

Hacienda La Puente Unified School District



PERSONNEL COMMISSION CLASSIFIED RULES AND REGULATIONS

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RULE 1

RULE MAKING AUTHORITY AND DEFINITIONS

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RULE 1

RULE MAKING AUTHORITY AND DEFINITIONS

1.1 APPLICATION OF RULES

1.1.1 STATUTORY AUTHORITY FOR THESE RULES

Article 6 (Merit System) of Chapter 5, Part 25, Division 3 of the California Education Code (commencing with Section 45240 through 45320) provides the Personnel Commission with the right and responsibility for establishing rules and regulations to govern the District's classified employees. The Personnel Commission is an independent body, separate from the Board of Education, tasked with administering the merit system in the District.
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=45240&lawCode=EDC

1.1.2 SUBJECT OF RULES

These Rules shall provide for the procedures to be followed by the Board of Education and the Personnel Commission as they pertain to the classified service regarding such matters as:

- (a) applications,
- (b) examinations,
- (c) eligibility,
- (d) appointments,
- (e) promotions,
- (f) demotions,
- (g) transfers,
- (h) dismissals,
- (i) resignations,
- (j) layoffs,
- (k) reemployment,
- (l) vacations,
- (m) leaves of absence, work hours and overtime,
- (n) compensation within classifications
- (o) job analysis and classifications,
- (p) performance evaluations,
- (q) public advertisement of examinations,
- (r) rejection of unfit applicants without competition,
- (s) disciplinary, examination, and disqualification appeals,
- (t) any other matters deemed necessary by the Commission to ensure the efficiency of the classified service and the selection and retention of employees based on merit and fitness.

REFERENCE: Education Code 45260, 45261

1.1.3 INTERPRETATION AND APPLICATION OF RULES

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however specific and applicable provisions of these rules shall not be waived, ignored, or superseded unless the Commission determines that there are special circumstances in a particular case. The Commission is open to responsible suggestions to amend the rules. However, unless by specific authority of the Personnel Commission, after a determination by the Personnel Director, no amendment or new rule shall be applied retroactively.

REFERENCE: Education Code 45260

1.1.4 IMPLEMENTATION OF RULES

Since the implementation of new rules or amendments to existing rules can impact the Board, Administration, and classified employees, copies of all proposed new rules and amendments will be submitted to the District and exclusive representative of the employees prior to adoption by the Personnel Commission. If the subject matter of a Rule is within the scope of representation, as defined in Government Code 3543.2, and there is contract language on that subject, the Rule shall not apply to employees in the bargaining unit.

REFERENCE: Education Code 45260, 45261
Government Code 3543.2

1.1.5 GENERIC TERMINOLOGY

As used in these rules, the present tense includes the past and future tenses, and the future, the present. The masculine gender includes the feminine. Shall is mandatory and may is permissive.

REFERENCE: Education Code 72, 73, 75

1.1.6 JUDICIAL REVIEW

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

1.1.7 EFFECTIVE DATE OF RULES

All rules and amendments to these rules shall be effective on the date approved by the Personnel Commission and shall not have retroactive effect.

1.1.8 APPLICATION OF RULES TO BARGAINING UNIT MEMBERS

The subject matter of a rule may be within the scope of representation as defined by Section 3543.2 of the Government Code. If an agreement on the subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of the rule as they apply to that unit. If the subject matter of a rule is within the scope of representation and no agreement exists between the District and exclusive representative then the rule shall apply to that unit.

REFERENCE: Government Code 3543.2

1.2 DEFINITIONS

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

ABANDONMENT OF POSITION: The absence from a probationary or permanent position without proper or authorized permission for three (3) consecutive workdays.

ALLOCATION: The official placing of a position in a given class and the assignment of the class to a range on a salary schedule.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment, longevity pay, or other benefits based on the required period of service.

APPEAL: A request to review, revise or modify an administrative decision by the District or Commission affecting an employee.

APPLICANT: A person who has filed a District application to participate or compete in a selection process.

APPOINTING AUTHORITY OR POWER: The Board of Education for its employees or the Personnel Commission for its employees or their respective designees.

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

ASSIGNMENT: Placement of an appointee into a position. Also refers to the position in which the employee is appointed including hours and months assigned.

BENCHMARK: A common, easily identifiable job category for which salary data is obtained. Salaries for other jobs in the particular occupational group are set according to the relationship of each class to the benchmark.

BEREAVEMENT LEAVE: A paid leave granted to an employee upon the death of a member of his/her immediate family. (See Relative.)

BOARD: The Board of Education of the Hacienda La Puente Unified School District.

BREAK IN SERVICE: Interruption of an individual's employment relationship with the District. A break in service may be canceled by subsequent reemployment or reinstatement within 39 months.

BUMPING: The process whereby one employee displaces another employee from their job through layoff and seniority.

CANDIDATE: A person who has successfully competed in one or more portions of an examination.

CAUSE: The grounds for a disciplinary action against an employee as provided by law, written policy or the Rules of the Commission.

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

CERTIFICATION: The submission, by the Personnel Director, of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing power or to the department which selects employees prior to approval of the appointing power.

CLASS: A group of positions whose duties and responsibilities are sufficiently similar so that the same descriptive title may be used to designate each position; substantially the same requirements of education, experience, knowledge and ability are demanded of incumbents; substantially the same tests of merit and fitness may be used to select employees; the same schedule of compensation may be applied with equity.

CLASS SPECIFICATION: An official source document that: 1) describes the duties/tasks, the responsibility levels, the employee evaluation variables and performance standards, and the organizational and supervisory relationships that are representative of the positions assigned to the class, and which distinguish the class from other classes; 2) delineates the proficiencies that an appointee must possess at time of hiring and that are representative of the full- working-level for the class.

CLASSIFICATION: The process of sorting positions by kinds of work into job categories and then ranking them according to level of difficulty and responsibility. Further, classify means to allocate positions to appropriate classes to determine reasonable relationships within families and to prepare written class specifications.

CLASSIFICATION PLAN: All classes that have been established for an organization and the procedures for plan and specification maintenance as described by the Personnel Commission.

CLASSIFIED SERVICE: All positions in the District's service which are not exempted by the Education Code.

COMMISSION: The Personnel Commission of the Hacienda La Puente Unified School District.

COMPETITIVE EXAMINATION: The process of identifying the most qualified candidates by impartial testing methods. Qualified candidates are then ranked in order of relative merit on an eligibility list.

CONFIDENTIAL EMPLOYEE: Any employee who, in the regular course of his/her duties, has access to, or possesses information relating to, his/her employer's employer- employee relations.

DAY: Means a working day on which the central district administrative offices are open.

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

DISCHARGE OR DISMISSAL: Involuntary separation from service for cause in accordance with the Rules and Regulations of the Personnel Commission. Requires action by the Board of Education.

DISCIPLINARY ACTION: An action by the Board or Commission to deprive a regular employee of his position and/or salary without his consent. Includes suspension, demotion, salary reduction and dismissal.

DISTRICT: The Hacienda La Puente Unified School District.

DUTY: A work activity, function, set of tasks, or mission recognized by management as being a responsibility of a position.

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified on all parts of a competitive examination.

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

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

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

EMPLOYEE ORGANIZATION: Any 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 Government Code 3500-3545.

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 restored after voluntary demotion or reduction to a limited-term status.

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

FIELD OF COMPETITION: Those categories of persons, either from within or outside of District employment, that have been identified by the Commission as eligible to participate in the selection process.

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

FULL TIME: An assignment to work 35 or more hours per week.

GENETIC INFORMATION: Information about a person's health, family, history, etc. that is known as a result of examining their pattern of genes.

GOVERNING BOARD: The Board of Education of the Hacienda La Puente Unified School District.

GRIEVANCE: The procedure through which regular employees may seek adjustment of complaints arriving out of alleged violations of Commission Rules.

HEARING: A formal review of evidence before the Personnel Commission or its designated representative, in the presence of the parties involved in connection with an action affecting an employee and concerning an appeal filed by the employee.

IMMEDIATE FAMILY: (See Relative)

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

INTERSECTIONALITY: The interconnected nature of social categorizations and aspects of a person's identity such as race, class, ethnicity, and gender as they apply to a given individual or group, regarded as creating overlapping and independent systems of discrimination or disadvantage.

JOB ANALYSIS: The technical process by which positions are studied to define the tasks required to be performed and to determine the knowledge, skills, abilities, and behaviors required to be successful on the job. Used as a basis for classifying positions and developing selection plans.

JOB DESCRIPTION: See definition for Class Specification.

JOB FAMILY: All positions within a given discipline or field of work that are similar in kind regardless of level of responsibility.

LATERAL TRANSFER: The transfer of an employee to a position in a similar or related class with the same salary range.

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

LEAD: A term which refers to workers who perform the same tasks as other workers, but over whom they provide work direction, or pass on instructions from a supervisor who has responsibility for their performance.

LEAVE OF ABSENCE: An approved absence from duty with or without pay, for a prescribed period of time.

LIMITED TERM: A term used in the Education Code to designate employment for periods not to exceed six (6) months or employment of a temporary employee during the authorized absence of a permanent employee.

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for a regular employee, or in a position established for a limited period not to exceed six (6) months.

MANAGEMENT EMPLOYEE: Any employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the Board subject to review by the Public Employment Relations Board.

MAY: A verb indicating that an action is permissive, not required.

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

MERIT SYSTEM: A personnel system in which merit and fitness govern an individual's selection and progress as a classified employee.

OPEN EXAMINATION: A competitive examination in which any qualified person may participate.

PART-TIME POSITION: An assignment of work less than 35 hours per week.

PERFORMANCE EVALUATION OR PERFORMANCE APPRAISAL: A formal documented assessment by a supervisor of an employee's actions and outcomes as they directly relate to the quality, quantity and manner that assigned

duties are performed and responsibilities met.

PERMANENT EMPLOYEE: An employee who has completed a probationary period in any class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six (6) months.

PERS: Public Employees Retirement System.

PERSONNEL COMMISSION: A body of three (3) members appointed for alternate terms of three (3) years who are registered voters and residents within the territorial jurisdiction of the school district and known adherents to the principle of the merit system as defined by Education Code 45244.

PERSONNEL DIRECTOR: The person appointed by the Commission to act as its designated representative in administering the merit system.

POSITION: A group of duties and responsibilities assigned by the Board requiring full or part-time employment of a person, on a permanent or limited-term basis. A position can only be established by action of the Board of Education or by the Personnel Commission for a member of its own staff.

POSITION TRANSFER: The relocation of an employee between job sites within the same classification.

PRIVILEGE: A benefit that is discretionary (which may or may not be granted); in contrast to a right (which must be granted)

PROBATIONARY PERIOD: A trial period of six months or one year as established by the Personnel Commission immediately following appointment to a permanent position.

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

PROMOTIONAL EXAMINATION: An examination limited to qualified permanent employees of the District or Commission.

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

PROVISIONAL APPOINTMENT: An employee employed to a permanent or limited-term position made in the absence of an appropriate eligibility list; not to exceed ninety (90) working days except in specified circumstances.

PROVISIONAL EMPLOYEE: A person employed temporarily while the examination process is being conducted to establish the eligibility list.

RANK: The name or names of eligibles who have the same final rounded whole percent after any adjustments for seniority or veteran's credit.

REALLOCATION: The reassignment of a class from one salary range to another without significant change in class title, minimum qualifications, duties or responsibilities.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another as a result of a change of duties.

REEMPLOYMENT: The return to duty of an employee in a class who has been laid off within thirty-nine (39) months. An additional twenty-four (24) months is available if the laid-off employee has accepted a lesser position in lieu of lay off.

REEMPLOYMENT LIST: A list of names by classification in rank order of seniority, of persons laid off for lack of work, lack of funds or medical layoff who are eligible for reemployment without examination.

REGULAR EMPLOYEE: An employee who has probationary or permanent status.

REINSTATEMENT: A reappointment of a former employee, within a period of 39 months following the date of resignation, without examination, to a position in one of the person's former classes, or in a related class. Such reappointment requires the District to restore all rights and benefits earned by the person prior to the resignation.

RELATIVE: Means a member of the immediate family, which is:

- Brother
- Brother-in-Law
- Daughter (Stepdaughter)
- Daughter-in-Law of employee
- Father (Stepfather)
- Father-in-Law
- Foster children
- Grandchild of employee
- Grandfather
- Grandmother
- Husband
- Legal Guardian of employee (or spouse)
- Mother (Stepmother)
- Mother-In-Law
- Sister
- Sister-In-Law
- Son (Stepson)
- Son-in-Law of employee

RESIGNATION: A voluntary termination of employment.

RESTORATION: The reassignment of an employee who has demoted to his/her former class.

RESTRICTED EMPLOYEE: An employee hired into a position which is limited to persons from low-income groups or from designated geographical areas or to those who meet other specified criteria. Restricted employees are not entitled to permanent status, seniority, promotional opportunities or to appeal rights in the event of disciplinary action.

RIGHT: A benefit, bestowed by law or rule, that must be granted.

RULE OF THREE: The choice available to an appointing power from a ranked eligibility list; selection may be made only from those eligibles in the first three ranks who are ready and willing to accept appointment.

SALARY RANGE: A series of consecutive salary steps that comprise the pay for a classification.

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

SALARY STEP: A specific location in a salary range.

