorized.

“Y” RATE:

A rate above the established rate or range of salary for a class, paid under certain circumstances to an employee upon authorization by the Personnel Commission, in accordance with established rule.

ARTICLE 2 - ESTABLISHMENT OF RULES/AMENDMENTS

2.1 Preliminary Statement

A. Statutory Authority for Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Article 6 (commencing with Section Education Code Section 45240) Chapter 5, and other provisions of the Education Code applicable to school districts that have adopted the merit system.

B. Interpretation and Application of Rules

1. The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived or ignored because of special circumstances of particular cases. Notwithstanding the foregoing, specific provisions of certain rules may be suspended or amended when such proceedings are necessary to continue the business of the district during a concerted labor action. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall be applied retroactively.
2. If the subject matter and procedure in a rule is within the scope of representation, as defined in Government Code Section 3543.2, a rule shall be applicable as follows:
 - a. If a collective bargaining contract contains the subject matter and procedure, the rule shall not apply to employees in the unit.
 - b. If a rule prescribes a procedure and contract does not, the rule shall apply to employees in the unit.

C. Generic Terminology

Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

D. Judicial Review

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

2.2 Enforcement of Merit System Law

- A. The Commission shall enforce the provisions of the Education Code and of these Rules. To that end, it may in accordance with the Education Code hold hearings, conduct investigations, administer oaths, subpoena witnesses, and require the inspection of records or information pertinent to investigation. The Commission may, in accordance with the Education Code, authorize a hearing officer or other representative to conduct any hearing or investigation which the Commission is authorized to conduct.
- B. The Commission may instruct such representative to present findings or recommendations. The Commission may accept, reject, or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the Commission may order.

2.3 Additions, Deletions, or Amendments

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered a “first reading” at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting. In case of an emergency the Commission will state the nature of the emergency requiring earlier action.
- B. No rule or amendment shall be adopted by the Commission until the exclusive bargaining representative for classified employees and the public school employer have been given reasonable notice of the proposal.
- C. At the “first reading” the Commission will set a date for Commission action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Personnel Administrator to refer the proposal to interested persons or organizations for comment and recommendation.
- D. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.
- E. In the event of a concerted labor action, new rules, or amendments to existing rules, established or amended for the specific purpose of ensuring the continuance of District business during such event, shall go into effect upon approval by the Personnel Commission, with the exception of those provisions that are subject to ratification by the Board of Education and those provisions which require the Board’s concurrence.

- F. Rules of the Personnel Commission requiring the expenditure of Board of Education funds shall be submitted to the Board of Education for concurrence before they become effective.

2.4 Suspension of Rule Provisions

- A. If the Personnel Commission has been advised by the Board of Education or the Superintendent that an actual or imminent concerted labor action has disrupted, or is about to disrupt, the business of the District, any Commission rule, or the specific provisions of any rule, may be suspended or amended by the Commission for such period of time as determined by the Commission, providing such suspensions or amendments do not conflict with specific provisions of law or existing collective bargaining agreements. Any such suspension or amendment will be limited, insofar as practicable, to classes, organizations or units of employees of the District who are involved in, or affected by, a concerted labor action.
- B. When the Personnel Commission has suspended or amended rules under the provisions of Paragraph 2.4A above, it may immediately adopt such emergency rules and amendments to existing rules as it may deem necessary to be applicable during the period of suspension or amendment of regular rules, or until such time as determined by the Commission.

2.5 Distribution of Rules

The rules of the Commission and copies of the Merit System Law (commencing with Education Code Section 45220) shall be made available to each permanent work site where employees report and shall be distributed to school libraries for loan to employees.

2.6 Rule-Making By the Commission

Adoption of rules by the Commission shall be in accordance with the provisions of the Act. (Education Code Sections 45260, 45261, 45262.)

2.7 Notice

Rules may be adopted or amended at any Commission meeting, subject to the following proviso. Any proposed rule or amendment shall be read at one meeting of the Commission and not acted upon until a subsequent meeting of the Commission, with an interval of at least two weeks, unless emergency circumstances require that the notice and two week period of consideration be eliminated, in which case the Commission shall indicate the nature of the emergency requiring this action. The requisite reasonable notice to the administration and employee organizations is to be accomplished by

publication/posting of the Commission agenda which lists the item of the proposed rule or amendment, while the text is mailed to packet recipients.

2.8 Who May Submit

Proposed rules or amendments may be submitted in writing for consideration by the Commission staff, any classified employee or their representative, the Governing Board, the administrative staff, or other interested parties. The Commission shall consider such proposals and act upon them as it deems proper and in accordance with law.

2.9 Effective Date

The normal effective date of a rule or amendment shall be the first of the month following action by the commission, except in instances when longer lead-time will be needed for proper implementation, and shall be indicated as part of the motion.

2.10 Review of Rules

The Commission periodically shall conduct informal review of the rules to determine the need for amendments.

LEGAL REFERENCES

Education Codes:

45220 - 45320 *Merit System*
45260 *Power of Personnel Commission to Prescribe and Amend Rules*
45261 *Subject of Rules*
45262 *Printing and Distribution of Rules*

Government Codes:

3543.2 *Scope of Representation*

ARTICLE 3 - THE PERSONNEL COMMISSION

3.1 Establishment of Commission and Merit System

The Castro Valley Unified School District has been a Merit System district since 1965.

3.2 General Functions of the Commission

Among the normal functions of the Castro Valley Unified School District Personnel Commission are the following:

- A. Serve as overseer of the Castro Valley Unified School District's merit system by enforcing the merit system and related statutory provisions.
- B. Appoint the Personnel Administrator.
- C. Adopt a budget, including staffing provisions, for the merit system and office activities, subject to approval of the County Superintendent of Schools.
- D. Review and approve qualifications for new classifications, after the Board of Education approves the duties.
- E. Review and approve classification plan guidelines.
- F. Review and approve reclassification recommendations of individual positions.
- G. Recommend salary range placement of classifications to the Board of Education.
- H. Approve and establish eligibility lists.
- I. Establish rules and regulations affecting the classified service (aside from those contained in relevant labor agreements), pertaining to the merit system.
- J. Review various personnel transactions making recommendations to the Board of Education on certain transactions.
- K. Serve as a hearing panel upon appeal from employees on appropriate matters.
- L. Monitor the administration of the District's Equity Action Plan as it pertains to classified employees.

3.3 Appointment of Commissioners

Members of the Personnel Commission are appointed by the State Superintendent of Public Instruction. (Education Code 45249.)

3.3.1 Terms of Commissioners

The term of each of the three Commissioners is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Personnel Administrator 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, 45247, and 45248.

3.4 Qualifications and Restrictions

- A. To be eligible for appointment or reappointment to the Commission, a candidate must have the following qualifications:
 - 1. Must be a registered voter.
 - 2. Must be a resident of the school district.
 - 3. Must be a known adherent to the principle of the Merit System.
- B. A Personnel Commissioner may not be:
 - 1. An employee of the same school district.
 - 2. A board member of the same school district or the same county board of education.
- C. A “known adherent to the principle of the Merit System” shall mean a person who, by nature of prior public or private service, has given evidence of supporting the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, it shall also mean a Commissioner who has clearly demonstrated support of the Merit System and its operation through meeting attendance and action. (Education Code Section 45247.)

3.5 Officers of the Commission

- A. The Commission shall annually elect one of its members to serve as Chair in December. The newly elected Chair will begin their term on January.
- B. A special election of the Commission Chair may be held whenever a vacancy occurs.

C. The Chair shall be the presiding officer at all regular and special meetings of the Commission.

3.6 Quorum

Two members shall constitute a quorum for any regular or special meeting of the Commission and the affirmative vote of two members shall be required to make any motion of the Commission effective.

3.7 Rules of Order of the Commission

The Personnel Commission shall be guided in the conduct of its meeting by Robert's Rules of Order.

3.8 Regular Meetings

- A. The Personnel Commission shall hold its regular meetings on the second Wednesday of each month at 4:30 p.m. in the Board of Education meeting room.
- B. The Commission may reschedule a regular meeting for some other time, date and/or place as may be ordered by the Commission, provided that at least 72 hours notice is given to all Commissioners, Administration, and employee representatives and posted on the Commission's official bulletin board. (Government Code Sections 54950 to 54961.)

3.9 Special Meetings

- A. Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two members.
- B. Written notice shall be delivered personally or by mail to each member of the commission.
- C. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, any recognized employee or other organizations.
- D. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice.
- E. A copy of the notice shall be posted on the Commission's official bulletin board. The order shall specify the time and place of the special meeting and business to be transacted. (Government Code 54956.)

- F. No business shall be considered by the commission other than that which appears on the posted notice and agenda.
- 3.10 Public Meetings
- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 3.12 (closed session). This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings, unless employees are authorized to do so.
- B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.
- 3.11 Addressing the Personnel Commission
- There are various ways for classified employees to have their concerns considered by the Personnel Commission.
- A. Consult with the Personnel Administrator - regarding the most effective way of having the particular problem addressed.
- B. Request placement on the Commission's agenda by calling or, preferably, writing to the Commission through the Personnel Administrator. Identify the subject, supply background information, and indicate the action which you wish the Commission to take.
- C. Address a memo or letter to the Castro Valley Unified School District Personnel Commission, c/o Classified Personnel Office, 4400 Alma Avenue, Castro Valley, CA 94546.
- D. Attend the meetings and present your item of concern or point of view during visitor's comments for an item not on the agenda.
- 3.12 Closed Session
- Closed sessions may be held in accordance with the provisions of Government Code Section 54957 to consider the appointment, employment or dismissal of any personnel commission employee or employees, or to hear complaints or charges brought against a personnel commission employee, or for evaluation of the Personnel Administrator. The Commission shall not consider any matter in closed session relating to an employee unless the employee has been notified of their right to a public hearing and has declined the public hearing or properly failed to request same.

Closed sessions may be held in accordance with the provisions of Government Code Section 54957.6 regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of personnel commission employees. The Personnel Commission shall also, in compliance with Government Code Section 54957.1 publicly report at the meeting during which closed session is held or at its next meeting, any action taken in closed session and the roll call vote thereon, to appoint, employ, or dismiss a Personnel Commission employee.

3.13 Prohibition of Commissioners Gathering Privately

Pursuant to Government Code 54952.2, individuals or groups who seek interviews with particular Commissioners as to matters which may later be placed before the Personnel Commission for decision shall be referred to the Commission staff office with the explanation that it is against the policy of the Commission to take up such matters except at open meetings with the majority of the Commission present.

3.14 Agenda and Supporting Data

- A. All agenda items for the next succeeding regular Personnel Commission meeting must be received by the Personnel Administrator with a letter of transmittal attached fourteen (14) days prior to the date of the regularly scheduled meeting.
- B. All requests for investigation of personnel problems related to alleged violations of Merit System Law or Personnel Commission Rules brought before the Commission or the Commission staff shall be made in writing and shall include specific pertinent facts.
- C. Agendas for regular meetings shall be posted at least 72 hours before the meeting, and agendas for special meetings shall be posted at least 24 hours before the meeting.

3.15 Minutes

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

3.16 Compensation of Members of Personnel Commission

Each Commissioner shall receive the sum of \$30 for each meeting attended in any one month, including regular, adjourned, or special meetings, but not to exceed a total of \$60 a month. (Education Code Section 45250.)

3.17 Status of Commission Employees

The Personnel Administrator and other persons required to carry out the responsibilities of the Commission shall be appointed by and responsible to the Personnel Commission.

3.18 General Duties of the Personnel Administrator

- A. The Personnel Administrator shall perform all the duties and carry out all of the functions imposed upon them by law and these rules. The Personnel Administrator shall act as secretary to the Commission, shall be free of prejudgment or bias in order to ensure the impartiality of the Commission, and shall issue and receive all notification on its behalf. They shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and rules necessary to the proper functioning of the office and staff of the Commission. (Education Code Section 45266.)
- B. The Personnel Administrator shall conduct classification, salary, and rules studies and shall make other investigations as directed by the Commission or as they deem necessary to their responsibilities.
- C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Administrator, subject to review by the Commission, on appeal.
- D. The Personnel Administrator shall keep such records as are necessary for transactions and reference and for making reports showing their actions, including: records of all examinations, eligible lists, records and files of employment, history of each employee, history of each position, classification plan, and correspondence. This includes maintaining the confidentiality of such records as appropriate.

3.19 Budget

- A. The Personnel Administrator shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April.

- B. The Commission shall hold a public hearing on its proposed budget no later than May 30th of each year. At the time the Commission schedules the public hearing, as required in Education Code Section 45253, it shall direct the Personnel Administrator to forward a copy of the proposed budget to the Governing Board indicating the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions that may be offered by the administration, the Governing Board or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Governing Board.
- D. If differences cannot be resolved, in the absence of agreement between the Personnel Commission and the Governing Board, the budget of the preceding year shall determine the amount of the new budget. (Education Code Section 45253.)
- E. When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 45253.

3.20 Annual Report

- A. The Personnel Administrator shall prepare, as required by Education Code Section 45266, an annual report of Commission activities as soon after each fiscal year as possible with a first draft presented to the Commission no later than November. The report shall cover Commission activities for the preceding fiscal year.
- B. When approved by the Commission, the annual report shall be submitted to the Superintendent and Board of Education.

3.21 Counsel for the Commission

The counsel of the Governing Board shall aid and represent the Commission in all legal matters, and if they refuse, fail to respond to the Commission's request, or if the Commission or legal counsel determines that a conflict of interest may exist, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the district.

3.22 Communication

Communications and requests shall, insofar as practicable, be in writing.

Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Administrator for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject. (Education Code Section 45260.)

3.23 Ethics and Beliefs

Statement of Ethics and Beliefs of Personnel Commission and Personnel Commission Staff:

We, the Personnel Commission and staff of the Personnel Commission of Castro Valley Unified School District shall honor and support the goals of the Board of Education;

We will implement the merit system with a blind eye to any particular group, reinforcing the principle that favoritism shall not enter into any decisions made by staff or the Personnel Commission;

We will make all decisions on the merit, free from partiality, prejudice or conflicts of interest and we will fulfill our responsibilities and use our positions to advance public interest, not for personal gain;

We will conduct all business openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials and employees accountable;

We will honor and respect democratic principles; observe the letter and spirit of the laws, carry out in good faith all rules and regulations of the Personnel Commission and policies of the Governing Board in the mutual interest of the employees, students, and the community we serve;

We will safeguard the public confidence in the integrity of the merit system and public service by avoiding appearances of impropriety and conduct unbecoming public officials and public employees;

We will treat all persons fairly, with respect and dignity; we will honor our responsibilities by behaving in a trustworthy and responsible manner; and we will conduct ourselves in an ethical manner free of conflict of interest at all times;

We will support the educational program of this District through efforts to recruit and provide to the District the most qualified classified employees possible;

We will ensure the efficiency of the classified service through well-defined processes free from partiality, prejudice, or conflicts of interest in recruiting, testing, selecting, promoting, and retaining qualified employees;

In that equal employment opportunity is a keystone of the merit system principles, and a diverse workplace is important in fostering strong relationships among people of different cultures, we will strive to ensure diversity in the candidates available for selection;

Service as an employee or a volunteer Commissioner in public schools is a noble one. We will fulfill our responsibility to the constituencies we serve (students, parents, community, District) to provide the best possible caring service in fulfilling our responsibilities.

LEGAL REFERENCES

Education Codes:

45243	<i>Composition of a Personnel Commission</i>
45244	<i>Qualification for Membership on Personnel Commission</i>
45245	<i>Appointment of Personnel Commissioners</i>
45246	<i>Announcement of Recommended Appointees; Public Meeting of the Governing Board</i>
45247	<i>Terms of Office</i>
45248	<i>Vacancies</i>
45249	<i>Procedure in School District Adopting Provisions on Effective Date of this Section</i>
45250	<i>Compensation of Members of Personnel Commission</i>
45252	<i>Office Accommodation of Personnel Commission</i>
45253	<i>Annual Budget of Personnel Commission</i>
45255	<i>Expenditure of Funds for Staff Training</i>
45260	<i>Power of Personnel Commission to prescribe and amend rules</i>
45264	<i>Accept resignations of Commission employees</i>
45266	<i>Accept resignations of Commission employees</i>
45313	<i>Legal Counsel</i>
45317	<i>Violations of Merit System</i>

Government Codes:

54950-54961 *Public Meetings*

ARTICLE 4 - POSITION CLASSIFICATION PLAN

The position classification plan shall include the classes adopted by the Commission, as described and defined in the class specifications and interpreted in these rules, the allocation of positions to classes, and the provisions for administration as provided in these rules.

4.1 Positions Included in the Classified Service

- A. All positions established by the Board of Education, which are not exempt from the classified service by law, shall be a part of the classified service of the District. All employees serving in the District's classified positions shall be classified school employees. The employees and positions shall be known as the Classified Service.
- B. Classification of a position shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.

4.2 Positions Exempt From The Classified Service

- A. The Commission shall classify all employees and positions within the jurisdiction of the Board of Education or of the Commission, except those which are exempt from the classified service, as specified in this rule or provisions of the Education Code.
- B. All requests for positions exempt from the classified service shall be subject to appropriate evidence of action by the Board of Education as required by law.
- C. Education Code Section 45256 specifies that the following are exempt from the classified service:
 - 1. Positions which require certification qualifications.
 - 2. Full-time students employed part-time.
 - 3. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Education Code Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 of Division 4 of this title and which is financed by state or federal funds. The District may employ such students pursuant to the Education Code. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

4. Apprentice positions.
5. Positions established for the employment of professional experts or community representatives on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission (Education Code 45258).

D. Professional Expert Positions

Definition: A professional expert is an individual, company or corporation engaged in an independent business of its own that provides personal services on a fee or contractual basis.

A professional expert designation is generally based on the following:

1. Approval of a committee of members of their own profession.
2. Certification or license to practice that profession by a governmental agency, if such a license is established.
3. Listing in such publications as the Biographical Personnel Administrator of American Men of Science or Leaders in Education where individuals are chosen for listing by members of their own profession.
4. Membership in professional honor societies limited to that profession.
5. An advanced degree from a recognized university, with a major in the field of that profession. Professional experts and independent services contractors are exempt from the classified service and obtain no permanency in the classified service regardless of the nature of the duties performed.

4.3 “Restricted” Positions in the Classified Service

- A. Positions not requiring certification qualifications created by a Governing Board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall be considered “restricted” as established by Section 45105 or Section 45259 of this code.
- B. Personnel employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as

that of persons selected for positions that are a part of the regular school program.

- C. They shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have completed at least 6 months of satisfactory service and have satisfactorily completed an applicable qualifying examination. Should such persons satisfactorily complete the examination, regardless of their final qualifying numerical standing on an eligibility list, they shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. Their service in the regular classified service shall be counted from the original date of employment in the "restricted" position.

(Education Code 45105, 45108, 45259.)

4.4 Establishment of Positions/Assignment of Duties

- A. Governing boards shall fix and prescribe the duties to be performed by all persons in the classified service and other positions not requiring certification qualifications of the school district, except those persons employed as a part of a personnel commission staff as provided in Article 6 (commencing with Education Code Section 45240).
- B. The board may recommend the minimum educational and work experience requirements for classified positions to the personnel commission. Minimum qualifications requirements shall be subject to approval of the Commission.
- C. The Board may designate the Superintendent or Personnel Administrator to act on its behalf to prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff.
- D. Whenever the Superintendent or a designated representative, such as a division or department head proposes to establish a new position, or to revise the duties of an existing position, a statement of proposed duties and the basis for request shall be presented in writing to the Personnel Administrator.
- E. The proposed duties of a new position, as recommended by the division/department head and as authorized by the Superintendent, shall be the duties to be prescribed for the position. The Board shall establish (fund) said classified position(s) before or after the Commission acts to classify position duties pursuant to these rules as long as it does so before the issuance of an announcement calling for a competitive examination to fill position vacancies.

4.5 Classification Plan

- A. 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.

- B. The Commission shall classify existing and new positions that include, 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
 - preparing written class specifications
- C. The Commission may create new classes and abolish or divide or merge existing classes with the classification plan, as the needs of the classified service require. In so doing, the Commission shall establish the relative ranking within occupational hierarchies.
- D. The Personnel Administrator shall be responsible for classifying positions to existing classes or recommending the creation of a new class to the Commission. In determining this action, all positions substantially similar as to duties performed and the responsibilities exercised by the incumbents for various positions, and as to their qualifications and requirements, shall be assigned to the same class and salary range.
- E. The classification plan shall consist of classes placed in groups according to general occupational nature and listed in a series by specific occupation.
- F. The Commission shall classify all employees/positions in the classified service with due advance notice to all interested parties.

4.6 Class Specifications

- A. For each class established by the Commission, the Personnel Administrator shall cause to be maintained in the office of the commission, in suitable form, official class specifications as approved by the Commission, including:
1. The official class title.
 2. For purposes of the American with Disabilities Act and the California Fair Employment and Housing Act, identification of essential functions to be performed by all incumbents of the class, including a summary of the duties and responsibilities.
 3. Distinguishing characteristics, when possible, giving the positions to be included and excluded from each class.

4. Minimum entrance requirements for admission to examination and regular service in the class including, a statement of the desirable qualifications for determining the skills, knowledge, abilities, licenses or certificates that are required as a condition of employment.
5. Examples of duties to be performed in positions allocated to the class.
6. The date the class specification was adopted and/or revised.
7. The type of supervision received and supervision exercised (when applicable).

B. The Commission may secure the assistance of any competent agency or person outside the District to prepare or assist in the preparation of such class specification.

4.7 Interpretation of Class Standard

- A. Class specifications and their various parts are hereby declared to have the following force and effect:
1. The class titles used in the classification plan are to be used as payroll titles and in connection with any personnel record or transaction.
 2. Class specifications are descriptive and explanatory only. They are not restrictive. They indicate the kinds of positions that are allocated to the respective classes but do not prescribe the 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 classification does not exclude others that are of a similar nature.
 3. In determining the class to which any position shall be allocated, the specification for each class is considered in its entirety and in its relation to others in the classification plan, and consideration shall be given to both the general and specific duties, the responsibilities and the qualifications required in relation to other classes.
 4. Education and experience patterns represent desirable recruitment qualifications. The education and experience patterns outlined in the class specifications are to serve as guidelines, not as absolutes, for admittance to the examination process for a particular class.
 5. The following personal qualification requirements apply to all classes even though not specifically mentioned in the specification: good physical

condition and agility and strength commensurate with the duties of the class; integrity, sobriety, industry, initiative, resourcefulness, dependability, good judgment, loyalty, ability to work cooperatively with others, and willingness and ability to assume the responsibilities and to conform to the conditions of work characteristic of the particular employment. This section does not restrict the Board of Education from employing the disabled.

6. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement of position vacancies and in the preparation of tests and other selection procedures as well as the evaluation of the qualifications of applicant/candidates seeking employment in positions allocated to the class, but does not require a particular form or content of test or testing (selection) procedure.

4.8 Classification of New Positions

- A. When a new position is established, the program administrator shall submit to the Personnel Administrator, a written statement of the duties to be performed and the responsibilities to be assigned.
- B. The Personnel Administrator shall study the information and determine whether the position shall be allocated to an existing class, or whether a new classification shall be created.
- C. If a new classification is required, the Personnel Administrator shall submit recommendations as to class specification and an appropriate salary range to the Commission for approval. All positions substantially similar as to duties performed, and responsibilities exercised, and as to qualifications required, shall be allocated to the same class.
- D. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Education.

4.8.1 Allocation of Positions Requiring a Special Language or Skill

- A. The Board of Education may request that the Personnel Commission designate certain positions within a class or classes to require the holder of the position to possess a special skill, license, or language. The Board of Education must clearly set forth valid reasons for requesting such special requirements. The duties of the position must be the same as those for all other positions within the classification, except for the special requirement.
- B. The Commission shall have the right to designate a differential salary rate to compensate incumbents in such special positions for their special skills.

- C. An announcement calling for an examination for a class with position(s) containing special requirements will contain appropriate information and will indicate that successful candidates possessing the special skill will be given preference over other successful candidates, but only as to those specific positions.
- D. When a vacancy occurs in a position which has approved special skill requirements, the position shall maintain the requirement for the special skill unless the Board of Education certifies that the special skill is no longer required for the position.
- E. If a request to designate a position in a class as requiring a special skill is challenged, the Personnel Commission shall cause a proper investigation to be made, and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

4.9 Changes in Positions

- A. Any substantial changes in the duties of existing positions shall be promptly reported in writing by supervisors, through proper channels, to the Personnel Administrator who shall then consider such changes to determine whether or not the position should be allocated to a different class or remain as currently allocated.
- B. If the Personnel Administrator finds that a position should be reclassified, such data shall be presented to the Commission for action including class specification, proposed class salary, proposed hierarchy placement, and a determination regarding “gradual accretion” (see 4.10 B), if relevant. The effective date of the reclassification shall be the date determined by the Commission.

4.10 Effect of Classification Changes on Incumbents

- A. Whenever, as a result of the creation, division, combination, alternation, gradual accretion of duties, or abolishment of classes of positions, the allocation of individual positions affects the incumbents of such positions, the Commission shall determine the status of the employees affected in accordance with the following procedures:
 - 1. When all positions in a given class are reallocated to a higher class or responsibility level, the incumbents of the positions who have been in the class for two or more years may be granted status in the higher class, as provided in Section 45285 of the Act, without competitive examination. An incumbent of a position for less than two years must secure status in

the higher class by passing a competitive or qualifying examination unless their present class or the examination they took to qualify for the present appointment encompassed the higher class duties, responsibilities or qualifications in which event status may be granted without further examination.

2. The basis for reclassification of the position must be gradual accretion of duties and not a sudden change occasioned by reorganization or the assignment of completely new duties and responsibilities.

No position classification or reclassification plan which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the public school employer of the classified employees who would be affected have been given reasonable notice of the proposed classifications or reclassifications as provided in Education Code Section 45285.5.

3. When a portion of the positions within a class are reallocated to a higher class or responsibility level, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reallocated, shall secure status in the higher class by passing a competitive or qualifying examination. An incumbent of a reallocated position for less than a two-year period referred to above must secure status by competitive examination.

In either case, however, if the present class of the incumbent or the examination they passed to qualify for the present appointment encompassed the higher class in duties, responsibilities, or qualifications, they may be granted status in the higher class without further examination.

4. A qualifying examination under this rule is defined as one in which only incumbents of reallocated positions may compete. They must meet the minimum qualifications, and the examination is rated as “passing” or “not passing” rather than relatively. The Commission shall determine those instances when equity and the good of the service require the holding of such examinations.
5. In the event of reallocation of a position to a lower class, the incumbent of such reallocated position shall be transferred to another position in their previous class if such position is available anywhere in the classified service. If such position is not available, the incumbent’s name shall be placed on the reemployment list for the class or for comparable or lower classes within a series, if they so request and are otherwise qualified, in accordance with their length of service as computed by layoff procedures.

6. Incumbents of positions reallocated to a class of the same level shall be granted status in the new class without further examination.

B. Definition of Gradual Accretion

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 within the assignment basis of the class or position. Determination as to gradual accretion will be based on an analysis of data to be supplied by the division or school, as well as the Personnel Commission staff, regarding the following guideline factors:

1. The nature and scope of each identified change in duties and responsibilities.
2. The exact or approximate date the incumbent began the performance of the newly required duties and responsibilities.
3. The conditions which led to the association of the added duties and responsibilities
4. Evidence of the employee's performance of the added duties and responsibilities.

4.11 Reclassification of Vacant Position(s)

If a reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

4.12 Notification of Reclassification

Notification of a recommendation for the classification or reclassification of a position or employee shall be given to the employee(s) affected, their exclusive representative, the employee's supervisor, and the District Administration before the classification proposal is adopted.

4.13 Effective Date of Reclassification

Reclassification of a position or positions shall become effective on the date prescribed by the Personnel Commission, but shall not have retroactive effect. Effective dates may be set as of the first day of the month following the date of the Commission's action, immediately or it may be set sufficiently in the future to allow time for an examination process to be completed, but not more than three (3) months from the date of the Commission's action.

4.14 Review of Positions

The Personnel Administrator or designee shall study individual positions as necessary to determine proper classification. All positions should be reviewed periodically. The District or employee may request a classification study by submitting a position description along with reasons for the study.

4.15 Re-employment List(s) for Displaced Incumbents

- A. The reclassification of all positions in a class automatically reclassifies the mandatory reemployment list (if any) for that class. The Personnel Commission shall also review the appropriateness of the current eligibility list for the class to determine whether or not it should be reclassified. Salary reallocations of classes shall have no effect on lists unless a specific finding to the contrary is made by the Commission.
- B. Any displacement of a regular employee resulting from a reclassification of a position, positions, or a class of positions, shall be considered as a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these rules. These rules shall be followed in all instances of reclassification; whether or not it results in an upgrading, downgrading, lateral class movement, bumping, or a complete displacement of incumbents.
- C. Persons laid off or who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff because of a reclassification are eligible for reemployment for a period of thirty-nine months, and shall be reemployed in preference to new applicants. In addition, such laid-off persons have the right to participate in promotional examinations within the District during that thirty-nine month period.

4.16 Designation of Senior Management Positions

- A. The Board of Education may designate up to two (2) positions under the provisions of Education Code Sections 45108.5 and 45256.5, as senior management of the Classified Service, however, they shall not attain permanent status in senior management classes. Senior management positions may include the fiscal advisor (CBO) to the Superintendent and the highest positions that have District-wide responsibility for formulating policies or administering a principal District program area, as determined by the Board of Education.
- B. Positions designated senior management of the Classified Service shall be filled from an unranked alphabetical list of persons who have been determined by the Superintendent to meet the minimum qualifications specified on the job description by the Personnel Commission.

- C. If a senior management position is abolished in accordance with Education Code Section 45104.5, or the assignment of an incumbent in a senior management position is terminated, with 45 days' notice required by Education Code Section 35031, the employee shall be placed according to the following sequence:
1. In a position in the class to which the employee would be entitled if the position had not been designated as senior management.
 2. In a position in a class to which the employee previously held permanent status.
 3. Upon approval of the Personnel Commission, in a vacant position that is similar to the employee's former position in the Classified Service.

4.17 Designation of Executive or Confidential Secretarial Positions

- A. Upon the request of a majority of the members of the Governing Board, the Commission may exempt one or more secretarial positions from the classified service (Education Code 45272).
- B. Exemptions authorized under Education Code Section 45272, Section (b), shall be limited to confidential secretarial or other like confidential secretarial positions reporting directly to the Governing Board, the Superintendent, or not more than four principal deputies of the Superintendent, or all of these positions.
- C. Any person employed in an exempt confidential secretarial or other like confidential secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except they shall not attain permanent status in an executive secretarial position.
- D. Positions of confidential secretarial or other like confidential secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as specified by the Superintendent and determined by the Personnel Commission.
- E. Any person whose service in a confidential secretarial or other like confidential secretarial position are discontinued for a cause other than a cause for disciplinary action specified in the Education Code or in a rule of the Personnel Commission shall have the right to return to a position in a classification they previously occupied or, if that classification no longer exists, in a similar classification, as determined by the Commission.

LEGAL REFERENCESEducation Codes:

- 35031 *Term of Employment*
- 45104 *Positions Not Requiring Certification Qualifications*
- 45105 *Positions Under Various Acts Not Requiring Certification Qualifications; Classifications*
- 45108 *Restricted Positions*
- 45108.5 *Senior Management Employees*
- 45109 *Fixing of Duties*
- 45110 *Inconsistent Duties; Compensation*
- 45112 *Staff Assistant of Field Representatives*
- 45240 *Personnel Commission and Director*
- 45256 *Establishment of Classified Service; Positions Exempted*
- 45256.5 *Senior Management of the Classified Service*
- 45258 *Positions Established for the Employment of Community Representatives in Advisory or Consulting Capacities Exempt from Classified Service*
- 45259 *Restricted Employees Classification*
- 45263 *Powers and Duties of Personnel Commission Regarding Apprenticeships*
- 45267 *Provisions Applicable to Non-Certificated Personnel Apply as Well to School District with Merit System*
- 45272 *Vacancies in Classified Service*
- 45285 *Reclassification*
- 51760 *Work Experience Education*

ARTICLE 5 – RECRUITMENT & EXAMINATIONS

5.1 Opening Announcement Procedures

Prior to recruitment, the program administrator shall notify the Personnel Administrator promptly of a vacant position and anticipated vacancies. Notification should be made in writing to the Classified Personnel Office, giving location, hours, work year, etc. Whenever possible, eligibility lists should be developed prior to the position becoming vacant.

The Personnel Commission shall direct and administer the holding of examinations for the purpose of filling vacancies or creating lists for the Classified Service.

No examinations announcement may be made and no part of any examination may be held for a new position until the Board has properly designated the position duties and the Commission has completed the position classification including the establishment of minimum qualifications.

5.2 Opening Announcements

A. Whenever it is necessary to fill existing or anticipated vacancies and an appropriate eligibility list does not exist (as determined by the Commission), the Personnel Commission shall announce each examination on the appropriate vacancy announcement, which shall be distributed to all employee work sites and community locations for at least ten (10) working days. It shall be the responsibility of each site administrator or department head to ensure that all vacancy announcements are posted in an area where all employees shall have access to them. The Personnel Administrator shall determine the appropriateness and may place advertisements in newspapers, trade and business journals, or other media. Posting of transfer opportunities will be in accordance with the number of days specified in the contract for the appropriate unit.

When a vacancy occurs in an established position, a Personnel Requisition shall be completed by the Program Administrator.