SENIOR MANAGEMENT: A classified employee in the highest position in a principal program area with responsibility for formulating policy or administering the program or is the fiscal advisor to the superintendent. Senior management positions are part of the classified service, are afforded all rights, benefits and burdens of the classified service, except they are exempt from permanent status in the senior management position.

SENIORITY: Length of service based on the date of hire in a classification unless negotiated differently in the classified bargaining agreements.

SEPARATION: Leaving one's employment with the District. This term includes resignation, dismissal, layoff, retirement, etc. The ending of all status as an employee.

SERIES: A number of classes closely related in a job family and arranged in a list in order to indicate levels in a group.

SERVICE CREDIT: Additional point(s) added to the final passing score of candidates who have permanency with the District or are on a valid reemployment list based on service from the anniversary date of employment in a regular classified position.

STATUS: An employee's current standing such as provisional, full-time, part-time, probationary, limited-term or permanent.

SUBSTITUTE EMPLOYEE: An employee temporarily serving in a position during the absence of the incumbent.

SUPERVISORY EMPLOYEE: Any employee having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, conduct performance appraisals or discipline other employees, or the responsibility to assign work to and direct them, or effectively recommend such action, if the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee, pursuant to Education Code 45304.

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

TRANSFER: See lateral or position transfer.

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

VETERAN'S CREDIT: Additional points (five or ten) added to a passing score in open entry-level examinations for military or related service rendered during time of war or national emergency.

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

REFERENCE: Education Code 45103, 45127, 45194, 45256, 45260, 45261, 45262, 45269, 45270, 45275, 45285, 45286, 45287, 45290, 45292, 45294, 45296, 45298, 45301, 45302, 45305, 45307, 45309

1.3 VIOLATION OF MERIT SYSTEM LAWS

1.3.1 VIOLATION SHALL BE CRIMINAL ACT

Any person who willfully or through culpable negligence violates any of the provisions of Article 6, commencing with Section 45240 of the Education Code is guilty of a misdemeanor.

REFERENCE: Education Code 45317

1.3.2 OTHER UNLAWFUL ACTS

In addition to the prohibition on unlawful acts outlined in Rule 1.3.1, it is also unlawful for any person to:

A. Willfully, either alone or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to any right of examination, application, or employment under the

merit system laws of the Education Code or the rules and regulations of the Personnel Commission.

- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the merit system laws of the Education Code or the rules and regulations of the Personnel Commission, or to aid in doing, or make any false representation concerning the same of the person examined.
- C. Willfully to furnish to any person any special or confidential information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under the merit system laws of the Education Code or the rules and regulations of the Personnel Commission.

REFERENCE: Education Code 45317.

RULE 2

THE PERSONNEL COMMISSION

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 - 2.1.2 Appointment Procedures
 - 2.1.3 Filling Vacancies During Term of Office
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 - 2.8.1 Legal Counsel
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RULE 2

THE PERSONNEL COMMISSION

2.1 ORGANIZATION OF THE COMMISSION

2.1.1 TERMS OF OFFICE AND GENERAL SELECTION PROCEDURES

The Personnel Commission is composed of three individuals who must be registered voters; reside within the territorial jurisdiction of the Hacienda La Puente Unified School District, and be a known adherent to the principle of the merit system. One member of the Commission is appointed by the Board of Education, one member is appointed by the classified employee organization which represents the largest number of the District's classified employees and the third member is appointed by the sitting two (2) members.

- A. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During a commissioner's term of office, a member of the Personnel Commission shall not be an employee of the Hacienda La Puente Unified School District.
- B. As used in this chapter, known adherent to the principle of the merit system, with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.

As used in this chapter, known adherent to the principles of the merit system, with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system as defined by the California Education Code and its operation.

- C. The term of office for each of the commissioners is for a three (3) year period and expires at noon on December 1 of the third year. The terms of the Commissioners are staggered.
- D. No applicant for commissioner shall be discriminated against because of their political or religious opinions or affiliations, race, color, national origin or ancestry, gender, age, marital status, employee organization membership or legal activities related thereto, physical or mental disability, medical condition, genetic information, military or veteran status, reproductive health decision-making, sexual orientation, or any combination of these

characteristics (See intersectionality definition in PC Rule 1.2 Definitions), as well as any other protected status under applicable laws.

REFERENCE: Education Code 45244, 45245, 45246, 45247

2.1.2 APPOINTMENT PROCEDURES

On or about September 1 of each year, the Personnel Director shall notify the Board and the recognized classified employee organization of the name and home address of the Commissioner whose term will be expiring and whether or not that commissioner will accept reappointment for another three-year term. The notification

will also provide the name of the appointing authority, and an outline of the procedures (below) to be followed in filling the upcoming vacancy.

Once an applicant for Personnel Commissioner has been presented as a nominee for appointment, the Personnel Director shall be responsible for leading the nominee through the pre-appointment process. For all Commissioner appointments, nominees shall successfully complete all pre-appointment processes prior to taking their oath of office or being voted on at a Personnel Commission meeting. Pre-appointment processes shall be consistent for all Personnel Commissioners, including vacancies during a term of office and emergency appointments.

Pre-Appointment processes include the following:

- Personnel Commissioner Application
- Personnel Commissioner Supplemental Application
- Live Scan Service & Fingerprinting
- Department of Justice (DOJ) Report
- Tuberculosis (T.B.) Test

If there are no issues with the results of the pre-appointment process, the nominee shall be announced at the next scheduled Personnel Commission meeting followed by the announcement process outlined in sections 2.1.2 A-C. If there are issues with the results of the pre-appointment process, that information shall be shared with the nominee and those matters shall be reviewed and decided on by the Personnel Commissioners in closed session at a Personnel Commission meeting. If disqualified, the nominee may respond to the Personnel Director, in writing, within five (5) business days from the date of notification. Upon the receipt of the nominee's written response, the Personnel Commissioners shall meet with the nominee in closed session at a Personnel Commission meeting and decide on the matter within ten (10) business days, unless extenuating circumstances exist that require additional time. If approved, the nominee shall be announced at the next scheduled Personnel Commission meeting followed by the announcement process outlined

in sections 2.1.2 A-C. In the case of the joint appointed commissioner, if there is still no agreement, the decision shall be appealed to the State Superintendent of Public Instruction and the Personnel Director will send a package, outlined in 2.1.2, to the State Superintendent of Public Instruction for a final decision within 20 calendar days and no later than 30 calendar days.

All material generated in the pre-appointment and appointment processes shall remain in the Office of the Personnel Commission.

A. Board's Appointment

By September 30, the Board shall publicly announce the name of the person it intends to appoint or reappoint. At a board

meeting to be held after 30 days and within 45 days of the date the Board shall publicly announce its candidate; hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended. The Board at that time may make its appointment or may make a substitute appointment without further notification or public hearing. It is the responsibility of the Board of Education to ensure that their nominee is a known adherent to the principles of the merit system, and meets the residency requirement.

B. Classified Employees' Appointment

The classified employees shall submit the name of their nominee to the Board at least thirty (30) days prior to the date the vacancy will occur. The Board shall appoint that nominee effective the date the vacancy occurs. If the classified employees voluntarily withdraw the name of their nominee and submit the name of a new nominee, the Board shall then appoint that new nominee. It is the responsibility of the classified employees to ensure that their nominee is a known adherent to the principles of the merit system, and meets the residency requirement.

C. Commissioners' Appointment

By September 30, the appointee of the Board and appointee of the classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At the next regularly scheduled Commission meeting to be held after thirty(30) days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Commissioners. The Commission at that time may make its

appointment or may make a substitute appointment or recommendation without further notification or public hearing. It is the responsibility of the Board appointee, and the classified employees' appointee, to ensure that their nominee is a known adherent to the principles of the merit system, and meets the residency requirement.

1. In the event that there is no agreement on a joint appointee, each of the Commissioners responsible for making an appointment shall publicly nominate a single person to be the nominee. The Personnel Director shall then prepare a complete package for forwarding to the State Superintendent of Schools that includes the application, any supplemental materials, any letters in support or in opposition to a particular nominee, a description of the process used to obtain the nominee, a copy of the minutes of the public hearing, and any other relevant information.
2. The Personnel Director shall notify the governing board, and the classified employee organizations, the employee organizations' field offices, of the names of the two nominees being considered. Letters to the presidents of the employee organizations, the president of the Board, and to the Superintendent shall constitute notice.
3. The Personnel Director shall send a letter to the State Superintendent that indicates the names of the persons that the two sitting Commissioners are recommending. The letter shall also contain notice to the State Superintendent that the indicated nominees are the only persons who have been designated by the respective Commissioners for appointment.
4. The State Superintendent shall also be advised in a cover letter by the Personnel Director that the two nominees being forwarded are the only nominees recommended for consideration.
5. If one Commissioner chooses to not make a nomination, but declines to support the nominee made by the other Commissioner, the Personnel Director shall advise the State Superintendent that the name of only one nominee is being forwarded and that no other nominee is under consideration, and will identify the Personnel Commission member making the nomination.
6. It is understood that the State Superintendent of Schools is not bound by any recommendation.

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

E. Inability to Appoint a Commissioner within Ninety Days

In the event that, within ninety (90) calendar days of notice of the vacancy, the Board does not appoint a Board Appointee or Classified Employees' Appointee, the Personnel Director shall prepare a complete package for forwarding to the State Superintendent of School that includes the application(s) of every applicant, any supplemental materials, any letters in support or in opposition of a particular nominee, a description of the process used to obtain the nominee, a copy of the minutes of the public hearing, and any other relevant information. In the case of the Classified Employees' Appointee, only the nomination(s) from the organization that represents the largest number of classified employees of the District shall be considered.

1. The Personnel Director shall notify the governing board, the employee organizations, and all employees of the District of the decision and inform them of the names of the nominees being considered and advise them that they may submit letters in support of or in opposition to any nominee by submitting them to the Personnel Director by the deadline. Letters to the presidents of the employee organizations, the President of the Board, and to the Superintendent shall constitute notice.
2. The State Superintendent shall also be advised in a cover letter by the Personnel Director that the nominee(s) being forwarded are the only nominee(s) recommended for consideration.

REFERENCE: Education Code 45244-45248
Government Code 13102

2.1.3 FILLING VACANCIES DURING TERM OF OFFICE

A. Board's Appointment

Within thirty (30) days of notification of the vacancy, the Board shall publicly announce the name of the person nominated to fill the unexpired term. The requirements of Rule 2.1.2.A shall then be followed.

B. Classified Employees' Appointment

Within thirty (30) days of notification of the vacancy, the classified employees shall publicly submit the name of its nominee to the Board. The requirements of Rule 2.1.2.B shall then be followed.

C. Commissioners' Appointment

Within thirty (30) days of the notification of the vacancy,

the Commissioners shall publicly announce the name of the person they intend to appoint. The requirements of Rule 2.1.2.C shall then be followed.

REFERENCE: Education Code 45244-45248, 45260

2.1.4 EMERGENCY APPOINTMENT OF COMMISSIONERS

If there are two vacancies on the Commission, the Board, at the request of the Personnel Director, shall declare that an emergency exists and shall make one interim appointment to fill a vacancy to insure the continuance of the functions of the Personnel Commission. The interim appointment shall terminate on the date the notification of a permanent appointment is received by the appointee.

- A. An interim appointee must meet the requirements of the Education Code and Rule 2.1.1.
- B. In no event shall an interim appointment be valid for more than sixty (60) calendar days.

REFERENCE: Education Code 45244, 45248, 45260,
45261

2.1.5 OFFICERS

At its first regularly scheduled meeting on/or after December 1 of each year, the Commission shall elect one of its members to serve as the Chair and another of its members to serve as Vice-Chair for a period of one year or until their successors are duly elected.

REFERENCE: Education Code 45260, 45261
Government Code 1302

2.1.6 QUORUM AND MAJORITY AND ABSTENTION

Two members of the Commission shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two (2) members is required to carry any motion or action. A Commissioner shall abstain from the vote if he or she has, or may have, a personal pecuniary interest or gain.

REFERENCE: Education Code 45260, 45261
Government Code 54952.6

2.1.7 COMPENSATION OF COMMISSION MEMBERS

The Board has authorized payment to the members of the Commission at the rate of fifty dollars (\$50) per meeting, not to exceed two hundred-fifty dollars (\$250) per month. The Board has authorized the members of the Commission to receive the health insurance plans of the District as provided to members of the Board.