B. The recruitment bulletin shall contain the following facts as fixed by the Personnel Administrator except where these rules may provide to the contrary:

1. Class Title.
2. Salary range and any salary differentials.
3. Summary of duties of the class.

4. Normal assignment for the majority of employees in the class expressed in hours per day and days per year or annual.
 5. Minimum qualifications.
 6. General summary of the skills, knowledge, abilities and traits to be examined in each test and the relative weights of each test.
 7. Last date to file an application and place to file the application.
 8. Requirements for licenses, language skills, etc.
 9. Veteran's points allowance, if entry examination.
 10. Category of examination.
 11. Employment requirements such as fingerprinting, TB tests, physical examinations, oath of allegiance, length of probationary period.
- C. Minimum qualifications shall relate to the duties of the class and should permit an adequate field of competition.
- D. No candidate shall be required to become a resident of the District.
- E. A candidate shall not be required to possess a license, certification or credential unless the possession of such is a bona fide occupational qualification.
- F. When a position is posted for recruitment and special skills are either desired or required, that information shall be noted on the recruitment announcement.
- G. When a position requires special skills, demonstration of the possession of said skill shall be a minimum qualification for the successful completion of the testing process. Having been successful in the testing process, the candidate shall have noted on the resulting eligibility list that they possess the skill and shall be certified for available positions, which require the skill above other eligibles with higher scores who have not indicated through the testing process that they possess the skill.
- H. When a position is identified as desiring a special skill, demonstration of the possession of said skill shall not be a minimum qualification for the successful completion of the testing process. Candidates who have been successful in the testing process shall have noted on the resulting eligibility list that they possess the skill but shall not be certified for available positions, which list the skill as desirable above other eligibles with higher scores who have not indicated through the testing process that they possess the skill.
(Education Codes 45109, 45260, 45261, 45272 and 45278.)

5.3 Purpose and Character of Examinations

- A. The purpose of an examination is to provide equal opportunity for all qualified candidates to demonstrate their relative fitness in relationship to the skills, knowledge, abilities and traits required for the class.
- B. All examinations shall consist of at least two separate parts. These parts shall be a combination of any of the following:
 - 1. Written tests
 - 2. Oral interviews (either for technical knowledge or for personal characteristics)
 - 3. Performance tests
 - 4. Physical ability tests
 - 5. Weighted application forms or any tests of skill and ability
 - 6. Technical knowledge
 - 7. Manual skill or physical and mental fitness
- C. It is the intent of the Commission that the most appropriate method of testing be used which is both job related and which has the least adverse impact, with due consideration for factors of time and cost of administration.

5.4 Written Test Preparation and Administration

- A. The best practicable tests should be developed which will provide proper coverage of subjects at an appropriate level of difficulty.
- B. The Personnel Administrator shall prepare or cause to be prepared the written examination questions. The assistance of any competent person or agency may be used.
- C. All competitors in any open-competitive or promotional written examination must take the examination on the prescribed dates and under the same or similar conditions. In the event of an employee conflict or emergency, an alternative date for a closed promotional exam may be established with the agreement of the Personnel Administrator and CSEA Union President.
- D. All necessary explanations will be made to the whole group, and no test questions will be explained to any individual competitors. Examiners are forbidden to explain the meaning of or to make remarks relating to any question that may assist in its solution.
- E. Communication between competitors during the examination is strictly forbidden, and competitors are forbidden to receive aid from one another or to use any unauthorized help in any form. Before the commencement of an examination, competitors will be required to hand to the examiner any printed or written material in their possession that might serve to aid them in the

examination, unless such material is expressly permitted as part of the examination process. Conclusive evidence of copying or collusion by all involved shall result in the cancellation of that candidate's examination papers and the debarment of the competitor from any future examinations. Copies of questions in the examination shall not be made or taken from the examination room. Any employees caught cheating will be subject to disciplinary action in accordance with Article 11.

- F. Written examinations shall be so managed that none of the written examination papers shall disclose the name of any competitor until all examination papers of all competitors in a given examination shall have been marked and rated.
- G. Candidates in any written testing process shall not reveal their identities. Any competitor in any examination who places any identifying mark upon their examination papers (other than the identifying mark prescribed at the time of the examination), or who makes any attempt to disclose to others the identity of their papers prior to the completion of the examination may be deprived of all benefits under such examination.

5.5 Notice of Tests

- A. Notice of test dates, examination results, and interview notifications shall be communicated via e-mail or phone call using the contact information listed on the application form. A person who fails for any reason to notify the District of an e-mail address, mailing address or telephone number change is subject to disqualification from consideration for the position.
- B. Qualified applicant shall be notified of the time and place of the examination. This notification shall be done in a reasonable time in advance of the examination date.
 - 1. Applicants will be notified that reasonable accommodations will be made for testing if the applicant makes known to the district their physical or mental limitation a minimum of 2 working days prior to testing and is otherwise a qualified applicant. If applicant fails to notify the district prior to testing and the district is unable to make reasonable accommodations at that time, the applicant will be placed on the list for the next scheduled testing.

5.6 Use and Selection of Interview Raters

- A. In any examination the education, experience and personal qualifications of competitors may be rated after a qualifications appraisal interview and such investigations as may be necessary.

- B. The interview shall be conducted and the ratings made by a panel of two or more members. The panel may include one or more persons from the District or another governmental agency or private business who are familiar with and competent in the work of the class for which the examination is being held.
- C. The Personnel Administrator shall determine the number of interviewers required to conduct each qualifications appraisal interview and shall select and appoint such interviewers. Members of the Castro Valley Unified School District Governing Board or Personnel Commission shall not serve on an oral examination panel for Castro Valley Unified School District. A district employee who is not at the first or second level of supervision over a vacant position in the class for which the examination is held may serve on an oral examination panel.
- D. Unless specifically directed to evaluate candidate's technical knowledge and skills, the oral examination panel shall confine itself to evaluating general fitness for employment in the class. When the oral examination panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupational area.
- E. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral examination panel.
- F. The proceedings of all oral examinations shall be electronically recorded. Recordings of the oral panel for each candidate shall be retained for 90 days after establishment of an eligibility list.
- G. Qualifications appraisal interviews for an examination shall be conducted by the same qualifications appraisal panel, but if one or more members of the panel are not present during all or part of the proceedings, the panel may nevertheless proceed.
- H. If, in the course of an examination, a competitor appears for interview who has a close personal or business relationship, including family relationships, to any interviewer, it shall be the duty of the interviewer and the competitor to reveal such relationship, and the Commission representative shall record such information on the rating sheet of the competitor. Whenever an interviewer is related to a competitor, such interviewer shall be disqualified for the interview with that particular competitor and shall not be present during the interview or during any discussion about or rating of the competitor.
- I. The panel shall be briefed regarding the duties of the class; skills, knowledge, abilities and traits; examination process; knowledge and abilities to be covered in the panel and use of the interview sheet; interviewing techniques, and scoring methods. Under the supervision of the examiner in charge, a

supervisor may be invited to participate in a briefing to provide the panel with job-related information and organizational structure.

All questions must be job related. No questions shall be asked related to political or religious opinions, union affiliation, race, color, national origin, ancestry, sex, sexual orientation, age, marital status or disability, or other inquiries prohibited by federal, state, and/or local laws, except that any applicant may be asked about their ability to perform the duties of the position.

5.7 Computing Final Scores

- A. All examination papers shall be marked and graded under the direction of the Personnel Administrator or the authorized person or agency outside the District employed for this purpose.
- B. The qualifying score on written examinations may be an actual score or an adjusted score based on the difficulty of the examination, the quality of the competition, and the needs of the service. The determination of minimum qualifying scores on written examination shall be made before any examination papers are identified.
- C. When a competitor is disqualified by the qualifications appraisal panel, the panelist shall make a record of the reasons for such rating on a rating sheet and this shall be signed by each member.
- D. A permanent employee of the District who attains a passing score on an open examination shall be given a preferential promotion credit of five points which shall be added to their total score. The final credit shall also include veteran's preference and disabled veteran's preference as provided in the Education Code for entrance examination.

5.8 Notice of Results

As soon as the rating of an examination has been scored and the eligibility list established, each candidate shall be notified by phone, in person, by electronic communication, or by first class mail of the results of their examination. A copy of the eligibility list shall be posted at a convenient location in the Personnel Office.

5.9 Confidentiality and Retention of Examination Records

- A. Individual applicants' examination records including answer sheets, title of classification, and rating sheets, shall be retained for three years.

- B. Other records including tests, affirmative action data and eligibility lists, shall be retained for a minimum of three years.
- C. These records shall be maintained by the Personnel Administrator as confidential personnel records, which are subject to disclosure in accordance with applicable law.
- D. Candidates may review (under supervision) and protest any part of the test by filing a written request *received by* the Personnel Administrator within the *close of business* 3 business days after notification of score.
- E. The Personnel Administrator shall arrange the date, place and time at which a candidate or candidates may review test papers (under supervision) and submit written protest within 10 business days.
- F. The Personnel Administrator shall review and act on all protests. They may allow more than one answer or disqualify a question if they find the protest valid. If protests result in any change, the test papers of all applicants will be reviewed and re-rated accordingly.
- G. Errors shall be corrected when discovered, regardless of lapse of time after the establishment of an eligibility list.
- H. An appointment made in good faith from an employment list believed to be correct at the time of appointment shall not be invalidated if an error is later discovered in the grading of the examination papers or in the processing of the applications.
- I. If the Personnel Administrator rules against the protest the applicant may appeal to the Commission, but the delay shall not delay the establishment of and the hiring from eligibility list.

5.10 Continuous Examinations

- A. When there is a shortage of eligibles to fill vacancies in the service in any class, the Personnel Administrator may authorize recruitment by continuous examinations.
- B. All qualified applicants who have applications on file at the beginning of a continuous examination process for a class shall be notified.
- C. The continuous examination shall be promulgated under similar conditions and techniques as previous examinations for the same class and resulting eligibility lists may be merged with previous lists for the class in the relative order of merit of the eligibles.

- D. Continuous examinations may be terminated for any class by action of the Personnel Administrator.

5.11 Promotional and Open-Competitive Examinations

The Personnel Administrator shall determine the standards of proficiency to be required for each examination and determine whether the examination shall be:

- A. Examinations may be announced as open-competitive, promotional or both.
- B. A promotional candidate is one who has permanent status in the District.
- C. The Personnel Administrator, as the needs of the service may require and subject to approval by the Commission, may announce and hold promotional examinations, which shall be limited to District employees with permanent status in appropriate classes designed by the Personnel Administrator.
- D. Applicants for promotional examination must meet the established minimum qualifications for the class and their last evaluation shall have been satisfactory or higher. Any probationary, limited term, or provisional appointee who immediately preceding their 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. The serving of a probationary period shall not, prevent an employee who meets the requirements of this rule from having their name certified from an eligibility list to a position in another job family.

5.12 Compliance With Equal Employment Opportunity Commission Guidelines

- A. Examinations shall be consistent with applicable Equal Employment Opportunity principles and Commission uniform guidelines on employee selection procedures.