2.1.8 COMMISSIONERS' CODE OF PROFESSIONAL CONDUCT

- A. All personnel commissioners shall be provided an opportunity to affirm and accept the Commissioners' Code of Professional Conduct.
- B. In the Order of Business of the meeting in which a new commissioner is sworn-in (usually the December meeting), the Personnel Director shall place on the agenda a recommendation that the Commission accept the Resolution of the Personnel Commissioners Code of Professional Conduct. The Commission Chair will ask for a motion that the Resolution be accepted. If seconded, the new commission member will be given the opportunity to sign a copy of the Resolution.
- C. The signed Resolution shall be included in the personnel commissioner's individual service file. If the Resolution is not signed by the dissenting commissioner, the unsigned Resolution shall be made part of the commissioner's service file and annotated as "unsigned." The dissenting commissioner may attach written comments.
- D. Resolution of the Personnel Commissioners' Code of Professional Conduct

Whereas, the Personnel Commission shall base all actions and decisions on merit, fairness and efficiency regardless of outside influence, and

Whereas, Commissioners shall publicly champion and vocally encourage others to embrace the principles of merit in all decisions and actions related to Human Resources Management, and

Whereas, Commissioners shall act and vote independently and objectively regardless of their source of appointment, and

Whereas, although Commissioners should routinely meet with

the Board of Education, and employee representatives to discuss general Human Resources concerns, Commissioners shall direct individuals who privately contact them about specific Commission issues to the Personnel Director, and then the full Commission,

and

Whereas, the Commission is to provide counsel and direction to their Director at the policy level rather than become involved in the day-to-day operations of the staff, and

Whereas, Commissioners understand and recognize that the power and decision-making authority over the Personnel Commission

and its staff or over actions that impact the Classified Service lies only with the full Commission and not with an individual opinion or one Commissioner, and

Whereas, Commission members are expected to attend and participate in all Commission meetings and become fully informed of the issues being considered at those meetings, and

Whereas, Commission members who receive expressions of concern regarding issues that impact the Classified Service should share that information with the entire Commission, and

Whereas, Commission members should avail themselves of opportunities to inform and educate themselves about current Human Resources practices and employment law by individual study and/or through participation in programs providing related information, and

Whereas, the Commission shall encourage regular and impartial performance evaluations of all Classified employees, and

Whereas, the Commission shall encourage training programs for all Classified employees, and

Whereas, the Commission shall ensure a continuous review of positions in the Classified Service and recognize that classification descriptions are based on assigned duties not attributes of individual incumbents, and

Whereas, Commissioners shall not publicly engage in personal attacks on Commission staff or attempt to discipline any employee other than the Director of their staff, and

Whereas, Commission members shall recognize that the Chair of the Commission is the official voice of the

Personnel Commission and that members have the responsibility when meeting privately with others to differentiate their views from those of the Commission as a whole, and

Whereas, Commissioners shall respect the confidentiality of all privileged information, including that discussed in closed session, and

Whereas, Commissioners shall comply with the accepted Rules of Order and the Brown Act in the conduct of their meetings, and shall enforce the accepted Rules of Order for attendees at their meetings, and

Whereas, Commissioners shall support and ensure that all candidates for classified employment are provided with equal employment opportunity and that selection procedures are based on merit and fitness, and

Whereas, the Commission shall recognize the value of diversity in the workplace and encourage recruitment outreach to

members of underrepresented groups, and

Whereas, the Commission shall adjudicate disciplinary and examination appeals on the basis of relevant substantial evidence and not on personal, prejudicial, or extraneous information, feelings, or beliefs, and

Whereas, the Commission shall abide by related provisions of the California State Education Code and federal, state and local legislation and regulations;

Therefore, be it resolved that Personnel Commissioners, agree to and support this Code of Conduct.

2.2 MEETINGS

2.2.1 REGULAR MEETINGS

Subject to cancellation or approved change, the Commission shall meet on the 1st Tuesday of each month at 4:30 p.m. in the Board Room of the Hacienda La Puente Unified School District at 15959 East Gale Avenue, City of Industry, California. If necessary, meetings may be held in other locations within the District's boundaries.

REFERENCE: Education Code 45260
Government Code 54952-54952.3, 54956.5

2.2.2 ADJOURNED REGULAR MEETINGS

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

REFERENCE: Education Code 45260
Government Code 54952, 54952.3, 54956.5

2.2.3 SPECIAL MEETINGS

Special meetings may be called at any time by the Chair, or by the written request of any two Commission members, or a special meeting may be requested by the Personnel Director. Written notice for a special meeting shall be delivered personally, by email, or by mail to each member of the Commission. Written or email notification shall also be provided to the District, employee organizations and to others as required. Such notice shall be delivered at least twenty-four (24) hours before the

time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's official bulletin board and website. The notice shall specify the time and place of the special meeting and the business to be transacted. Only those items of business listed in the agenda may be considered at the special meeting.

REFERENCE: Education Code 45260
Government Code 54956

2.2.4 PUBLIC MEETINGS

All regular and special meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 2.2.5.

REFERENCE: Education Code 45260
Government Code 54952, 54952.3, 54952.5, 54953

2.2.5 CLOSED SESSIONS

A. A closed session may be conducted only during a regular or special meeting of the Commission that has been called with proper notice. Prior to holding a closed session, the Commission shall state the reasons for the closed session and cite the statutory or legal authority for the closed session.

Only those matters identified may be considered in closed session.

B. When a matter is considered at a closed session which will require Commission action, the final action may be taken in a public or closed session; however, the result of such action, if taken in closed session, must be announced by the presiding officer, and the result of such action shall be recorded in the minutes of the Commission.

REFERENCE: Government Code 54952, et. Seq.

2.2.6 AGENDA AND SUPPORTING DATA

A. Insofar as possible, at least seventy-two (72) hours prior to every regular or twenty-four (24) hours prior to every special Commission meeting, the agenda shall be provided to the Commission, the designated representatives of all employee organizations representing district classified employees and the District. When practical, supporting data will be furnished in advance. The agenda will also be posted at least seventy- two (72) hours before the meeting on the Commission's official bulletin board and website and distributed to news media who have requested it.

- B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in Rule 2.2.5, and/or will be provided reasonable opportunity to present their views orally during the Commission meeting. The Commission will consider these comments and recommendations prior to arriving at a decision.
- C. District personnel, representatives of recognized employee organizations, representatives of the District or other interested parties may submit items to be placed on the Commission agenda by submitting the items to the Personnel Director not less than seven (7) working days prior to the scheduled Commission meeting at which the item is to be considered.

2.2.7 AMENDMENT, DELETION, OR ADDITION TO RULES

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.

- A. On a first reading the Commission will set a date for Commission action on the proposal which will normally be the next regularly scheduled Commission meeting. The Personnel Director will then refer the proposed rule change to interested persons or organizations in order to provide them an opportunity to submit comments or recommendations.
- B. Insofar as possible, interested parties shall submit their reactions or recommendations to proposed rule changes in writing on or before the stipulated Commission agenda deadline date. Those wishing to speak to the item will be given the opportunity at the appropriate Commission meeting.

REFERENCE: Education Code 45260

2.2.8 MINUTES

The Personnel Director or his designee shall record in the minutes the time and place of each Commission meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, the Commissioner's reasons for dissent or approval shall be recorded. The minutes of the meeting 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 organizations, the Board,

Superintendent and others who have expressed their interest in such matters.

REFERENCE: Education Code 45260

2.3 COMMISSION EMPLOYEES

2.3.1 STATUS OF COMMISSION EMPLOYEES

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be supervised by the Commission. The Commission shall determine how these employees

will be utilized and determine the assigned time of their employees. Employees of the Commission shall be a part of the District's classified service, and be accorded all rights, benefits, and burdens pertinent to the classified service, except as the Commission may specifically direct.

REFERENCE: Education Code 45260, 45264

2.3.2 GENERAL DUTIES OF THE PERSONNEL DIRECTOR

The Personnel Director shall perform all duties and carry out all of the functions imposed by law and these rules. The Director shall act as Secretary to the Commission and shall issue and receive all notifications on its behalf. The Director shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the proper functioning of the office and staff of the Commission.

- A. The Personnel Director shall be responsible for conducting classification, salary, and rules studies; planning and administering examinations; monitoring the selection, assignment and transfer of employees by the Board; conducting investigations of protests and other matters as directed by the Commission; and for investigating such other matters as deemed necessary to fulfill the responsibilities of the office.
- B. In cases where two or more rules appear to be in conflict or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to review by the Commission.

REFERENCE: Education Code 45260, 45261, 45266

2.4 COMMUNICATIONS

Communications and requests to the Personnel Commission, insofar as practicable, shall 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 present the request to the Personnel Director for placement on the Commission agenda. (Pursuant to Rule 2.2.6.)

2.5 PERSONNEL COMMISSION BUDGET

2.5.1 BUDGET

Each year the Personnel Director shall prepare and submit a proposed operating budget to the Commission for the next fiscal year. The proposed budget shall be submitted to the Commission in April for review and discussion.

REFERENCE: Education Code 45253, 45260

2.5.2 PUBLIC HEARING

The Commission shall designate a meeting in May at which a public hearing on its proposed budget will be held. The Commission shall forward a copy of its proposed budget to the governing board indicating the time, date and place for the public hearing of the budget and shall invite Board and District administration representatives to attend and present their views.

REFERENCE: Education Code 45253, 45260

2.5.3 INPUT

Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions. Efforts shall be made to resolve any differences that may exist between the Commission and the Board.

REFERENCE: Education Code 45253, 45260

2.5.4 BUDGET FORWARDED TO COUNTY SUPERINTENDENT

The Commission shall adopt a proposed budget by May 30. The Commission shall forward its proposed budget to the County Superintendent of Schools for action.

REFERENCE: Education Code 45253, 45260

2.5.5 PUBLIC HEARING BY COUNTY SUPERINTENDENT

If the County Superintendent of Schools proposes to reject the budget as submitted by the Commission within thirty (30) days after the Commission's submission of the budget, a public hearing on the proposed rejection shall be held within the District. Both the Commission and the governing board shall be notified of the date, time, and place of the hearing. After such public hearing the budget may be rejected, or, with the

concurrence of the Commission, amended. In the absence of agreement between the Commission and the County Superintendent, the budget of the preceding year shall determine the amount of the new budget. The items of expenditure shall be specifically determined by the Commission.

REFERENCE: Education Code 45253, 45260

2.5.6 STAFF TRAINING

The Commission may, with respect to the staff of the Commission, expend funds for their orientation, training, retraining, and development and for any purpose as prescribed by the Education Code.

REFERENCE: Education Code 45255

2.6 ANNUAL REPORT OF THE PERSONNEL COMMISSION

2.6.1 ANNUAL REPORT

The Personnel Director shall prepare an annual report of Commission activities. The annual report shall be submitted to the Board. The report shall review Commission activities for the preceding fiscal year.

REFERENCE: Education Code 45266

2.7 POWER TO CONDUCT HEARINGS

2.7.1 HEARINGS

Pursuant to applicable provisions of the Education Code, the Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the Commission have been complied with. Hearings may be held by the Commission on any subject to which its authority may extend as described in the Education Code.

REFERENCE: Education Code 45311

2.8 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

2.8.1 LEGAL COUNSEL

The legal counsel of the Board shall aid and represent the Commission in all legal matters. If legal counsel fails to respond to a written request for legal assistance within fifteen (15) working days, counsel has then refused to represent the Commission in that matter.

2.8.2 CONFLICT OF INTEREST

Legal counsel shall refuse to represent the Commission when counsel knows or has reason to know at the time of the request, a conflict exists between the interests of the Commission and the Board or District.

The Commission may also declare a conflict of interest. Such conflict shall be identified in writing to the District and its legal counsel.

2.8.3 OTHER COUNSEL AND FEES

When legal counsel refuses to represent the Commission in a legal matter or the Commission identifies a conflict of interest, the Commission may employ its own attorney. The reasonable cost of other legal counsel constitutes a legal charge against the general funds of the District, whether or not funds for legal services appear in the Commission budget.

REFERENCE: Education Code 45313

2.8.4 CONSENT FOR LEGAL REPRESENTATION

The Commission may call for a special meeting before committing to legal representation. The terms of the agreement for legal representation shall be reviewed by the Commissioners with the Chair serving as the official voice of the Commission with respect to interactions with the contracted legal representative.

REFERENCE: Education Code 45313

RULE 3

POSITION CLASSIFICATION PLAN

3.1 The Classified Service

- 3.1.1 Positions Included
- 3.1.2 Exemptions from the Classified Service
- 3.1.3 Senior Management
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- 3.3.1 Reclassification of Positions
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- 3.3.3 Effects of Reclassifications of Incumbents

3.4 Classification Change and Seniority

- 3.4.1 Seniority on Upward Reclassification
- 3.4.2 Seniority on Downward Reclassification
- 3.4.3 Effect of Classification Changes

3.5 Effect of Classification Changes on Reemployment and Eligibility Lists

- 3.5.1 Reemployment List for Displaced Incumbents
- 3.5.2 Effect of Reclassification on Reemployment and Eligibility Lists

RULE 3

POSITION CLASSIFICATION PLAN

3.1 THE CLASSIFIED SERVICE

3.1.1 POSITIONS INCLUDED

- A. All positions established by the Board or Commission which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. These employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established by law shall be employed outside of the classified service.
- C. Nothing in this Rule shall be construed to prohibit the employment of a person possessing certification qualifications in a classified position nor shall certification qualifications be grounds for disqualification for employment. However, a person with certification qualifications hired into a classified position shall be a member of the classified service.

REFERENCE: Education Code 44065, 44066, 44069, 45104, 45105, 45106, 45108, 45256, 45256.5, 45258, 45259

3.1.2 EXEMPTION FROM THE CLASSIFIED SERVICE

- A. Exempt from the classified service are positions which require certification qualifications, full-time day students employed part-time, part-time students employed part-time in any college work study program or in a work experience program conducted by a Community College, apprentices, community representatives (as provided by law), and professional experts employed on a temporary basis for a specific project by the Board or by the Commission when so designated by the Commission, shall be exempt from the classified service.

REFERENCE: Education Code 44065, 44066, 44068, 44069, 45103, 45106, 45108, 45204, 45205 45205.1, 45256, 45256.5, 45257, 45258, 45259, 51760, 51760.3, 51764

- B. The board may create the positions of staff assistant and field representative to directly assist the Board or individual Board members. Such positions, if created are exempt from the provisions of these rules insofar as they relate to the position classification, recruitment, employment, and salary setting. Persons employed in such

positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of an individual Board member. If a permanent classified employee is appointed to serve in such an exempt position, he shall retain status as a permanent employee. If he is terminated from the exempt position, he shall have bumping rights in his former class in the same manner as if he had been laid off for lack of work or lack of funds.

REFERENCE: Education Code 45112

- C. Positions established for the employment of community representatives in an advising or consulting capacity for not more than ninety (90) working days or a total of 720 hours, in a fiscal year shall be exempt from the classified service provided that: 1) the authorized duties are not those normally assigned to a class in the classified service; the authorized duties are approved by the Commission prior to employment, and; a regular classified employee of the District shall not receive a concurrent appointment to such position.

REFERENCE: Education Code 45256, 45258

3.1.3 SENIOR MANAGEMENT

- A. The Board may designate certain positions as Senior Management of the classified service. The decision of the Board to designate a position Senior Management is not negotiable but is subject to review by the Public Employment Relations Board (PERB). Employees whose positions are designated Senior Management are a part of the classified service and shall be afforded all rights, benefits and burdens of the classified service, except they shall not attain permanent status.
- B. Positions in the Senior Management service shall be filled from an unranked list of eligibles who have been found qualified as specified by the Superintendent and determined by the Commission.
- C. Notice of reassignment or dismissal shall be in accordance with Education Code 35031. When the Board determines that a member of the Senior Management Service is not to be reelected upon expiration of his term of employment, the employee shall be duly notified as provided. If the Senior Manager has prior permanent status in the classified service and the decision is not to reelect, displacement rights shall be provided to the employee.

REFERENCE: Education Code 35031, 45108.5, 45256.5

3.1.4 PART TIME DEFINED

A part-time position, for the purpose of exemption, is one for which the assigned time, when computed on an hourly, weekly or monthly basis is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service.

REFERENCE: Education Code 45256, 45260

3.1.5 EFFECT OF EXEMPTION

Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these Rules, except provided by law, the Board or the Commission, for their employees.

REFERENCE: Education Code 44065, 45105, 45106, 45256, 45258, 45260

3.1.6 RESTRICTED POSITIONS AND EMPLOYEES

- A. Employment may be restricted to persons in low income groups, from designated impoverished areas, or any other criteria which precludes employment through the normal competitive process, in which case the position shall, in addition to the assigned title, be designated as Restricted.
- B. Persons employed in Restricted positions shall be considered classified employees for all purposes except: (1) they shall not attain permanent status, (2) they shall not be accorded seniority rights, (3) they shall not be given provisional appointments concurrent with status in a restricted position, and (4) they are not eligible to compete in promotional examinations in the regular classified service.
- C. At any time after six (6) months of satisfactory service in a restricted position, a person serving in a restricted position shall be given the opportunity to take such qualifying examination as required for all persons serving in regular positions in the class. If the restricted employee satisfactorily completes the examination and is placed on the eligibility list, regardless of score or standing on the list, the employee shall be considered a part of the regular classified service, even when such employee continues to serve in a restricted position. Employees who have attained regular permanent status under the provisions of this rule shall be accorded all rights, benefits and burdens as a regular permanent classified employee, including seniority from the employee's initial date of employment in the restricted position.

REFERENCE: Education Code 45105

3.2 CLASSIFICATION RULES

3.2.1 ASSIGNMENT OF DUTIES

The Board shall prescribe the duties and responsibilities for all positions in the classified service except those of the Commission staff. When the Personnel Director finds the duties being performed by an employee are inconsistent with the duties officially assigned to a position, he shall take appropriate actions(s) under these Rules. Appropriate action may include, but is not limited to, reporting the matter to District administration, processing a working-out-of-class claim or beginning a reclassification study.

REFERENCE: Education Code 45104, 45109, 45241, 45256, 45264, 45266

3.2.2 CLASSIFICATION PLAN

- A. The Commission shall classify all employees and positions within the jurisdiction of the Board and the Commission, except those positions which the Commission determines are exempt from the classified service pursuant to law and these Rules.
- B. To classify shall include but not be limited to allocating positions to appropriate classes, arranging classes into job families (occupational hierarchies), determining reasonable percentage relationships between classes within job families and between the job families and preparing written class specifications.
- C. The Commission shall maintain a classification plan for all positions in the classified service, organized by job families. The plan shall include the classes which are filled through open competitive examination. The Commission shall determine whether an examination shall be promotional only or open and promotional. The classification plan shall include the approved salary rate or range applicable to each class.

REFERENCE: Education Code 45100, 45104, 45105, 45105.1, 45109, 45241, 45256

3.2.3 CLASS SPECIFICATIONS

For each class established or approved by the Commission, the Commission shall establish and maintain a class specification which includes:

- A. The class title.
- B. A definition of the class, indicating the type of duties and

responsibilities and placement within the organizational scheme.

- C. A statement of essential and other related duties to be performed by persons holding positions allocated to the class.
- D. A statement of the employment standards for service in the class. The employment standards may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics.
- E. A statement about any license, certificate or other special requirements for employment or service in the class.
- F. Statements describing the physical demands and work environment of the class.
- G. A statement about Reasonable Accommodations provided by Hacienda La Puente Unified School District to qualified individuals.
- H. Statement about any desired qualifications which, although not required, may be given additional credit during evaluation of an applicant's qualifications.
- I. Employment standards shall not require a teaching, administrative or other credential, nor shall they require experiences which would restrict applicants to credential holders. Titles shall not be assigned that would restrict competition to credential holders.
- J. The title of the class shall be used as the title of all positions in the class on payrolls audited by the Personnel Director and in the records and correspondence of the Board and Commission.

REFERENCE: Education Code 45256, 45260, 45276, 45277

3.2.4 INTERPRETATION OF CLASS SPECIFICATIONS

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

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or

quality as determined by the Personnel Director.

- B. In determining the class to which a position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks and qualification requirements as affording clear distinctions of the positions that the class includes.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications required of all incumbents such as the ability to perform the essential duties of the position, honesty, sobriety, dependability, good judgment and the ability to assume the responsibilities and conditions of the position, even though not specifically mentioned in the class specification are implied in the qualification requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualifications of candidates seeking appointment, but does not require a particular form or content of test or testing procedure.

REFERENCE: Education Code 45256, 45261, 45273,
45276, 45285, 45285.5

3.2.5 ALLOCATION OF POSITIONS TO CLASSES

The Commission shall allocate all positions which have substantially similar job duties, responsibilities and qualifications to the same class.

REFERENCE: Education Code 45256, 45261, 45273,
45276, 45277, 45285, 45285.5

3.2.6 WORKING OUT OF CLASSIFICATION

- A. Each classified employee shall be required to perform the duties approved by the Board and classified by the Commission for the class to which the employee is assigned. Classified employees shall not be required to perform duties and responsibilities of a higher level for a period exceeding five (5) working days within a fifteen (15) calendar day period,

except as provided by this Rule.

- B. When a regular employee is assigned to perform work inconsistent with those stated in the definition or duties of the class for more than five (5) working days in fifteen (15) calendar days, the employee's pay shall be adjusted upward for the entire period of working out of class as follows:
 1. If the assignment is to perform the duties of an existing class, the employee shall be placed on the salary range of the existing higher class and shall receive at least a five (5) percent salary increase, but not less than the first step of the range. If the increase is less than five (5) percent then the employee shall be placed on the next higher step but not higher than the highest step on that range.
 2. If an employee is required to perform duties which are not allocated to an existing class or there is a dispute over whether higher level duties are being performed, the assignment shall be reported to the Personnel Director in writing so that a review may be conducted to determine whether a pay differential is appropriate.
 - a. Requests for differential working-out-of-class pay shall be submitted to the Personnel Director within ten (10) working days of the beginning of the assignment. Such differential pay shall be limited to ninety (90) working days in a fiscal year and be subject to reclassification.
 - b. A claim for differential working-out-of-class pay may be submitted by an employee, the supervisor or an administrator. The Personnel Director will notify the District upon receipt of an employee submitted claim. A claim for differential working-out-of-class pay must contain a list of the assigned duties.
 - c. The Personnel Director shall review the duties assigned to the position. If the Personnel Director determines that the assigned duties are at a higher level, he shall recommend an appropriate pay differential to the Commission for approval. If the Personnel Director determines that the assigned duties are not at a higher level, he shall recommend that the Commission reject the pay differential. Before the Commission approves or rejects a pay differential, it shall give reasonable notice of its proposed action to the District and the exclusive bargaining representative, and allow them an opportunity to respond. All hours worked out of class, except overtime, shall be credited as seniority in the

regular classification of the employee.

REFERENCE: Education Code 45110, 45256, 45620, 45285.5

3.2.7 CREATION AND ABOLISHMENT OF POSITIONS

- A. When the Board wishes to create a new position, the duties and responsibilities to be performed shall be submitted to the Personnel Director in writing prior to filling the position. The Board may recommend minimum educational and work experience requirements for new classes. The Personnel Director shall place the new position in an existing class or if a determination is made a new class is needed, the Personnel Director shall present recommendations to the Commission for action. The Personnel Commission shall:
 1. Classify the position. The Personnel Director shall set forth a proposed class specification setting out the title, duties as established by the Board, qualifications and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board.
 2. The Commission shall designate the salary placement and internal alignment on the classified salary schedule.
- B. The Personnel Director shall report Commission's decisions to the Board.
- C. When all positions in a classification have been vacant a full fiscal year, the Commission shall notify the Superintendent of its intent to abolish the classification. If the administration does not express an intent to refill at least one position in the classification during the following fiscal year, the Commission shall abolish the classification at that time. A classification shall be abolished when no position has been filled for two (2) consecutive fiscal years.

REFERENCE: Education Code 45104, 45105, 45109 45241,45256

3.2.8 POSITIONS REQUIRING MULTIPLE LANGUAGES

- A. The Board may, with the approval of the Commission, designate positions within a class which require the incumbent of the position to speak, read, or write a language in addition to English.
- B. The Board must clearly set forth valid reasons for the language requirements.
- C. The Commission may establish a classification exclusively for positions which require the use of a second language in addition to English. The Commission shall designate the salary placement

and internal alignment on the classified salary schedule.

D. If a request from the Board to designate a position with a language requirement is challenged, the Commission shall cause an investigation to be made within ninety (90) days and shall consider the findings and other pertinent data prior to taking action.

REFERENCE: Education Code 45104, 45105, 45109, 45241, 45256, 45277

3.2.9 REVIEW OF POSITIONS

The Personnel Director shall review positions as necessary to determine their proper classification and shall cause all positions to be reviewed as needed. If the Personnel Director finds that a position or positions should be reclassified, the administration shall be advised of the findings. If the class specifications are verified, or the class specifications are not revised to fit within the current classification, the Personnel Director shall report findings and recommendations to the Commission for appropriate action. Cases shall also be reported to the Commission where review indicates no change of classification.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.5

3.3 RECLASSIFICATION

3.3.1 RECLASSIFICATION OF POSITIONS

A. The only basis for reclassification of a position shall be the gradual accretion or growth of duties. Recommendations as to gradual accretion will be made by the Personnel Director. The Commission shall be the final approving authority. Positions which are created by the Board or Commission and classified by the Commission under Rule 3.2.7 shall be ineligible for reclassification for a period of two (2) calendar years from the date of the Commission classification action.

B. Requests for a reclassification study by an employee of an existing position shall be presented, on the form provided by the Commission, to the administration with an information copy sent to the Personnel Director. The request for reclassification shall include a statement setting forth the reasons for the request. If the administration determines that it cannot support the request, it shall return it to the employee within thirty (30) calendar days with the reasons for its denial. If the employee determines that the request still has merit, it may be resubmitted to the Personnel Director, who shall then conduct a study.

Requests for a reclassification of a position may also be submitted by the district administration. Requests initiated by the administration shall include a statement by the employee's supervisor setting forth the reasons for the request and verifying the duties of the position. The request shall be made on the form provided by the Commission.

- C. This rule applies to positions which are occupied at the time of reclassification. If a vacant position is reclassified, it shall be filled through a selection process.
- D. When the Personnel Director has completed a study, the findings shall be reported to the Commission, the administration, employee organization and affected employees. In the event that the administration or an affected employee does not agree with the findings, additional information may be presented to the Commission. The Commission's decision shall be final and binding.

3.3.2 EFFECTIVE DATE OF RECLASSIFICATIONS

Reclassification of a position shall become effective on the date prescribed by the Commission, but shall not have retroactive effect. Changes in classification and salary resulting from reclassification shall be effective as follows:

- A. The day following Commission approval, provided the incumbent is reclassified with the position; or
- B. The day following the date on which the incumbent becomes fully qualified by successfully completing all parts of the selection process; or
- C. On the date specified by the Commission.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.5

3.3.3 EFFECTS OF RECLASSIFICATION ON INCUMBENTS

- A. In order for an employee to be reclassified upward with his position, the reclassification must have been occasioned by a gradual accretion of duties and not be a sudden change resulting from reorganization or change of duties by the governing board. Whenever a position is reclassified, the rights of the incumbent will be determined by these rules.
- B. The reclassification of positions in a class to a higher salary range shall have the following effect on incumbents:
 1. When any or all of the positions in a class are reclassified upward, an incumbent who has a record of two (2) or more years in the position shall be reclassified with the position and without examination.