LEGAL REFERENCES

Education Codes:

- 45109 *Prescription of Duties*
- 45260 *Prescription, Amendment, and Interpretation of Rules*
- 45261 *Subject of Rules*
- 45272 *Vacancies In Classified Service; Promotion Applicants*
- 45273 *Examinations; Examination Boards; Membership, Recordings*
- 45274 *Retention And Availability of Examination Records; Review and Protests*
- 45278 *Written Notice Regarding Tests, Vacancies, and Transfer Opportunities*
- 45281 *Competition Through Promotional Examination*
- 45291 *Combinations of Successive Eligibility Lists*
- 45292 *Right to Provide Continuous Examinations*
- 45293 *Questions To Be Asked Candidates; No Discrimination In Appointment*
- 45294 *Definitions*
- 45295 *Disabled Veteran*
- 45296 *Additional Credits for Veterans' Entrance Examination*

ARTICLE 6 - APPLICATIONS

6.1 Filing of Applications

- A. All applications must be completed as directed upon official application forms of the Castro Valley Unified School District Personnel Commission either online or on paper. Applications must be in accordance with instructions contained in the examination announcement and by the final filing date. Applicants taking more than one examination shall be required to file a separate and complete application for each examination.
- B. For reporting purposes, questions regarding ethnicity, sex, age and disability, and other protected categories under federal, state, and local laws shall be answered on a separate form. Answers to such questions shall be voluntary, and no other information shall be requested relative to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, sexual orientation, age or other protected categories under federal, state and local laws prior to employment. Questions regarding an applicant's ability to do the job may be asked.
- C. All applicants must inform Personnel, in writing, of any changes of name, address and telephone number.
- D. The application form shall require that each applicant indicate whether or not they have been convicted of a crime. If an applicant states that they have been convicted of a crime, then such applicant shall be required to provide the Commission 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 6.2 to the extent permitted by law.
- E. Applications and examination papers are confidential and become the property of the Personnel Department, and shall not be returned to the applicant.

6.2 General Qualifications of Applicants

- A. All applicants must be legally authorized to work in the United States, possessing appropriate work permit cards.
- B. All applicants must meet the minimum qualifications and be mentally and physically able to perform the duties of the position for which they are applying to the extent permitted by law. Applicants with disabilities protected under the law shall be given equal employment opportunity to the extent permitted by law.

- C. Candidates selected for appointment will be required to pass a pre-employment, post-offer physical examination.
- D. After selection for employment candidates will be fingerprinted.

Before beginning work, candidates must submit to the Personnel Office a verification of a Chest X-ray or Tuberculin Test indicating they are free of tuberculosis; such verification must be dated within sixty days prior to employment.

- E. 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 or other protected categories under federal, state, and/or local laws (as defined in Government Code Section 12926), employee organization membership or non-membership and legal activities related thereto. It is the policy of the Castro Valley Unified School District to give all persons equal opportunity without unlawful discrimination because of race, color, national origin or ancestry, religion, gender, sexual orientation, age, disability, marital status, or medical condition and other protected categories under federal, state, and/or local laws.
- F. Residency within the District shall not be a condition for filing applications or offering employment.
- G. No maximum age limit shall be set as a condition for initial or continued employment in the District.
- H. Every applicant must, in all respects, be mentally and physically competent to perform the essential functions of the position for which applied to the extent permitted by law.

6.3 Disqualification of Unfit Applicants, Candidates, and Eligibles

- A. The Personnel Administrator may refuse to examine an applicant or after examination may withhold from certification from an eligibility list the name of an applicant for any of the following reasons:
 - 1. Failure to meet the general qualifications as listed in 6.2 may be grounds for disqualification.
 - 2. Advocacy of overthrow of the Government of the United States (or the State of California) by force, violence or unlawful means shall be grounds for disqualification.
 - 3. Conviction, either by plea or verdict of guilty or nolo contendere, for any of the following are grounds for disqualification: crime involving moral

turpitude or sex offense and some narcotics offenses as outlined in Education Code Sections 45304, 44010, 44011. Other convictions may be grounds for disqualification, such as various felonies; mistreatment of children; misdemeanor of a serious nature.

4. Intentionally making a false statement as to any material fact or practicing any deception or fraud in certification or appointment or in securing eligibility to take the examination.
5. A person's conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturation, including the employment record with respect to job responsibility and duration; truthfulness in admitting the offenses.
6. A history of drug addiction without acceptable evidence of rehabilitation to the extent consistent with federal and state laws.
7. Dismissal or resignation to avoid dismissal for cause which indicates poor performance in the type of work sought may disqualify a person.
8. Separation for cause from the Castro Valley Unified School District.
9. A person may be disqualified for failure to report for duty or for not being available to report for an interview to the extent consistent with federal and state laws.
10. A person may be disqualified for serious traffic violations when driving is an essential duty of the class.
11. A determination that the applicant is a sexual psychopath.
12. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
13. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these Rules.
14. 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.
15. Refusal to furnish testimony, other than self-incriminating testimony, at a hearing or investigation before the Personnel Commission or the Board of Education.

16. 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 their health and safety or the health and safety of others to the extent permitted under federal and state laws.
17. 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.
18. Failure, after due notice, to report for review of any of the above causes for disqualification.
19. Failure to pass the pre-employment drug/alcohol testing for safety sensitive positions. (Board Policy 4312.41.)
20. Other reasons deemed sufficient by the Commission.

B. In extreme cases where the applicant pool is exceptionally large, the Personnel Administrator may limit the number of candidates who may take an open examination to a reasonable number of the most qualified applicants as those qualifications relate to the District's needs. The Commission's desire is to allow all applicants to take the open examination to assure equal opportunity for employment. No limitation shall be placed on the number of qualified candidates who may take a promotional examination.

6.4 Disqualified Candidates

Any applicant, candidate, and/or eligible disqualified based on Rule 6.3 shall be notified, indicating the reasons for disqualification and advising the individual that they have four (4) working days from receipt of notification to appeal the decision to the Personnel Administrator.

A. Anyone who has appealed a disqualification shall conditionally be permitted to take the examination pending final decision.

6.5 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.

6.6 Applicant's 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. The names of the applicants in any examination shall be confidential until they qualify for placement on an eligibility list.

6.7 Notice of Approved Application

Examinations for positions in the classified service shall be open to all applicants who meet the requirements of applicable Education Code provisions, these rules, and the class specifications. Each applicant whose application has been selected to continue in the selection process shall be notified in a reasonable time in advance of the time and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application.

6.8 General Statement

The Personnel Commission recognizes that the District should make employment decisions that provide equal employment opportunities for all.

A. Equal Opportunity Employment/Merit System

The Personnel Commission will ensure that all classified personnel actions are conducted without regard to race, color, age, religious creed, religious dress and/or grooming, sex, sexual orientation, gender identity, gender expression, national origin, or disabled veteran status, marital status, ancestry, medical condition, physical handicap or disability, and any other categories protected under federal, state, and/or local laws; ensure employment and promotion decisions are made in a manner to further the principles of equal employment opportunity and Merit System principles.

B. Position Qualifications

The Personnel Commission will establish essential position qualifications that can be validated as job oriented and as such do not exclude qualified candidates; encourage recruitment procedures that are directed toward the fulfillment of equal opportunity and ensure that examinations are valid.

LEGAL REFERENCES

Education Codes:

- 45111 *Prohibition Against Requiring Classified Employees to Reside Within District*
- 45122 *Physical Examination*
- 45123 *Employment After Conviction of Sex Offense or Controlled Substance Offender*
- 45124 *Employment of Sexual Psychopath*
- 45125 *Fingerprinting and Previous Employment*
- 45134 *No age minimum or maximum; employment of retiree receiving retirement allowance*
- 45260 *Prescription, Amendment, and Interpretation of Rules*
- 45261 *Subjects of Rules*
- 45272 *Vacancies in Classified Service; Promotional Applicants*
- 45274 *Retention and Availability of Examination Records; Review and Protests*
- 45276 *Educational and Work Experience Requirements for Classified*
- 45294 *Definitions*
- 45295 *Disabled Veteran*
- 45296 *Additional Credits for Veterans' Entrance Examinations*
- 45303 *Additional Causes for Suspension or Dismissal of Employees in Classified Service*
- 45309 *Reinstatement of Permanent Non-Certificated Employees After Resignation*

Government Codes:

- 12921 *Fair Employment And Housing Act; Discrimination*
- 12926 *Fair Employment And Housing Act; Definitions*
- 12940 *Fair Employment and Housing Act; Discrimination Prohibited*

CVUSD Board Policy:

- 4312.41 *Employee Drug Testing*

ARTICLE 7 - EMPLOYMENT LISTS

Definitions

Eligibility List:

A rank order list of the names of persons who have qualified in a merit system competitive examination. These lists are approved by the Personnel Commission prior to the final approval for employment.

Employment List:

A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated after resignation, or be reduced to limited-term status.

7.1 Establishment and Life of Eligibility Lists

After the completion of the examination process, the names of the candidates who were successful in completing the examination process shall be arranged in the order of examination score plus additional points when applicable. The completed list constitutes an eligibility list for that class. (Education Codes 45260, 45261 and 45272.)

7.2 Contents of Eligibility Lists

An eligibility list shall contain the following information:

- A. Type of eligibility list
- B. The names of all eligible in final rank order of total examination scores
- C. The expiration date of each person's eligibility
- D. The date the list was ratified or approved by the Personnel Commission

(Education Code 45260, 45261, 45272.)

7.3 Use of Eligibility Lists

- A. An eligibility list shall be used for full-time, part-time, regular, and limited-term assignments in a class.
- B. Eligibles are placed on the eligibility list in rank order according to their score on the examination. The final score of candidates shall be rounded to the nearest whole percent. All eligible 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 Administrator can first reasonably certify three ranks of eligibles to the appointing authority. (Education Codes 45260, 45261 and 45272.)

- D. An eligible's name shall not be removed from the eligibility list if they accept a limited term appointment.

7.4 Certification from Employment Lists

- A. All eligibility lists shall be certified by the Commission at the first reasonable opportunity. The Personnel Administrator may submit eligibility lists for approval by the Commission subsequent to certification from the list. Appointments may be made from available eligible pending final decision on the protest and/or appeal. Appointment shall not be changed even though the outcome is in the appellant's favor, unless the Commission has ordered it otherwise. (Education Codes 45260 and 45261.)
- B. Certification from eligibility lists shall be of the first three ranks of available candidates. Appointments to position shall be made in the following order:
1. Reemployment: A list of employees who have been laid off from permanent positions because of lack of work, lack of funds, voluntarily demotion in lieu of layoff, loss of their positions because of abolishment or reclassification of positions, exhaustion of illness or accident leave, or return from military duty under conditions set forth in these rules. These eligibles shall take precedence over all other persons eligible for appointment.
 2. Transfer: Employees who have requested appointment to a vacant position in the same or related classification.
 3. Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status. To be eligible for reinstatement former employees shall make a written request to the District's Personnel Office within 39 months from last day of employment status.
 4. Promotional: A list of eligibles resulting from an examination limited to qualified permanent employees only.
 5. Merged Promotional and Open Competitive: One list of eligibles resulting from a single examination including seniority credit and/or veteran's credit points.
 6. Open Competitive: A list of eligibles resulting from an examination open to all qualified applicants.

(Education Codes 45260, 45261, 45272.)

- C. If there are less than three (3) ranks on the eligibility list, the appointing power has a choice of interviewing from the eligibility list or calling for an examination.
- D. If a position requires proficiency in a foreign language in addition to basic English language skills, certification may be limited to those eligibles successfully passing the examination of that foreign language skills.

7.5 Duration of Eligibility Lists

An eligibility list shall be in effect for a period of one year, unless exhausted, and may be extended for up to an additional year by approval of the Commission. When fewer than three (3) ranks of available eligible remain on the eligibility list, the Personnel Administrator may authorize creation of a new list to be merged with the existing list. (Education Code 45260, 45261 and 45300.)

7.6 Merger of Eligibility Lists

- A. If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligible. The new list shall then be merged with the existing list with eligible ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists.
- B. When lists are merged under this Rule, the earlier list shall be terminated one year after its establishment and those eligibles' names shall be removed from the consolidated list, except when the earlier list is extended.
- C. All candidates on an eligibility list, which is terminated, may retake examination if a period of ninety (90) days has elapsed since the candidate last took the examination. Notification is not required when an eligibility list expires.
(Education Codes 45660, 45261, 45291 and 45300.)