2. When any or all of the positions in a class are reclassified upward and the incumbent has been in the position less than two (2) years, the incumbent will be granted status in the higher class upon passing a promotional only examination for the class. The promotional examination shall be held in accordance with these Rules and be held as soon as practicable.
3. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until two (2) years have elapsed.

C. The reclassification of positions in a class to a lower salary range, shall have the following effect on incumbents:

1. The incumbent shall be transferred to any vacant position at his/her current salary level if the employee is otherwise qualified for the position. If no vacancy exists, the employee may elect to remain in the position and be demoted. The employee may be laid off for lack of work if the above are rejected.
2. When a regular classified employee is demoted to a position at a lower salary range due to reclassification, the employee's salary shall be Y-rated. Y-rating freezes the dollar amount of salary. The Y-rate is terminated when the incumbent's Y-rated salary falls within the salary range of the class to which the incumbent was reclassified. The incumbent will then be placed on the step of the salary schedule which is next above the Y-rated amount.

D. When a position is reclassified to a position in a class with the same salary range, the incumbent's salary shall remain the same.

E. The provisions of these Rules shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions unless otherwise authorized by law or these Rules.

REFERENCE: Education Code 45162, 45256, 45260, 45268, 45285, 45285.1, 45285.5

3.4 CLASSIFICATION CHANGE AND SENIORITY

3.4.1 SENIORITY ON UPWARD RECLASSIFICATION

- A. When a position is reclassified to a class with a higher salary range, incumbents reclassified with their positions shall have their seniority begin with the effective date of the reclassification.
- B. When a position is reclassified to a class with a higher

salary range, incumbents reclassified with their positions, shall be credited with all hours in paid service from their prior class, providing the prior class is concurrently abolished.

C. When a position is reclassified to a class with a higher salary range, incumbents who must pass a promotional examination, shall be reclassified effective the day after passing the examination and their seniority shall begin on that date.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.1

3.4.2 SENIORITY ON DOWNWARD RECLASSIFICATION

A. When a position is reclassified to a class with a lower salary range, incumbents accepting demotion shall have their hours in paid service credited to the lower class.

3.4.3 EFFECT OF CLASSIFICATION CHANGES

If a position is reclassified or has its title changed as a result of a reorganization, and no change in compensation occurs as a result, incumbents affected shall be credited with all hours in paid service in the previous classification.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.1

3.5 EFFECT OF CLASSIFICATION CHANGES ON REEMPLOYMENT AND ELIGIBILITY LISTS

3.5.1 REEMPLOYMENT LIST FOR DISPLACED INCUMBENTS

Any displacement of a permanent employee as a result of reclassification shall be considered a layoff for lack of work and an appropriate reemployment list shall be established.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.1

3.5.2 EFFECT OF RECLASSIFICATION ON REEMPLOYMENT AND ELIGIBILITY LISTS

When all positions in a class are reclassified, the Personnel Director shall determine whether current reemployment lists and eligibility lists are also to be reclassified. Salary reallocation of a class shall have no effect on lists.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.1

RULE 4

APPLICATION FOR EMPLOYMENT

- 4.1 Application for Employment
 - 4.1.1 Filing of Application
 - 4.1.2 General Qualifications of Applicants
- 4.2 Disqualification of Applicants, Candidates and Eligibles
 - 4.2.1 Causes for Disqualification
 - 4.2.2 Appeal from Disqualification
 - 4.2.3 Veteran's Preference

RULE 4

APPLICATION FOR EMPLOYMENT

4.1 APPLICATION

4.1.1 FILING OF APPLICATION

All applications for employment shall be made on official forms furnished by the Commission. Items shall be answered in full and the application filed in the Commission office on or before the date specified.

- A. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
- B. For federal and state reporting purposes, questions regarding ethnicity, gender, age and handicapping condition shall be placed 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, handicapping or medical condition, marital status, gender, or age prior to employment.
- C. Applications and examination papers are confidential and become the property of the Commission and shall not be returned to the applicant. The names of applicants or unsuccessful candidates in any examination shall be confidential.

REFERENCE: Education Code 45272, 45274, 45293

4.1.2 GENERAL QUALIFICATIONS OF APPLICANTS

Applicants must be permanent residents of, or must otherwise prove their right to work in the United States as specified by the U.S. Department of Immigration and Naturalization. Applicants must possess all other requirements that are specified in the qualifications established for the class. Every applicant must be able to competently perform the duties of the position for which applying.

- A. Qualified applicants shall have an opportunity to seek, obtain and hold District employment without discrimination because of race, religious creed, color, national origin, ancestry, genetic information, medical condition, military or veteran status, physical disability, mental disability, marital status, reproductive health decision-making, gender, sexual orientation, age, or any combination of these characteristics (See intersectionality definition in PC Rule 1.2 Definitions), as well as any other protected status under applicable laws.

- B. Residency within the District shall not be a condition for filing an application or for employment.
- C. No maximum age limit shall be set as a condition for initial or continued employment in the District.
- D. Persons with a physical and/or mental disability shall be given equal employment opportunities and reasonable accommodation in testing and employment.

REFERENCE: Education Code 45111, 45260, 45272
Government Code 12920, 12920.5, 12921

4.2 DISQUALIFICATION OF APPLICANTS, CANDIDATES, AND ELIGIBLES

4.2.1 CAUSES FOR DISQUALIFICATION

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

- A. Failure to meet the general qualifications of Rule 4.1.2.
- B. Refusal to execute the oath of allegiance required by law.
- C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- D. Conviction, either by a plea of guilty or nolo contendre, a court decision or jury verdict to a charge of a sex or controlled substance offense, as defined in Education Code 44010 or 44011.
- E. Conviction, either by a plea of guilty or nolo contendre, a court decision or jury verdict of a violent or serious felony as defined in subdivision (c) of Section 667.5 and subdivision (c) of Section 1192.7 of the Penal Code.
- F. Conviction, either by a plea of guilty or nolo contendre, a court decision or a jury verdict of a felony or misdemeanor or a record of one or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the nature, seriousness and circumstances of the offense(s) age of the person at the time and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including employment record with respect to job responsibility and duration; person's attitude; and the duties of the class.
- G. Making a false statement or intentionally omitting a

significant statement of a material fact on the application form.

- H. Practicing any deception or fraud in connection with an examination or to secure employment.
- I. A history of controlled substance addiction or abuse, or use of intoxicating beverages to excess without acceptable evidence of rehabilitation.
- J. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by this District under these Rules.
- K. Previous dismissal from this District unless this subsection is waived by the District.
- L. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement notice, an unsatisfactory or marginal performance evaluation or a resignation in lieu of dismissal within the last two years. The Personnel Director will consider individual factors before a decision is made. The individual factors for consideration may include, but are not limited to, the seriousness of the unsatisfactory service, time elapsed since the unsatisfactory service, whether or not the unsatisfactory service has been corrected, and whether or not the unsatisfactory service is sufficiently related to one or more of the knowledge, skills, abilities, or other characteristics required in the position for which the person is applying.
- M. Improperly obtaining or attempting to obtain either directly or indirectly, any information regarding test questions or examination content.
- N. Discharge other than honorable from the armed forces of the United States.
- O. Failure, after due notice, to report for duty after an assignment has been offered and accepted.
- P. Failure, after due notice, to report promptly for review of any of the causes for disqualification as provided in this Rule.
- Q. Refusal to furnish testimony at a hearing or investigation before the Commission or Board.
- R. Failure to submit to involuntary drug testing or positive drug testing results after a second confirming drug test for classifications designated as safety sensitive (PL102-143).
- S. A health condition which renders the applicant or candidate unable to perform the essential functions of the position, with or without a reasonable accommodation, or would endanger the

health and safety of others.

REFERENCE: Education Code 44010, 44011, 45122, 45123, 45124, 45303
Government Code 1028
Penal Code 667.5, 1192.7

4.2.2 APPEAL FROM DISQUALIFICATION

An applicant, candidate or eligible disqualified under Rule 4.2 shall be notified in writing indicating the reason(s) for disqualification and advising the individual that an appeal from disqualification may be made to the Personnel Director within five (5) working days.

- A. A person appealing a disqualification shall conditionally be allowed to take the examination pending a decision on the appeal.
- B. Upon receipt of an appeal, the Personnel Director shall investigate the matter and render a decision. If the decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. If the decision is to deny the appeal, the appellant may appeal to the Commission within five (5) working days after being notified.
- C. Upon receipt of an appeal of the Personnel Director's decision, the Commission shall consider all evidence pertaining to the appeal and make a decision regarding the appeal. If the Commission determines that insufficient evidence to make a decision has been presented it may request further evidence or schedule a hearing on the matter.
- D. If the Commission's decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. The decision of the Commission is final.
- E. If an eligibility list has been established, appointments may be made from available eligibles pending the final decision on the appeal. Appointments made from an eligibility list while an appeal is pending shall not be invalidated even when the outcome is in the appellant's favor.

REFERENCE: Education Code 45111, 45122, 45123, 45124, 45134, 45303

4.2.3 PROOF OF VETERAN'S CREDIT

An applicant who claims veteran's credit must submit Form DD-214 not later than the final closing date for the examination. Failure to submit Form DD-214 may result in denial of veteran's credit.

REFERENCE: Education Code 45294, 45295, 45296

RULE 5

RECRUITMENT AND EXAMINATIONS

5.1 Recruitment

- 5.1.1 Announcement of Examinations
- 5.1.2 Insufficient Applications

5.2 Examinations

- 5.2.1 Determination of Examinations
- 5.2.2 Promotional Examinations
- 5.2.3 Promotional and Open Competitive Examinations
- 5.2.4 Open and Continuous Examinations
- 5.2.5 Senior Management Examinations
- 5.2.6 Types of Tests
- 5.2.7 Written Tests
- 5.2.8 Interview Panel Tests
- 5.2.9 Evaluation of Training and Experience
- 5.2.10 Admission to Test
- 5.2.11 Test Procedure
- 5.2.12 Service Credit
- 5.2.13 Veterans' Preference
- 5.2.14 Examination for Business Manager
- 5.2.15 Notice of Examination Results

5.3 Protest and Review of Examinations

- 5.3.1 Protest of an Examination
- 5.3.2 Failure to File Protest
- 5.3.3 Personnel Director Shall Review All Protests
- 5.3.4 Protest Review by the Commission
- 5.3.5 Disposition of Protests Prior to Appointment
- 5.3.6 Request for Review of Exam

5.4 Retention of Records

- 5.4.1 Retention of Examination Records
- 5.4.2 Examination Records to be Confidential
- 5.4.3 Records Available for Review

RULE 5

RECRUITMENT AND EXAMINATIONS

5.1 RECRUITMENT

5.1.1 ANNOUNCEMENT OF EXAMINATIONS

The Commission shall direct and administer the holding of examinations to create eligibility lists for filling classified positions.

- A. No employment opportunity bulletin may be distributed and no part of any examination held until the Board has designated the duties for a class and the Commission has completed classification, including the setting of salary for new classifications and the establishment of employment standards.
- B. Whenever it is necessary to fill an existing or anticipated vacancy in the classified service and an appropriate eligibility list does not exist, the Commission shall announce an examination on an employment opportunity bulletin.
- C. The employment opportunity bulletin shall be distributed to all employee work sites, to community locations, and to those requesting notification at least fifteen (15) working days prior to the last day to file applications. The Personnel Director shall determine the appropriate recruitment strategy which may include advertisements in newspapers, trade and business journals or other media. The Personnel Director shall ensure that community agencies and organizations dealing with groups protected by law are notified of examinations.
- D. The employment opportunity bulletin shall contain the title of the class and may include the following:
 1. Information concerning the location of employment, the expected number of vacancies and other conditions of employment;
 2. A description of the scope of duties and responsibilities of the class;
 3. The qualifications and employment standards for the class;
 4. The salary, benefits and other compensation;
 5. The closing date for filing applications;
 6. The general nature of the examination and the types of tests to be given; and

7. Such other information as will assist the interested persons in understanding the nature of the position and the procedures necessary to participate in the examination.

REFERENCE: Education Code 45109, 45272, 45278

5.1.2 INSUFFICIENT APPLICATIONS

In the event that the Commission receives insufficient applications or less than three ranks of eligibles result from an examination, the Personnel Director shall review records to ensure that adequate recruitment efforts have been made. The following actions may be taken by the Personnel Director:

- A. Extension of the posting period may be ordered.
- B. The field of competition may be changed to increase recruitment opportunities.
- C. Both A and B above may be ordered concurrently.

5.2 EXAMINATIONS

5.2.1 DETERMINATION OF EXAMINATIONS

The Commission shall determine the field of competition for each examination and determine whether the resultant eligibility list will be certified as:

- A. Promotional
- B. Promotional and Open Competitive
- C. Open (for continuous filing)
- D. Senior Management

The Personnel Director shall recommend to the Personnel Commission for approval permanent changes in the fields of competition for specific examinations.

REFERENCE: Education Code 45272, 45281, 45284

5.2.2 PROMOTIONAL EXAMINATIONS

Where an adequate field of competition exists within the District and examinations can be reasonably expected to result in three

(3) qualified ranks of eligibles, the field of competition may be limited to promotional applicants by the Commission.

- A. Promotional examinations shall be restricted to permanent employees of the District and former employees on a valid

reemployment list who meet the qualifications of the class. Probationary employees may be allowed to test but shall not be certified from a promotional eligibility list until permanent status is gained.

- B. In no case will an examination panel be provided with confidential references on employees of the District who are competing in promotional examinations. This does not preclude a hiring authority from considering any job related employee materials including employee's performance evaluations and employee development appraisals that have been prepared by the immediate supervisor and reviewed by the employee.
- C. Written notices concerning promotional examinations shall be distributed to all locations where classified employees work for at least fifteen (15) working days prior to the last day to file an application.
- D. During periods when school is not in session or during periods of approved paid or unpaid leave of absence, regular classified employees shall be notified by U.S. mail of examinations which they have designated, providing a written request has been filed with the Commission office. The notice will be mailed to the mailing address listed in the request by the employee.

REFERENCE: Education Code 45103, 45272, 45273, 45284

5.2.3 PROMOTIONAL AND OPEN COMPETITIVE EXAMINATIONS

Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, an examination advertised among employees and the general public shall be authorized by the Commission. The Personnel Commission will determine how the eligibility list will be certified for each examination and determine whether the eligibility list shall be certified as:

- A. Promotional and Open Competitive with the Promotional List taking precedence
- B. Dual Certification (a merged list

Certification for eligibility lists shall remain in effect until changed by the Personnel Commission. When an insufficient number of applications have been received for a Promotional field of competition examination and the field of competition is changed to Promotional and Open Competitive, in accordance with Personnel Commission Rule 5.1.2, the eligibility list will be certified as Promotional and Open Competitive with the Promotional List taking precedence.

REFERENCE: Education Code 45103, 45272, 45282, 45284

5.2.3.1 PROMOTIONAL AND OPEN COMPETITIVE WITH THE PROMOTIONAL LIST
TAKING PRECEDENCE

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

5.2.3.2 DUAL CERTIFICATION

This examination procedure shall result in a promotional eligibility list and an open eligibility list. However, the resulting eligibility lists shall be merged onto one eligibility list, according to candidate's final scores, for the purposes of certification. Scores on this type of list shall include all applicable veterans' preference points for open candidates and service credit points for promotional candidates (See Rule 5.2.12 Service Credit and Rule 5.2.13 Veterans' Preference).

REFERENCE: Education Code 45103, 45272, 45284

5.2.4 OPEN AND CONTINUOUS EXAMINATIONS

The Commission may designate examinations for specified classes as open and continuous. Applications will be accepted each working day and tests shall be given as the need arises.

- A. If a qualifications appraisal interview is required, the interview panel may consist of two (2) Persons who may be employees of the District or Commission, as determined by the Personnel Director.
- B. A candidate may not retake a test for the same or similar written test for a classification for a period of one hundred twenty (120) calendar days unless an equivalent test form is available or the Personnel Director determines it is in the best interest of the District or is in fairness to the candidate(s).

REFERENCE: Education Code 45273

5.2.5 SENIOR MANAGEMENT EXAMINATIONS

Examinations for positions designated as senior management by the Board shall be developed and administered by the Commission. An eligibility list resulting from a Senior Management examination shall include eligibles successful in the examination and the list shall be unranked. Names of the successful eligibles shall be placed on the list in alphabetical order.

REFERENCE: Education Code 45256.5

5.2.6 TYPES OF TESTS

All test parts shall be prepared under the direction of the Personnel Director who shall assign relative weights to each part and determine passing scores.

Examinations shall be administered objectively and shall consist of test parts that relate to the job. Test parts shall include any professionally accepted psychometric assessment, including:

- A. Written test.
- B. Practical demonstration of skill.
- C. Evaluation of training and experience.
- D. Structured Interview.
- E. Other tests of fitness as determined by the Personnel Director.

REFERENCE: Education Code 45273

5.2.7 WRITTEN TESTS

A written test for a class may cover any subject matter related to the duties of the positions within the class. The test may include an assessment of skills, knowledge, abilities and/or personal characteristics that are necessary for successful job performance in the class for which the examination is being administered.

REFERENCE: Education Code 45273

5.2.8 INTERVIEW PANEL TESTS

If an examination includes an interview panel, the Personnel Director shall ensure the following:

- A. The panel shall consist of at least two (2) raters (unless the interview is so structured that rater judgment is minimal) who are knowledgeable of the competencies being evaluated. Raters may serve on only one (1) test part.
- B. An employee of the District or Commission may serve on an interview panel if not at the first or second level of supervision over a vacant position in the class for which the examination is being held.
- C. Unless specifically directed to evaluate candidates' technical knowledge and skills, the interview panel shall confine itself to evaluating general fitness for employment in the class.

- D. When the interview panel is directed to evaluate technical knowledge and skills, at least two (2) members of the panel shall be technically qualified in the specified occupational areas being evaluated.
- E. Members of the Board or Commission shall not serve on an interview panel.
- F. Interviews shall be electronically recorded and filed in the Commission office.
- G. Scores achieved on other test parts shall not be made available to the interview panel.
- H. Interview panel members shall not be provided with confidential references or performance evaluations of candidates.

REFERENCE: Education Code 45273

5.2.9 EVALUATION OF TRAINING AND EXPERIENCE

If a part of the examination is an evaluation of the applicant's training and experience, the evaluation shall be individually and independently conducted by at least two (2) raters other than the interview panel. The scores of the evaluation of training and experience shall be listed in rank order. The Personnel Director shall determine the weight prior to the evaluation. The Personnel Director shall determine the passing score of the training and experience evaluation.

5.2.10 ADMISSION TO TEST

Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date and place of the test. The notice shall be the applicant's authorization to take the test. Candidates shall not be admitted to any test without this authorization or other approved evidence of having filed an acceptable application. Each candidate must provide personal identification at the test site in order to be admitted to the test.

5.2.11 TEST PROCEDURE

Competitors must follow the testing procedures prescribed by the Personnel Director. Procedures for written tests are:

- A. Candidates in any written test must take the test on the prescribed date unless approved by the Personnel Director or the Commission.
- B. Copies of the questions in a test shall not be made by candidates or other unauthorized persons.

C. Where written tests are required, they shall be so managed that none of the test papers will disclose the identity of a candidate to the person establishing the pass point for the exam.

REFERENCE: Education Code 45273

5.2.12 SERVICE CREDIT

Service credit shall be added to the final passing score of candidates who have permanency with the District or who are on a valid reemployment list. The following is the schedule of service credit added after completion of:

One (1) year	-	One (1) point
Two (2) years	-	Two (2) points
Three (3) years	-	Three (3) points
Four (4) years	-	Four (4) points
Five (5) years	-	Five (5) points

Credit shall be granted based on service from the anniversary date of employment in a regular classified position.

REFERENCE: Education Code 45272, 45281

5.2.13 VETERANS' CREDIT

A veteran, as defined in this Rule, shall mean an individual who has served at least thirty (30) days of active duty in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard within the dates listed below and whose discharge was other than dishonorable:

Korea	06/27/1950 - 01/31/1955
Vietnam	08/04/1964 - 05/07/1975
Persian Gulf	08/02/1990 - 1/02/1992
Overseas Contingency Operation	09/11/2001 to end of national emergency, (still in effect as of 7/4/10)

Additional eligibility may be granted based on future changes to the law and verification from the Veteran's Administration or the United States Office of Personnel Management (www.opm.gov).

- A. Veterans shall have an additional five (5) points added to their final passing score in entry-level examinations.
- B. Disabled veterans shall have an additional ten (10) points added to their final passing score in entry level examinations. A disabled veteran is a veteran as defined in this Rule and classified by the U.S. Veterans Administration to be ten (10%) percent or more disabled as a result of service in the armed forces.

- C. Entry-level positions are defined as all positions within the classified service when the eligible is first employed by the District, except for positions designated management or senior management.
- D. In order to obtain credit, the applicant must furnish satisfactory proof of qualifying military service (e.g. DD214) to the Office of the Personnel Commission prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented after an eligibility list has been established.

REFERENCE: Education Code 45294, 45295, 45296

5.2.14 EXAMINATION FOR BUSINESS MANAGER

Examinations held for Business Manager or any position at or above that level shall be held as promotional and open competitive. All permanent employees of the District, both classified and certificated, shall be eligible to compete as promotional candidates, providing they meet the established employment standards. Service credit granted shall be applied equally to both classified and certificated promotional candidates.

REFERENCE: Education Code 45280

5.2.15 NOTICE OF EXAMINATION RESULTS

Qualifying candidates shall be notified of their final examination results, including test scores and ranks, within fifteen (15) working days after completion of the last examination part.

5.3 PROTEST AND REVIEW OF EXAMINATIONS

5.3.1 PROTEST OF AN EXAMINATION

A protest of any test part shall be made within five (5) working days after completion of the portion of the examination on which the protest is based. All protests shall be made in writing to the Personnel Director. Each protest shall give specific facts and reasons to support the protest and shall include supporting documentation or references.

REFERENCES: Education Code 45274

5.3.2 FAILURE TO FILE PROTEST

Failure to file a protest in writing with the Personnel Director within the protest period shall constitute a waiver of the right to protest that part of the examination process.

REFERENCE: Education Code 45274

5.3.3 PERSONNEL DIRECTOR SHALL REVIEW ALL PROTESTS

The Personnel Director shall review and act upon all protests within five (5) working days of receipt of a timely filed protest. The Personnel Director may allow more than one (1) answer to a question, disqualify a question, direct the examination be re-scored, disqualify a rater or take any other appropriate action if the protest is valid. A protest resulting in any change will result in the test papers of all candidates or eligibles being reviewed and re-scored accordingly.

REFERENCE: Education Code 45274

5.3.4 PROTEST REVIEW BY THE COMMISSION

If the Personnel Director rules against the protest, that decision may be reviewed by the Commission. Filing a request for review by the Commission shall not stop or otherwise delay the examination process unless so directed by the Commission.

- A. Requests for review of a protest by the Commission shall be submitted in writing to the Commission Office within three (3) working days of receipt of the Personnel Director's decision.
- B. The Commission shall review all written materials regarding the protest and may render a decision. If the Commission requires more information, they may review additional materials or hear oral information from the person protesting or other persons as determined by the Commission. The Commission shall render a decision in the matter as soon as practicable. The decision of the Commission is final.

REFERENCE: Education Code 45274

5.3.5 DISPOSITION OF PROTESTS PRIOR TO APPOINTMENT

No appointment shall be made from an eligibility list until all protests have been resolved. Resolution may be that the candidate or eligible is satisfied with the Personnel Director or Commission's response, a protest is not timely filed and/or the Commission has made a final determination. The District shall be notified when a protest results in a delay of an appointment.

REFERENCE: Education Code 45274

5.3.6 REQUEST FOR REVIEW OF TEST

Requests to review test segments shall be made within ten (10) working days of receipt of the examination results. The review of test segments shall be made within thirty (30) days of the request. No person shall remove or copy any information or test material from the examination.

REFERENCE: Education Code 45274

5.4 RETENTION OF RECORDS

5.4.1 RETENTION OF EXAMINATION RECORDS

Examination records, including, but not limited to, test answer sheets, tape recordings of interviews and the rating sheets of each member of an oral interview panel shall be retained for a period of one (1) year.

REFERENCE: Education Code 45274

5.4.2 EXAMINATION RECORDS TO BE CONFIDENTIAL

Examination records shall be confidential. Records, such as identifiable ratings of panel members and confidential references from previous employers shall not be available for review.

REFERENCE: Education Code 45274

5.4.3 RECORDS AVAILABLE FOR REVIEW

Remaining examination records, such as papers, recorded interviews and scores of the candidate or eligible shall be available for review only by the candidate or eligible or a designated representative. The candidate or eligible or designated representative shall not review the records of any other person.

REFERENCE: Education Code 45274

RULE 6

ELIGIBILITY FOR EMPLOYMENT

6.1 ELIGIBILITY LISTS

- 6.1.1 Establishment and Life of Eligibility Lists
- 6.1.2 Contents of Eligibility Lists
- 6.1.3 Certification of Eligibility Lists
- 6.1.4 Types of Eligibility
- 6.1.5 Duration of Eligibility Lists
- 6.1.6 Merger of Eligibility Lists
- 6.1.7 Reemployment Lists
- 6.1.8 Termination of Eligibility Lists
- 6.1.9 Changes or Continuance in Eligibility
- 6.1.10 Waivers of Certification
- 6.1.11 Removal of Names from Eligibility Lists
- 6.1.12 Disqualification From Consideration For Employment
- 6.1.13 Notification to Eligible of Removal from List

6.2 CERTIFICATION FROM EMPLOYMENT LISTS

- 6.2.1 Appointing Authority
- 6.2.2 Order of Precedence in Filling Vacancies
- 6.2.3 Rule of Three (3) Ranks
- 6.2.4 Certification and Appointment from Eligibility Lists
- 6.2.5 Procedure When Fewer Than Three (3) Ranks Remain
- 6.2.6 Certification of Additional Eligibles
- 6.2.7 Withholding Names from Certification
- 6.2.8 Failure to Make Appointments
- 6.2.9 Restoration to Certification and Eligibility
- 6.2.10 Certification from List for Another Class
- 6.2.11 Duties of Eligibles
- 6.2.12 Selective Certification
- 6.2.13 Certification of Names for Differential Compensation
- 6.2.14 Confidentiality of Lists and Test Scores

RULE 6

ELIGIBILITY FOR EMPLOYMENT

6.1 ELIGIBILITY LISTS

6.1.1 ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS

After an examination, the names of successful competitors shall be arranged on a list in the order of examination score plus additional points where applicable. The list shall be submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by the Commission. Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.