7.7 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.

Each category of reemployment has specific provisions that must be provided to an employee who qualifies to be on a reemployment list. These provisions are outlined below.

- A. An employee who requires a leave of absence for military duty and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall have their names placed over all other names on the reemployment list in the class which they leave, in accordance with Government code and current law.
- B. 39-Month Re-employment
The life of the reemployment list shall be thirty-nine (39) months. Employees returning from military leave shall be eligible for reemployment for a period not to exceed six (6) months after discharge.
- D. 39-Month Re-employment Plus Additional 24-Months
Employees who take long-term limited-term assignments, voluntary demotions, or voluntary reductions in assigned time in lieu of layoff shall retain eligibility or reemployment for an additional period of twenty-four (24) months provided the same tests of fitness under which they qualified for appointment still apply, as determined by the Personnel Commission.

(Education Code 45298. Military and Veterans Code 395.1 and 395.3.)

7.8 Termination of Eligibility

An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Commission, except that list established under these rules shall terminate six (6) months from the date of approval.

- A. An eligibility list is automatically terminated when no eligible remain on the list.
- B. An eligibility list may be terminated by the Personnel Administrator prior to its expiration when no eligible is available for appointment to a specific position in a class. The exception to this Rule will apply if a promotional list has less than three names remaining on the list, but an open eligibility list exist. In this case the Personnel Administrator will continue to certify three ranks by merging the remaining promotional employees onto the open lists, adding any veteran's and seniority points allowed under these Rules, and then rounding the score to the nearest whole percentage point. (Education Code 45300.)

7.9 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.)

7.10 Waiver of Certification

An eligible may notify the Personnel Office in person or in writing that they are unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions. Eligibles may revise or withdraw their unavailability.

- A. Eligibles who have made themselves unavailable shall not be certified.
- B. An eligible may waive certification, but after three such waivers, the eligible's name shall be removed from the employment list (includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated after resignation, or be reduced to limited-term status) for that class and they shall not be eligible for further certification from that list.

(Education Code 45260 and 45261.)

7.11 Removal of Names from Eligibility Lists

The name of an eligible may be removed from an eligibility list by the Personnel Administrator for any of the following reasons:

- A. Failure to respond with five (5) working days from the date of an inquiry regarding availability of employment.
- B. Any of the causes listed in these rules.
- C. Failure to respond for a scheduled interview after certification.
- D. Termination of employment (Promotional Eligibility List only).
- E. Refusing an employment offer after having been properly certified as eligible and available for the appointment.
- F. A written request by the eligible for removal.
- G. Failure by the applicant to keep their address, email address, and telephone number information current with the Personnel Commission.

(Education Codes 45260 and 45261.)

7.12 Notification to Eligible of Removal from List

Commission shall notify the eligible of the action and the reasons therefore and shall provide the person with the opportunity to appeal the decision to the Commission within five (5) working days of notification. The decision of the Commission shall be final. (Education Codes 45260 and 45261.)

7.13 Appointing Authority

The appointing authority shall be the Board of Education and its designated managers, except that the Personnel Commission shall be the appointing authority in the case of employees assigned to the Personnel Commission.

7.14 Rule of Three Ranks

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 eligible with the same percentage score shall be placed in the same rank.

For classes approved for continuous testing, certification shall be made at the time the Personnel Administrator-Personnel Commission can first reasonably certify three ranks of eligible to the appointing authority. (Education Codes 45260, 45261 and 45272.)

7.15 Certification and Appointment from Eligibility

This section provides guidance on certifying eligible and making appointments from eligibility lists:

- A. The Personnel Administrator shall determine the availability and certify the names of all eligible who are ready and willing to accept appointment to a position to be filled. Certification shall be in accordance with rules.
- B. The appointing authority or designee shall, within five (5) working days of the interview, make a selection from the persons presented and shall notify the Personnel Administrator who shall see that the necessary employment procedures are carried out.
- C. If a candidate who was declared eligible for appointment to a position fails to keep an interview appointment or declines the appointment, the appointing authority may fill vacancy from the remaining eligible or may request certification of eligible in accordance with these rules.
- D. In the event that there is more than one authorized position in the class to be filled, the Personnel Administrator may certify additional ranks of eligibles to

allow two more ranks than the number required to fill the number of vacancies.

(Education Codes 45260, 45261, 45272 and 45277.)

7.16 Procedure When Fewer than Three Ranks Remain

When fewer than three (3) ranks of eligibles are available on the promotional list, sufficient names shall be certified from the merged promotional/open and then the open competitive lists to allow a choice among three (3) ranks of eligibles.

When fewer than three (3) ranks of eligibles are available for certification, the available eligibles may be certified. However, the appointing authority may choose not to appoint any of them and may request additional eligibles.

(Education Codes 45260, 45261 and 45272.)

7.17 Certification of Additional Eligibles

If an eligible that has been certified, refuses appointment or fails to respond for an interview, the Personnel Administrator shall:

- A. Certify additional eligible as required.
- B. Remove the names of the eligible who failed to report for interviews or who refused appointment from eligibility list.
- C. Investigate the matter at their discretion to determine that any appointment refusal is in fact voluntary.

7.18 Request authorization from the Commission to refuse further certification should the investigation determine the refusal of appointment by an eligible is in fact not voluntary. (Education Codes 45260, 45261 and 45272.)

7.19 Withholding Names from Certification

The name of an eligible may be withheld from certification by the Personnel Administrator when the eligible expresses unwillingness or inability to accept appointment. Such examples include the following:

- A. Failure to respond within five (5) working days following the inquiry regarding availability.
- B. Cannot be reached in time for appointment when immediate temporary employment is required.

- C. Failure to present the license, registration, certificate or any other credential required.
- D. Any reason listed in this chapter.

(Education Codes 45260, 45261, 45272 and 45277.)

7.20 Failure to Make Appointment

Should the appointing authority fail to make a selection from the top three ranks of eligible as certified by the Personnel Administrator, the Personnel Administrator shall direct that the position be vacated (if there is a temporary person assigned to fill the vacancy), and remain vacant until such time as the eligibility list for that class expires. (Education Codes 45260, 45261 and 45272.)

7.21 Restoration to Eligibility List

When the Personnel Administrator has withheld a candidate or eligible from placement on, or certification from the eligibility list, Personnel Administrator may subsequently approve placement on or restoration to the list subject to ratification by the Commission, under the following circumstances:

- A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry, appear for an interview or report for duty, and the applicant presents a good and valid reason and certifies to the Commission that the applicant is now willing and able to accept an appointment.
- B. When the withholding or removal was for a reason listed in these rules and the defect or reason for ineligibility has since been corrected.

(Education Codes 45260, 45261 and 45272.)

7.22 Certification from List for Another Class

If there is no eligibility list for the class in which vacancy occurs, certification may be made from a list for another class at the same or higher salary level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Administrator finds, subject to approval by the Commission, that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination. (Education Codes 45260, 45261, and 45272.)

7.23 Duties (or Responsibilities) of Eligibles

- A. It shall be the responsibility of every eligible to respond promptly after receiving notice of certification. The eligible will be expected to respond

within five (5) working days from the date notification. Failure to respond within the above stated time may result in removal from the eligibility list.

- B. Eligibles are responsible for keeping the Personnel Office informed as to current contact information such as, home address, telephone number, and email address so that they can be reached to schedule employment interviews. Failure to keep the Personnel Office informed could result in the eligible being bypassed on the eligibility list as unreachable. In that event, the Personnel Administrator shall send a letter inquiring as to the continued availability and interest. Failure to respond pursuant to these rules will result in removal from the eligibility list.
- C. An eligible may at any time have their name temporarily withdrawn from the eligibility list and placed upon the inactive list by giving in writing reason satisfactory to the Personnel Administrator. The eligible's name may be restored to the list at the discretion of the Personnel Administrator upon written application of the eligible during the period of eligibility.
- D. An eligible that has been selected for a permanent position and is unable or unwilling to report by the end of two (2) full weeks (one month in the case of management classes) may be considered to have refused appointment and the appointing authority may request certification of an additional eligible.
- E. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Administrator of selection.
- F. Notification may be made by telephone, e-mail, registered or certified mail.
- G. The appointing authority may allow a period longer than two weeks at its discretion.
- H. When appointment is to a limited-term or substitute position, the eligible must be available on the date specified by the appointing authority.

(Education Codes 45260, 45261 and 45272.)

7.24 Selective Certification

If a position within a classification requires special skill, license, or language requirement, pursuant to these rules, the Personnel Administrator shall determine which eligibles possess the required skill, license, or language and shall certify the names of the first three (3) ranks of eligibles who meet the special requirements. If there are insufficient eligibles who meet the special requirements and who are ready and are willing to accept the position, a provisional appointment may be made, pending completion of a recruitment and examination process to fill the position. (Education Code 45260, 45261, 45272 and 45277.)

7.25 Confidentiality of Test Scores

Test Scores shall be considered confidential information and release of such information shall be limited to:

- A. The posting eligibility lists showing the relative ranking of each candidate without showing the specific percentage scores.
- B. Information relating to eligibles who have been certified may be released to the appointing authority.
- C. Information pertaining to an eligible's own test scores and current position on the list shall be released to the eligible or their representative.
- D. Such other persons as specifically ordered by the Personnel Commission.

(Education Codes 45260, 45261, 45272 and 45274.)

LEGAL REFERENCES

Education Codes:

- 45260 Prescription, Amendment, and Interpretation of Rules*
- 45261 Subject of Rules*
- 45272 Vacancies in Classified Services Promotional Applicants*
- 45274 Retention and Availability of Examination Records; Review and Protests*
- 45277 Appointments From Eligibility Lists Where Another Language or Driver's License Is Required*
- 45284 Conditions For Certification For Employment From Open Competitive Eligibility List Before Exhaustion Of Promotional Eligibility List*
- 45286 Limited-Term Employees*
- 45290 Emergency Appointments*
- 45291 Combination Of Successive Eligibility Lists*
- 45298 Re-employment and Promotional Examination Preference of Persons Laid Off; Voluntary Demotions or Reduction in Time*
- 45300 Duration of Eligibility Lists*
- 45308 Non-Certificated Employees After Resignation*
- 45309 Non-Certificated Employees After Resignation*

Military and Veterans Code:

- 395.1 The State Militia; Privileges and Penalties*
- 395.3 The State Militia; Privileges and Penalties*

ARTICLE 8 – COMPENSATION

8.1 Wage and Salary Administration

This section covers the responsibilities of the Personnel Commission and Board of Education in regards to compensation and pay practices.

8.2 Personnel Commission Responsibilities

The Personnel Administrator shall prepare salary recommendations for approval by the Personnel Commission relating to allocation of classes to salary schedules including, establishment of salary relationships for new classes and revision of existing salary relationships within occupational groups or class families, arising in the course of the Commission's exercising its statutory classification and salary relationship functions. The Commission's recommendation may take into account the following factors: the wages and salaries paid for similar work in the labor market; the wages and salaries paid by other employers in the labor market; the principle of like pay for like work within the classified services; and such other information as the Commission may require.

8.3 Board of Education Responsibilities

The Board of Education shall fix the salaries for all classified employees and other employees not requiring certification qualifications employed by the District unless otherwise prescribed by law. The fixing of salaries shall mean that the Board shall adopt a salary schedule with specific dollar amounts for each range and step. The adoption of any classified salary schedule shall be done in such a way so as not to alter the compensation relationships (salary range placements and percentage relationships) between and amongst classes as established by the Personnel Commission.