- A. Unless specifically authorized in these Rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on an eligibility list. The Personnel Director shall be responsible for establishing lists as a result of examinations authorized by these Rules.
- B. After an examination, the names of successful competitors for positions designated Senior Management shall be arranged in an unranked alphabetical list. The list shall be submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by the Commission. Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.

REFERENCE: Education Code 45272, 45300

6.1.2 CONTENTS OF ELIGIBILITY LIST

An eligibility list shall contain:

- A. The type of eligibility list: promotional or merged promotional and open competitive.
- B. The identification number of all eligibles in final rank order by examination score.
- C. The adjusted scores of each part of the examination and the weighted total score including preference points.
- D. The dates of each part of the examination and the weight assigned to the part.
- E. The expiration date of each person's eligibility.
- F. The signature of the Personnel Director attesting to the

accuracy of the information on the eligibility list.

G. The date the list was approved by the Personnel Director.

6.1.3 CERTIFICATION OF ELIGIBILITY LISTS

All eligibility lists shall be certified by the Personnel Director and ratified by the Commission.

A. The Personnel Director shall submit eligibility lists for ratification and approval by the Commission subsequent to the certification of eligibles from the list. Appointments may be made from available eligibles pending the final decision on a protest and shall not be changed even if the outcome is in the candidate's favor, unless the Commission has ordered it otherwise.

6.1.4 TYPES OF ELIGIBILITY

Appointments to positions shall be made from:

A. Eligibility lists (In order of preference):

1. Reemployment: A list of persons who have been laid off from permanent positions due to lack of work, lack of funds or exhaustion of benefits. These eligibles shall take precedence over all other persons eligible for appointment.
2. Promotional: A list of eligibles resulting from an examination limited to qualified permanent employees only.
3. Merged Promotional and Open Competitive: One list of eligibles resulting from a single examination including service credit and/or veteran's preference for all eligibles.

B. Requests-Other methods of filling positions:

1. Transfer: Employees who have requested appointment to a vacant position in the same or related classification.
2. Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status.
3. Demotion: Employees who have requested assignment to a vacant position in a lower classification.

6.1.5 DURATION OF ELIGIBILITY LISTS

An eligibility list shall be in effect for a period of one (1) year, unless exhausted, and may be extended up to two (2) additional years by the Personnel Director with ratification by

the Commission. Names of additional successful competitors may be added to eligibility lists by the Personnel Director.

- A. The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment bulletin for the examination.
- B. When fewer than three (3) ranks of available eligibles remain on an eligibility list and the appointing authority has requested certification of additional eligibles, the list may be terminated by the Personnel Director.

REFERENCE: Education Code 45300

6.1.6 MERGER OF ELIGIBILITY LISTS

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

- A. When lists are merged under this rule, the earlier list shall be terminated one year after its establishment and those eligibles shall be removed from the merged list, except when the earlier list is extended.
- B. All eligibles on a terminated eligibility list shall be notified when a new examination is scheduled for the class. Candidates may retake the examination if thirty (30) days have elapsed since they last took the examination. Notification is not required when an eligibility list expires.

REFERENCE: Education Code 45291

6.1.7 REEMPLOYMENT LISTS

There shall be established for each class a reemployment list which shall take precedence over all other employment lists in filling vacant positions. This list shall contain the names of all classified employees who have been laid off or demoted from any position because of lack of work, lack of funds or exhaustion of benefits.

- A. Any employee who resigns or requires a leave of absence for military service or 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.

- B. The life of the reemployment list for persons laid off shall be thirty-nine (39) months. Employees returning from military service shall be eligible for reemployment for a period not to exceed six (6) months after discharge.
- C. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall retain eligibility for reemployment for an additional period of twenty-four (24) months, provided the same tests of fitness under which they qualified for appointment, as determined by the Personnel Director, still apply.
- D. Upon the expiration of a reemployment list, employees who took a voluntary demotion or voluntary reduction in assignment time in lieu of layoff, at the option of the employee, shall be returned to a position in their former class or to a position with increased assigned time as vacancies become available, without limitation of time.

REFERENCE: Education Code 45298
Military and Veterans Code 395.1, 395.3

6.1.8 TERMINATION OF ELIGIBILITY LISTS

An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Personnel Director and ratified by the Commission. Eligibility lists established under Rule 6.1.5.A shall terminate six (6) months from the date of approval.

- A. An eligibility list is automatically terminated when no eligibles remain on the list.
- B. An eligibility list may be terminated by the Personnel Director when no eligible is available for appointment to a specific regular position in a class or when there are fewer than three (3) ranks of eligibles remaining on the list. Eligibles on a list shall be notified when the list is terminated.

REFERENCE: Education Code 45300

6.1.9 CHANGES OR CONTINUANCE IN ELIGIBILITY

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

REFERENCE: Education Code 45278, 45286, 45300

6.1.10 WAIVERS OF CERTIFICATION

An eligible may make himself unavailable for consideration, to specific locations or shifts and to part-time and full-time positions and to limited-term or permanent positions by filing written notice with Personnel Services.

- A. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability.
- B. An available eligible may waive certification twice without penalty. At the time a third waiver is made by an eligible, he will be informed that, upon filing the third waiver, his name will be removed from the eligibility list, per Rule 6.1.11.
- C. An available eligible who fails to return a waiver form within five (5) working days after being notified via certified mail shall be removed from the eligibility list pursuant to Rule 6.1.11.
- D. A waiver may not be charged if special circumstances exist in filling a particular position and the Personnel Director agrees.

REFERENCE: Education Code 45300

6.1.11 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

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

- A. Failure to respond within five (5) working days following an inquiry by certified mail regarding availability for employment.
- B. Any of the causes listed in Rule 4.2.1.
- C. Failure to respond for a scheduled interview after certification.
- D. Termination of regular employment for promotional only eligibility lists.
- E. Three waivers of certification during the life of the eligibility list, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this Rule.
- F. A written request by the eligible for removal.

G. Refusing an offer of employment after being properly certified as eligible and available for appointment.

The District's Custodian of Records has sole access to the Department of Justice criminal offender report. The Personnel Commission and Commission staff are not privy to said information. Therefore, the Commission has determined that the District may remove an eligible from an eligibility list as a result of information found in the Department of Justice criminal offender record report in accordance with Personnel Commission Rule 4.2.1 D, E, and F. Commission staff shall process the District's decision to remove an eligible from an eligibility list. The Commission shall be provided a report of eligibles removed; however, the Commission will not take action on the removals.

REFERENCE: Education Code 44830.1, 45125
Penal Code 11077

6.1.12 DISQUALIFICATION FROM CONSIDERATION FOR EMPLOYMENT

- A. An eligible removed from an eligibility list may be disqualified from consideration for employment by the Personnel Director, subject to ratification by the Personnel Commission.
- B. When an eligible is to be disqualified from consideration for employment, the Personnel Director shall consider:
 1. Nature of the classification.
 2. The relevance of the cause(s) for removal.
 3. The seriousness of the cause(s) for removal.
 4. Mitigating circumstances.
 5. Prior work history.
- C. When an eligible is disqualified from consideration from employment, the disqualification period shall be specified for an appropriate period from the life of the eligibility list to permanent disqualification and the eligible shall be given an opportunity to have an administrative review.

REFERENCE: Education Code 45300

6.1.13 NOTIFICATION TO ELIGIBLE OF REMOVAL FROM LIST

Notice shall be given to an eligible of their removal from an eligibility list, the reason therefore, and any period of disqualification. An eligible may request an administrative review of the removal or disqualification decision to the Personnel Director within five (5) business days. The decision of the Personnel Director shall be final unless the decision is appealed to the Commission. The Director's decision

must be appealed within five (5) business days of receipt. The decision of the Commission shall be final.

If an eligible has been removed from an eligibility list as a result of information disclosed on the Department of Justice criminal record report, Commission staff shall notify the individual of the action taken by the District and the reasons. An individual may request, in writing, an administrative review of the removal or disqualification decision to the District's Custodian of Record (Assistant Superintendent, Human Resources) within five (5) business days of receipt of their removal. The Custodian of Record shall respond to the written appeal of the eligible within 10 business days. The decision of the Custodian of Record shall be final unless the decision is appealed to the Personnel Commission within five (5) business days. The Commission shall hear the appeal and, through a hearing officer, would subpoena the individual's Department of Justice criminal offender record report. The decision of the Commission shall be final.

REFERENCE: Education Code 45125

Penal Code 11077

6.2 CERTIFICATION FROM EMPLOYMENT LISTS

6.2.1 APPOINTING AUTHORITY

The appointing authority shall be the Board and its designated managers, except that the Commission shall be the appointing authority for its staff.

6.2.2 ORDER OF PRECEDENCE IN FILLING VACANCIES

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

- A. Reemployment List: Persons previously laid off because of lack of work, lack of funds or exhaustion of medical leaves or benefits shall be assigned to vacant positions in order of seniority.
- B. Reinstatement/Transfer/Voluntary Demotion/Change of Assignment: All qualified persons requesting increase or decrease in hours, voluntary demotions, transfer or reinstatement shall be certified, at the same time, in addition to eligibles from lists established by competitive examination.
- C. Promotional Eligibility List: When the vacancy is not filled through the procedure listed above, the top three (3) ranks of available eligibles shall be certified.
- D. Open and Promotional List: When the vacancy cannot be filled from the promotional list, the top three (3) ranks of available

eligibles on the merged promotional and open competitive list shall be certified.

REFERENCE: Education Code 45272, 45298

6.2.3 RULE OF THREE (3) RANKS

Eligibles shall be placed on eligibility lists in rank order according to their score in the examination process. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same score shall be placed in the same rank.

- A. Certification from the list shall be the first three (3) ranks of eligibles who are ready and willing to accept the positions to be filled.
- B. For classes approved for continuous testing, certification shall be made from the list but a selection shall not be required until three (3) ranks of eligibles have been certified to the appointing authority.

REFERENCE: Education Code 45260, 45261, 45272

6.2.4 CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS

When a vacant or new position is to be filled, the appointing authority shall notify the Personnel Director. The employment request shall include the class title, hours, months, location and other pertinent information required to fill the position. Requests for new positions shall also include duties to be performed.

- A. When a vacancy occurs in an established position, a written request shall be completed and forwarded to the Commission office.
- B. The Personnel Director shall determine the availability of eligibles and shall certify the names of eligibles. Certification of eligibles shall be in accordance with Rule 6.2.2 and 6.2.3.
- C. The administrator conducting the interviews shall, within three (3) working days of the final interview, make a selection from the eligibles presented and shall notify Human Resources who shall see that the necessary employment procedures are carried out.
- D. If a candidate who was certified eligible for appointment to a position fails to keep an interview or declines appointment, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of eligibles in accordance with Rule 6.2.6.

E. The Personnel Director may certify additional ranks of eligibles, beyond the top three ranks, to be interviewed; however, appointments shall be made among the first three (3) ranks of eligibles on the list who are ready and willing to accept a position.

F. No promotional or initial assignment shall be effective unless it bears the certification of the Personnel Director that the person has been employed pursuant to these Rules.

REFERENCE: Education Code 45272, 45277, 45310

6.2.5 PROCEDURE WHEN FEWER THAN THREE (3) RANKS REMAIN

A. When fewer than three ranks of eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of the remaining eligibles and may request a new examination.

B. When fewer than three eligibles are available for certification, the eligibility list may be terminated by the Commission (Rule 6.1.8). The remaining eligibles shall be notified in writing, prior to termination of the eligibility list, that they may have the opportunity to either retest for improvement of their exam score, or they may stand with their present score. After testing has concluded, the remaining eligibles shall be merged onto the new eligibility list.

REFERENCE: Education Code 45272, 45277

6.2.6 CERTIFICATION OF ADDITIONAL ELIGIBLES

If an eligible who has been certified refuses appointment or fails to respond for an interview, the appointing authority shall notify the Personnel Director. When a request for additional eligibles is made, the Personnel Director shall:

- A. Certify additional eligibles as provided by these Rules.
- B. Remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list.
- C. Investigate removals at his discretion to determine if an appointment refusal is in fact voluntary.
- D. Request authorization from the Commission to refuse additional certification, should the investigation determine that the refusal of appointment was in fact not voluntary.

REFERENCE: Education Code 45272, 45277

6.2.7 WITHHOLDING NAMES FROM CERTIFICATION

The name of an eligible may be withheld from certification by the Personnel Director when the eligible:

- A. Cannot be reached in time for appointment when immediate employment is required, providing a "No Contact" letter is sent by certified mail within 24 hours of the attempted telephone contact and a copy of the letter is forwarded to the Commission office along with the authorization to hire.
- B. Fails to present the license, registration, certification, or any other credential required.
- C. For any reason listed in Rule 4.2.
- D. Expresses unwillingness or inability to accept appointment. Persons requesting to be withheld from certification in accordance with this provision shall not be considered further until they notify Personnel Services and provide medical release to work, if such is required, prior to employment.
- E. Fails to respond within five (5) working days following the mailing of a written inquiry regarding availability.

REFERENCE: Education Code 45272, 45277

6.2.8 FAILURE TO MAKE APPOINTMENTS

Should the appointing authority fail to make a selection from the top three (3) ranks or other eligibles as certified by the Personnel Director, the position shall be vacated as directed by the Personnel Director. The position shall remain vacant until such time as a selection is made from the eligibles originally certified or until the eligibility list for the class expires. Vacant shall mean that no person in any employment status may fill that position.