A. Board's Action on Salary Range Recommendations: The Board of Education may approve, amend, or reject the salary range recommendations of the Personnel Commission, but shall not alter the relationships (salary range placements and percentage relationships) between and amongst classes as established by the Personnel Commission.

B. Commission Shall Determine Salary Range Placement: The Personnel Commission shall determine the salary range placement of every position and classification within the Classified Service of the District pursuant to its obligation to set reasonable relationships between and amongst the various classifications. The Commission may make modifications to the range placement as part of its statutory obligations only after consultation with the District Administration and any exclusive bargaining agent that might represent impacted classifications. The Personnel Commission adopted

schedule of range placements for all classifications is incorporated as a part of these rules and regulations.

(Education Codes 45241, 45256, 45260, 42561 and 45268.)

8.4 Salary Range Recommendation Hearings

- A. In fulfilling its responsibility to recommend salary range schedules for the classified service to the Governing Board, the Commission, shall receive any written recommendations for salary range changes from the employees, the District Administrative staff, or any other interested person and shall provide an opportunity for such persons to make a presentation and be heard on behalf of their proposed salary range requests.
- B. The Commission shall recommend to the Governing Board salary ranges for the classified service. The Governing Board may approve, amend, or reject these recommendations. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of “like pay for like work”.
- C. Following adoption of the salary range by the Governing Board, there shall be prepared and duplicated a list of all classes in the classified service showing the latest salary range for each class including any hourly or flat rates of pay. Copies of such list shall be made available to any interested person.

8.5 Determination of Salary Range

- A. The Personnel Administrator shall prepare recommendations for the allocation of classes to salary range schedules for approval by the Commission. These recommendations shall take into account the following factors:
 - 1. Wages and salaries paid by other employers which may be in competition with the District in the labor market.
 - 2. Wages and salaries paid for similar work in private industry in the labor market.
 - 3. The principles of “like pay for like work” within the classified service.
 - 4. Appropriate differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.
 - 5. Other relevant compensation factors such as specialized knowledge, skill, ability, language, certification or such other information as the Commission may require.

B. Salary Range Studies

1. A salary range study shall be made whenever a new class is created or when directed by the Commission.
2. Employees, employee representatives, or the administration may request a salary range study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.
3. Data obtained in a salary range study shall be made available to interested parties, including employee organization representatives. The Personnel Administrator shall submit Commission recommendations for salary range placement to the Superintendent or designee who may meet and confer with employee organization representatives. Changes shall be reviewed by the Commission before they are submitted to the Governing Board.

C. Salary Range Recommendations

1. After making its findings, the Commission may present salary range recommendations to the Superintendent/Board of Education for approval. The Superintendent/Board of Education may approve, amend, or reject the recommendation, but may not alter the relationships among classes as established by the classification plan.

LEGAL REFERENCES**Education Codes:**

45241	<i>Power of Governing Board to Employ, Pay, and Control Services of Non-Certificated Persons</i>
45256	<i>Establishment of Classified Service; Exemptions</i>
45260	<i>Prescription, Amendment, and Interpretation of Rules</i>
45261	<i>Subject of Rules</i>
45268	<i>Salary Schedule for Classified Service</i>

ARTICLE 9 – RESIGNATION/SEPARATION

9.1 Resignation

A. Submission In Writing

When a classified employee desires to resign their position, they shall submit the resignation pursuant to Board Policy.

B. Rights On List

A resignation relates only to the specific position from which the employee resigns and does not impair their rights on other eligibility lists, except that if their name is on any promotional eligibility list, it shall be removed from any such list.

C. Absent Without Leave

An employee who fails to report for duty for three consecutive working days without permission from their supervisor or the appointing power shall be deemed to be absent without leave and shall be subject to further disciplinary action to the extent consistent with federal and/or state laws. An employee who fails to return from a leave of absence within three working days after the expiration of an authorized leave shall be deemed to be absent without leave.

9.2 Separation Procedures

It is important that the rules clearly define what happens when an individual is separated from employment. It is especially important to identify exactly when that separation is effective (i.e. upon receipt by the Personnel office, upon action of the Boards, etc.) as well as specific procedures for separation. The following provide some samples for dealing with the issues that may arise.

9.2.1 Resignation During Probationary Period

A person who resigns while in good standing during their probationary term may be returned to their original place on the eligibility list at the discretion of the Commission. (Education Codes 45260, 45261 and 45270.)

9.2.2 Resignation and Effect on Eligibility Lists

A resignation relates only to the specific position from which the employee resigns and does not impair their rights on other eligibility lists, except that if their name is on any promotional eligibility list, it shall be removed from any such list. (Education Code 45260.)

9.2.3 Procedure for Separation of Employee

Whenever an employee desires to separate from their employment with the District, they shall complete a separation form provided by the Personnel Commission and present this separation form to the Personnel

Office. The separation form shall indicate the last day in paid status of the separating employee and the reasons for the separation. The Personnel Administrator shall insure that an exit interview is conducted with the employee, and that the separation is presented to the Personnel Commission for ratification at the first regularly scheduled meeting after the actual date of the separation and to the Board of Education for ratification after action by the Commission.

A. In the absence of the separation form, an employee's written or verbal statement that they intend to separate from the employment of the District will be sufficient.

(Education Codes 45260 and 45261.)

9.2.4 Two Week Notice of Separation

Classified employees are requested to provide the District with at least two (2) weeks notice. Management classified employees are requested to provide at least four (4) weeks notice to the District. (Education Codes 45260 and 45261.)

9.2.5 Acceptance of Separation

The separation of a classified employee shall be considered final upon presentation to and acceptance by the Personnel Administrator. (Education Codes 45260 and 45261.)

9.2.6 Retirement Under CalPERS

Classified employees working over 1000 hours per year (approximately 4 hours per day) are covered by the Public Employees Retirement System (CalPERS) and Social Security. Employees wishing to retire under this system are required to submit appropriate retirement applications to the Public Employees Retirement System. (Education Codes 45260 and 45261.)

9.3 Health Benefit Continuation Upon Separation

COBRA Health Continuation Requirements: Under federal law, the District is required to offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the health plan would otherwise end. Health insurance continuation shall be offered pursuant to these rules. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.3.1 Employee Continuation Upon Reduction or Layoff

A classified employee and eligible dependents who are covered by the District's health plans shall have the right to continuation coverage

pursuant to C.O.B.R.A. regulations if the employee loses their group health coverage because of a reduction in hours of employment, or the termination of their employment (for reasons other than disciplinary cause as outlined in these rules and regulations). (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.3.2 Spouse/Domestic Partner Coverage

The spouse or registered domestic partner of an employee covered by the District's health plans shall have the right to choose continuation coverage for up to thirty-six (36) months if the spouse or registered domestic partner loses group health coverage for any of the following reasons:

- A. The death of the employee.
- B. Divorce or legal separation from the employee.

(Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.3.3 Dependent Child Coverage

The dependent child of an employee covered by the District's health plans shall have the right to choose continuation coverage for up to thirty-six (36) months if the dependent loses group health coverage for any of the following reasons:

- A. The death of a parent covered by the plans.
- B. The dependent ceases to be a "dependent child".

(Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act 172.)

9.3.4 Responsibility to Notify District of Status Change

The classified employee or eligible party has the responsibility to inform the District of a divorce, legal separation, dissolution of a domestic partnership, or a child losing dependent status under the District's health plans. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.3.5 District Shall Send Notification of Rights

When the District is notified about one of the circumstances outlined in these Rules, the District shall notify the eligible party (employee, spouse, dependents) in writing of the right to choose continuation coverage. The eligible party shall have 60 days from the date of losing coverage because of the events outlined in these Rules to inform the District in writing that

continuation coverage is desired. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.3.6 Failure to Accept Continuation

If an employee or eligible party eligible under these rules for health benefits continuation coverage either opts not to accept coverage or fails to indicate that coverage is desired within the stated timelines in these rules, the right to continue to participate in the District's group health insurance plans will be terminated. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.3.7 Requirement to Provide Similar Coverage

If an employee or eligible party chooses continuation coverage, the District shall be required to offer health benefit continuation coverage which, as of the time coverage is provided, is identical to the coverage provided under the health plans to similarly situated employees or to family members. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.4 Length of Continuation Coverage Provided

The eligible employee and eligible dependents shall be afforded the opportunity to maintain coverage, except as noted below. This coverage shall continue for up to 18 months, unless the employee or eligible party is determined to be disabled by the Social Security Administration within that eighteen- month period. If such a determination is made by the Social Security Administration an extension of coverage for 11 months is provided, for a total of 29 months.

Eligibility for continuation coverage is canceled if the employee is terminated for disciplinary reasons. The required continuation coverage may be cut short for any of the following reasons:

- A. The District no longer provides group health coverage to any of its employees.
- B. The premium for the continuation coverage is not paid by the employee or the eligible party.
- C. The employee or eligible party becomes an employee covered under another group plan, unless that other plan contains a pre-existing condition limitation which excludes the employee or eligible party from coverage under the new plan due to a pre- existing condition.
- D. The employee or eligible party becomes eligible for Medicare.

- E. The divorced spouse of a covered employee subsequently remarries and is covered under the new spouse's group health plan.

(Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.5 No Evidence of Insurability Necessary

An employee or eligible party shall not be required to prove insurability to choose continuation coverage. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

9.6 Payment of Premium

The employee or eligible party shall pay the full premium for the health benefit continuation coverage, plus an additional charge of 2% for administrative expenses. (Education Codes: 45260 and 45261. Federal Public Law 99-272, Title C—Consolidated Omnibus Budget Reconciliation Act.)

LEGAL REFERENCES

Education Codes:

45260	<i>Prescription, Amendment, and Interpretation of Rules</i>
45261	<i>Subject of Rules</i>
45270	<i>Persons Deemed Under Probationary Classification</i>

Federal Public Law:

99-272	<i>Consolidated Omnibus Budget Reconciliation Act</i>
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ARTICLE 10 - REINSTATEMENT

10.1 Reinstatement

A. After Resignation

Any permanent classified employee of a school district who voluntarily resigns in good standing from their permanent classified position may be reinstated or reemployed by the Governing Board of the district, within 39 months after their last day of paid service and without further competitive examination, to a position in their former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status and is currently qualified.

When a vacancy occurs, if the Governing Board elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, it shall disregard the break in service of the employee and classify them as, and restore to them all the rights, benefits and burdens of a permanent employee in the class to which they are reinstated or reemployed.

B. Reinstatement Request File

The Personnel Office shall maintain a file containing the names of former employees who have requested reinstatement and whose previous records are such that reinstatement could be recommended when vacancies occur. The determination as to which name shall be recommended for any vacancy is solely the prerogative of the appointing power and no obligation exists on the appointing power's part to fill such vacancy by reinstatement if it is preferred to fill it by some other legal method of appointment.

C. Reinstatement

The former employee shall be restored all the rights, benefits, and burdens of a permanent employee in the class to which restored, including the former step in the current salary range. If restored to a lower class, the salary shall be the rate closest to that of the step to which they would be assigned if restored in the former class.

1. If restored to permanent status, accumulated leave and seniority shall be restored as of the date of the separation. To determine the anniversary date for salary adjustments, actual months worked prior to resignation shall be counted and added to months needed to complete the year (12 months).

D. Resigned Probationer

A probationer who resigns while in good standing during their probationary period may be returned to their original place on the eligibility list at the discretion of the Commission.

E. After Service In Another Class Or In The Certificated Service

A permanent classified employee who accepts a position in the certificated service of the District or in the classified service under provisional or limited term appointment in another class shall have the right to reinstatement to their former permanent position in the classified service upon termination of the certificated position or the provisional or limited term appointment when there is a vacancy.

LEGAL REFERENCE

Education Code:

45309 *Reinstatement of Permanent Non-Certificated Employees After Resignation*

ARTICLE 11 - DISCIPLINARY ACTION AND APPEAL

The primary objective of a disciplinary system is to improve employee behavior. This objective is accomplished (1) by bringing employee misconduct or unsatisfactory performance to the employee's attention and informing the employee of the employer's expectations and applicable standards of performance and (2) by providing a system of progressive discipline which are intended to encourage the employee to improve their conduct or performance.

Castro Valley Unified School District (CVUSD) progressive disciplinary policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. These policies are consistent with CVUSD organizational values, human resource (HR) best practices and employment laws.

Outlined below are the steps of CVUSD progressive discipline policy and procedure. CVUSD reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization.

11.1 Causes For Disciplinary Actions

A. Actions subject to discipline:

In addition to those prescribed in Education Code Section 45123, 45124 and 45303, or other applicable statutes, the following are causes for disciplinary action:

1. Incompetence/Unsatisfactory Performance - A pattern of below standard work performance
2. Inefficiency - The continuing inability to perform the assigned duties of the position.
3. Insubordination or willful disobedience - knowingly refusing to perform lawful and reasonably assigned duties or refusing to perform those duties in accordance with established or prescribed procedures; challenging, resisting, defying or demonstrating contempt toward a designated supervisor or other school district official having authority to issue directions and instructions to the employee by the nature of their position.
4. Malingering, inattention to or dereliction of duty.

5. Discourteous, abusive, or threatening treatment of the public, employees, students, including sexual harassment, or any violation of Government Code Section 12940, Paragraph (I).
6. Work-related dishonesty, including examination deception or fraud.
7. Reporting for work under the effects of alcohol, drugs or controlled substances, or using alcohol or illegal drugs or controlled substances while on duty.
8. Engaging in prohibited political activities during assigned duty hours per United States Code, Title 5, Section 7323 and Title 18, Section 610.
9. Conviction by a court of competent jurisdiction of a felony or of a crime involving moral turpitude (sex offenses or narcotics offenses). A plea, verdict, or finding of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of these rules. The record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.
10. One or more criminal convictions where the nature of the crime is such that it would indicate that the employee is a poor employment risk for the particular job which they hold with the District.
11. Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document of the District.
12. Excessive unexcused absence or tardiness to the extent consistent with federal and/or state laws.
13. Abuse of leave privileges or absence so frequent that the efficiency of the service is impaired to the extent consistent with federal and/or state laws.
14. Failure to report upon reasonable notice for health examination. Failure to pass, submit, or appear for a required drug or alcohol test as regulated by State or Federal law or Board Policy.
15. Absence without leave, or abandonment of position. Any employee who fails to report for duty for three consecutive working days without permission from the supervisor shall be deemed absent without leave. Any employee who fails to return from a leave of absence within three working days after the expiration of an authorized leave shall be deemed to have abandoned the position to the extent consistent with federal and/or state laws.

16. Failure to progress satisfactorily in a training program which is required for the classification.
 17. Willful or persistent violation of, or failure to enforce, regulations or procedures pertaining to health and safety.
 18. Unauthorized use of the personal property of another or of the District or damage or misuse or misappropriation of public property, student body assets or property, public funds or district funds.
 19. Failure or refusal to work harmoniously with others that has an adverse impact on others or to the district.
 20. Failure to maintain such conditions and standards required by the District job description.
 21. Physical fighting on district-owned or controlled property or provoking a fight.
 22. Failure to follow appropriate instructions of a supervisor.
 23. Failure to accurately maintain official district records (i.e. time cards, expense claims, etc.).
 24. Possession of firearm or other illegal weapon on District controlled property and/or while on duty unless contained within scope of job responsibility.
 25. Any willful or persistent violation of the provisions of the Education Code or of written rules, regulations, or procedures adopted or established by the Board of Education, the Personnel Commission, or the administration.
 26. Verbal abuse of a pupil, a member of the public, another District employee, or a District official.
 27. Any other failure of good conduct tending to injure the public service and/or image of the District.
- B. Substitute, Provisional, Limited-Term Employees:

A substitute, limited-term, provisional, or other temporary employee may be terminated at any time during their assignment without regard to procedures set forth in this chapter.

11.2 Procedures for Disciplinary Actions (Education Code 45116, 45304, 45305, 45306, 45307, 45309, 45311, 45312).

Statement of Intent: The purpose of this Commission rule is to provide orderly procedures in processing disciplinary actions.

The procedures listed provide protection and guidelines for both the District and the employee within established law and personnel practice. The employee should be informed in writing of the work standards required and warned of offenses and plan for remediation prior to the imposition of discipline. Appropriate progressive disciplinary action should have been taken prior to further action. Such procedures may include:

- Oral Warning
- Written Warning
- Corrective Actions

Progressive disciplinary action shall not be required when conduct is of such a nature that progressive discipline would not result in corrective action or where the conduct is so serious that immediate suspension is warranted.

- A. Before a permanent employee in the classified service may be suspended, demoted or dismissed, the employee shall receive specific written Notice of Proposed Disciplinary Action from Superintendent or Designee of intention to impose disciplinary action, which shall include or be accompanied by a statement of charges upon which the proposed disciplinary action is based. (Education Code 45116.)
- B. The employee has 15 calendar days to request a Skelly hearing. If the request is not made within 15 calendar days, the employee is deemed to have waived the right to a Skelly hearing. The Skelly Hearing Officer meets with the employee, the employee's representative, and the Personnel Administrator.
- C. The employee is notified by the Superintendent that they have reviewed the employee's responses and provide a recommendation as to the proposed disciplinary action.
- D. The Superintendent then recommends to the Board of Education the proposed disciplinary action that the employee be disciplined.
- E. The Board of Education considers the statement of charges against the employee and may take action to discipline and/or dismiss.
- F. Notice of the Board's action shall be provided to the employee by the Personnel Administrator within 10 calendar days of the Board's action via registered or certified mail to the last known address of the employee. Notice shall include a copy of charges and their right to appeal per Section 11.3. The employee shall

have 14 calendar days to appeal to the Personnel Commission. The employee's appeal to the Personnel Commission must be in writing. The Board's action shall not be stayed during the appeals process (Education Code 45305).

11.3 Hearing Procedure for Disciplinary Appeals

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. (Education Code 45306, 45307, 45311, 45312.)
- B. All hearings and investigations of charges for dismissal, suspension or demotion of an employee shall be closed, unless the employee requests a public hearing. Neither the Commission nor its hearing officer shall be bound by technical rules of evidence.
- C. Upon receipt of a timely appeal, the Personnel Commission shall schedule the hearing after consultation with both parties.
- D. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representative. Each side will be permitted an opening statement. The Board shall first present witnesses and evidence to sustain its charges and the employee will then present witnesses and evidence in defense. Each side will be allowed to examine and cross-examine witnesses. Each side may then present a written or oral closing statement as determined by the Personnel Commission.
- E. The Commission may, and shall if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- F. The Commission may, prior to or during a hearing, grant either side a continuance for good cause.
- G. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If its counsel also served as counsel for the Board, they shall be barred from the Commission's final deliberations. If the Personnel Administrator or any staff was a witness in the proceedings they shall be barred from participating in the Commissions' final deliberations.
- H. The Commission may sustain or reject any or all of the charges filed against the employee. It may impose, reject, or modify the disciplinary action sought by the Board but may not impose discipline more severe than that invoked by the Board.

- I. The Commission shall render its decision and report out its decision in accordance with the requirements of Government Code section 54957.1. The Commission's written decision shall be completed within 14 working days and shall be delivered to the parties personally or transmitted to them by certified mailed (Return Receipt Requested). This requirement for notification of the employee will be deemed to have been met if the decision is sent certified mail to the last known address on file in the Personnel Office. Failure of the employee to retrieve delivered mail, or respond to notifications of delivery shall not be grounds for voiding notification. The decision shall set forth which charges, if any, are sustained and the reasons therefore. The decision shall set forth its effective date.
- J. Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision, it shall so notify the Commission in writing.

11.4 Suspension for Specific Offenses Processed as Involuntary Leave

An employee charged with a mandatory leave of absence offense as defined in Education Code 44940 shall be placed immediately on compulsory leave of absence for not more than 10 days after the date of entry of the court judgement in the criminal proceedings, unless the leave is extended as provided in (Education Code 45304). An employee shall be given notice of the possibility of being dismissed without pay during the compulsory suspension if they are ultimately found guilty of the acts of leading to the criminal charges, despite the disposition of the charges by the court.

The employee suspended under this provisions has no right of appeal to the Commission or the Governing Board.

LEGAL REFERENCES

Education Codes:

- 44010 *Sex Offense*
- 44011 *Sex Offense*
- 44940 *Mandatory Leave of Absence Offense*
- 45116 *Notice of Disciplinary Action*
- 45123 *Employment After Conviction of Sex or Controlled Substance Offense; Rehabilitated Controlled Substance Offender*
- 45124 *Employment of Sexual Psychopath*
- 45125 *Use of Personal Identification Cards to Ascertain Conviction of Crime*
- 45303 *Additional Causes for Suspension or Dismissal of Employees in Classified Service*
- 45304 *Written Charges for Suspension, Demotion, or Dismissal; Provisions for Suspension Pending Determination of Sex Offense or Narcotics Offense*
- 45305 *Appeal by Employee*
- 45306 *Investigation and Hearing on Appeal*
- 45307 *Reinstatement and Employee Compensation; Determination of Terms and Conditions; Notification*
- 45309 *Reinstatement*
- 45311 *Powers of Commission in Conducting Hearings, and Inspecting Records of Governing Board*
- 45312 *Hearings or Investigation by Hearing Officer*
- 45313 *Counsel for the Commission*

Government Codes:

- 12926 *Definitions Regarding Unlawful Practices*
- 12940 *Unlawful Employment Practices*
- 54957.1 *Closed Sessions: Public Report of Action Taken*

Health and Safety Codes:

- 11054 *Controlled Substances; Schedule I*
- 11357 – 11361 *Marijuana*
- 11363 *Peyote*
- 11364 - 11364.5 *Paraphernalia for Injecting or Smoking Controlled Substances: Not Marijuana*

United States Code, Title 5

- 7323 *Political Activity Authorized; Prohibitions*

United States Code, Title 18

- 610 *Coercion of Political Activity*

ARTICLE 12 - CERTIFICATION OF PAYROLLS

12.1 Official Roster

The Personnel Administrator shall maintain in the personnel office an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Education Code.

12.2 Withdrawing or Withholding Certification For Pay

- A. No warrant shall be drawn for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the Personnel Administrator that the person named in the assignment has been employed and assigned pursuant to Education Code 45310 and the rules of the Commission.
- B. Whenever the Commission, after a public hearing, finds that any appointment has been made in violation of this article or the rules of the Commission as they apply to examination procedures, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order. Any violation of Education Code 45310 or the rules of the Commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees guilty of such violation.

LEGAL REFERENCES

Education Codes:

45310 Certification for Payment; Appointments in Violation of Article or Rules