REFERENCE: Education Code 45272, 45277

6.2.9 RESTORATION TO CERTIFICATION AND ELIGIBILITY

When the Personnel Director has withheld a candidate or eligible from placement on or certification from an eligibility list, he 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 due to a waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his availability to appear for interview, or to report for duty, and the person presents a good and valid reason, and certifies he is now willing and

able to accept appointment. Persons certifying that they have been unable to respond to a direct inquiry regarding availability shall provide evidence within ten (10) working days of their inability to respond at the time of their request for restoration to eligibility or certification.

B. When the withholding or removal was for a reason stated in Rule 4.2 and the defect or reason for ineligibility has since been corrected.

REFERENCE: Education Code 45272

6.2.10 CERTIFICATION FROM LIST FOR ANOTHER CLASS

If there is no eligibility list for the class in which a vacancy occurs, certification may be made from a list for another related class at the same or higher salary. Certification may be made 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 Director 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 knowledges were adequately tested in the examination.

REFERENCE: Education Code 45272

6.2.11 DUTIES OF ELIGIBLES

It shall be the duty of every eligible to respond promptly to Personnel Services after receiving notice of certification. An eligible will be expected to respond within five (5) working days from the date notification is received. Failure to respond within the above stated time may result in removal from the eligibility list. If a notice is mailed, the working day following the postmark date of the notice shall be considered the date of receipt.

A. Eligibles are required to keep the Commission and Personnel Services offices informed as to current home address and telephone numbers where they can be reached to schedule employment interviews. Failure to keep the Commission or Personnel Services offices informed may result in the eligible being bypassed on the eligibility list as unreachable. In that event, Personnel Services shall send a letter inquiring as to continued availability and interest. Failure to respond pursuant to these rules will result in removal from the eligibility list.

B. An eligible who has been selected for a permanent position and is unable or unwilling to report by the end of two (2) full weeks, one (1) full month for management classes, may be considered to have refused appointment and the appointing authority may request certification of additional eligibles.

1. The date of offer of appointment shall be the date on which the eligible was notified by Personnel Services of selection.
2. Notification may be made by telephone, telegram, FAX, registered or certified mail.
3. The appointing authority may allow a reasonable period longer than two (2) weeks or one (1) month, at its discretion.

6.2.12 SELECTIVE CERTIFICATION

If a position within a classification requires a special skill, license or language, the Personnel Director 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 willing to accept the position, a provisional appointment may be made, pending completion of an examination process to fill the position.

REFERENCE: Education Code 45272, 45277

6.2.13 CERTIFICATION OF NAMES FOR DIFFERENTIAL COMPENSATION

Assignment to a position for which differential compensation is designated shall be made from among those employees within the appropriate class, subject to the following:

- A. The assignment must equal or exceed twenty (20) consecutive working days.
- B. The employee must submit a written request for a position with differential compensation to the Personnel Director at the time the opening is posted.
- C. When a vacancy exists in a position for which differential compensation is designated and where no employee in the class wishes to volunteer for the shift, the assignment shall be filled from an eligibility list.
- D. When the assignment of an existing position is changed to include differential compensation and no employee in the class wishes to transfer to the shift, the District may assign an employee or fill the position.
- E. The appointing authority shall notify the Personnel Director which employee receives the assignment with differential compensation.

REFERENCE: Education Code 45183

6.2.14 CONFIDENTIALITY OF LISTS AND TEST SCORES

Eligibility lists and test scores shall be considered confidential information and release of this information shall be limited to:

- A. Only information identifying the eligibles certified shall be released to the appointing authority.
- B. Only information pertaining to an eligibles own scores and current rank on the list shall be released to the eligible or his representative.
- C. To the extent authorized by law, such other persons as specifically ordered by the Commission.

REFERENCE: Education Code 45272, 45274

RULE 7

APPOINTMENT TO CLASSIFIED POSITIONS

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RULE 7

APPOINTMENT TO CLASSIFIED POSITIONS

7.1 PROCEDURES FOR APPOINTMENT

7.1.1 PROCEDURES FOR SELECTION

The appointing authority shall interview all promotional eligibles certified from appropriate employment or eligibility lists. The appointing authority, at their discretion, may interview open competitive eligibles certified from appropriate employment or eligibility lists. A selection shall be required when three (3) ranks of eligibles have been certified for a vacancy from an eligibility list. When two (2) or fewer ranks and/or only eligibles for position transfer, lateral transfer, voluntary demotion or reinstatement lists have been certified the decision to make a selection shall be at the discretion of the appointing authority. The Personnel Commission will implement safeguards to ensure that the correct recruitment and hiring processes are followed, including withholding appointment certification unless and until the Personnel Commission can attest that classified employees are hired pursuant to these rules.

- A. Any job related employee information including, but not limited to, attendance records, interviews of current or previous supervisors, performance evaluations and employee development appraisals prepared by the immediate supervisor and reviewed by the employee, may be considered by a hiring authority when evaluating an employee.

REFERENCE: Education Code 45272

7.1.2 APPOINTMENT

Upon selection, each person to be employed or promoted shall be given an offer of employment by Human Resources. The offer shall include the work location, time and date to report for duty and the salary at the time of hire. Eligibles not selected shall be promptly notified of their status within ten (10) working days. Appointment to a position shall be subject to the Personnel Director certifying that the employee was hired pursuant to these Rules and ratification by the Board as the employer.

- A. The prospective employee shall be allowed at least two (2) weeks to report for duty after an offer of employment to a regular position has been made or one (1) month in the case of management classes. Should the prospective employee be unable or unwilling to report for duty within the required period, the appointing authority may request additional ranks be certified. The date to report may be extended or reduced by mutual agreement.

7.1.3 DISCRIMINATION PROHIBITED

No applicant or eligible certified for appointment shall be discriminated against because of their political or religious opinions or affiliations, race, color, national origin or ancestry, gender, age, marital status, employee organization membership or legal activities related thereto, physical or mental disability, medical condition, genetic information, military or veteran status, reproductive health decision-making, sexual orientation, or any combination of these characteristics (See intersectionality definition in PC Rule 1.2 Definitions), as well as any other protected status under applicable laws. No questions shall be asked relating to these matters during the selection or employment process.

REFERENCE: Education Code 45293

7.1.4 NEPOTISM

No person shall be employed in any position which is directly supervised by a supervisor or administrator who is a member of that person's immediate family.

- A. No employee shall be transferred, assigned to or remain at a work location in any position which is directly supervised by a supervisor or administrator who is a member of the employee's immediate family.
- B. For purposes of this Rule, immediate family means a relative as defined in Rule 1.2 Definitions or any person living in the supervisor's household.
- C. District managers, supervisors, administrators and other public officials shall make every effort to prevent hiring situations which may be considered nepotism. This includes the advocacy of hiring or promoting a relative, whether or not that relative is in the direct line of supervision of that person. Advocacy, for the purpose of this rule, shall mean using one's official capacity to exhort, encourage, recommend or demand the hiring of a relative.

REFERENCE: Government Code 1091.5

7.2 PROVISIONAL APPOINTMENTS

7.2.1 REASONS FOR PROVISIONAL APPOINTMENT

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

- A. No eligibility lists exists for the class or;
- B. An Eligibility list exists, but there is an insufficient Personnel Commission

number of available eligibles and the appointing authority requests three (3) ranks to interview.

REFERENCE: Education Code 45287, 45288, 45289

7.2.2 LENGTH OF PROVISIONAL APPOINTMENT

A provisional appointment may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall elapse before an employee is again eligible to serve in any full-time provisional assignment. In no case may a person be employed in any full-time provisional assignments for a total of more than one hundred twenty-six (126) working days in a fiscal year.

REFERENCE: Education Code 45287, 45288, 452897.1

7.2.3 EXTENSION OF PROVISIONAL APPOINTMENT

The Commission may approve extending the initial ninety (90) working day provisional appointment for a period not to exceed thirty-six (36) additional working days provided:

- A. An examination for the class was completed during the initial 90 work days of the employee's provisional appointment.
- B. There is satisfactory evidence that an adequate recruitment effort has been and is being made, an extension of the provisional assignment is necessary to carry on vital functions of the district and the position cannot be satisfactorily filled by use of other employment lists.

REFERENCE: Education Code 45287, 45288, 45289

7.2.4 SUCCESSIVE NINETY (90) DAY APPOINTMENTS

In the absence of an appropriate eligibility list, successive ninety (90) working day provisional appointments may be made to a position for a period exceeding the one hundred twenty-six (126) working day limitation when:

- A. Continuous examination procedures have been authorized by the Commission or:
- B. The position is less than twenty (20) hours per week.
- C. Such appointment shall continue only until certification from an appropriate list can be made.

REFERENCE: Education Code 45287, 45288, 45289

7.2.5 QUALIFICATIONS OF PROVISIONAL APPOINTEES

Insofar as possible provisional appointees must meet the qualifications for the classification as stated in the class specification.

REFERENCE: Education Code 45287, 45288, 45289

7.2.6 STATUS OF PROVISIONAL EMPLOYEES

To be eligible for appointment to a regular position, the provisional appointee must qualify by competitive examination and be selected from the eligibility list.

- A. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class.

REFERENCE: Education Code 45287, 45288, 45289

7.2.7 TERMINATING PROVISIONAL APPOINTMENTS

The services of a provisional appointee shall be terminated within twenty (20) working days after the date eligibles have been certified, provided that this period does not extend beyond the limits of provisional assignments. A provisional appointment may be terminated at any time at the discretion of the Board.

REFERENCE: Education Code 45287, 45288, 45289

7.3 SPECIAL APPOINTMENTS

7.3.1 EMERGENCY APPOINTMENTS

If it should become necessary in time of a declared emergency, as declared by the Board, to fill positions in the classified service to prevent the stoppage of public business, the Board through its authorized management representatives may appoint persons to positions without reference to eligibility lists, for a period not to exceed fifteen (15) working days.

- A. When such emergency appointments are made, it shall be the duty of the Board to notify the Personnel Director in writing of the date of appointment, nature of duties performed and the nature of the emergency justifying such appointments and any other information requested by the Personnel Director necessary to justify the emergency appointment.

REFERENCE: Education Code 45290

7.3.2 SUMMER AND OTHER RECESS PERIOD APPOINTMENTS

The Board may establish temporary positions during recess periods throughout the year. These positions shall be offered to regular

employees of the District not regularly employed during the recess. Appointment to these positions shall be made first among employees who have requested recess period work and are working, or have worked, in the classification needed.

Second, appointment shall be made among qualified employees working in other classifications, and finally among qualified persons not currently employed by the District.

REFERENCE: Education Code 45102

7.4 LIMITED-TERM AND LIMITED-TERM-ON-CALL APPOINTMENTS

7.4.1 POSITIONS DEFINED

Positions established to perform duties which are not expected to exceed six (6) months shall be designated limited term.

Positions established to replace temporarily absent employees shall be designated limited-term-on-call.

REFERENCE: Education Code 45286

7.4.2 ESTABLISHMENT OF LIMITED-TERM AND LIMITED-TERM-ON-CALL POSITIONS

When a limited-term position is established, the appointing authority shall designate the number of hours, starting date and length of the assignment. Establishment of limited-term positions shall be subject to classification approval of the Personnel Director and ratification by the Commission and Board.

- A. A limited-term appointment may not exceed six (6) months. Limited-term positions shall be subject to classification by the Personnel Director and ratification by the Commission.
- B. A limited-term-on-call assignment may not exceed the duration of the absence of the regular employee. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class.

REFERENCE: Education Code 45286

7.4.3 ELIGIBILITY FOR APPOINTMENT

Limited-term and limited-term-on-call appointments shall be made from eligibility and/or employment lists.

- A. When an eligible is appointed from an eligibility list to a limited-term-on-call or limited-term position, he shall continue to be eligible for limited-term-on-call or limited-term appointments in the same or a related lower class after the eligibility list has expired.

The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and has accepted a limited-term or limited-term-on-call assignment within thirty-nine (39) months after resignation.

B. When no eligible is available to accept a limited-term-on-call or limited-term position, the Personnel Director is authorized to certify applicants or candidates for appointment.

REFERENCE: Education Code 45286

7.4.4 COMPENSATION FOR LIMITED-TERM AND SUBSTITUTE ASSIGNMENTS

When a regular employee is given a limited-term appointment in a second higher class in lieu of all or part of his regular assignment, the rate of pay in the second class shall be the rate of the higher class which is next above his regular rate, if any, and which will provide at least a five (5) per cent salary increase, but not greater than the highest rate for the class.

A. Former employees who accept a limited-term or limited-term-on-call assignment in their previous class shall be placed on the step of the salary range closest to their last regular rate of pay. Former employees who accept a limited-term or limited-term-on-call assignment in other classifications shall be placed on the first step of the salary range for that class.

B. All other limited-term and limited-term-on-call appointments shall be compensated at the first step of the appropriate salary range for that class.

REFERENCE: Education Code 45286, 45287, 45288, 45289, 45290, 45309

7.4.5 RIGHTS AND BENEFITS DURING LIMITED-TERM ASSIGNMENTS

Regular employees serving in limited-term assignments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee. No credit toward completion of probation shall accrue from service in a limited-term or limited-term-on-call assignment.

REFERENCE: Education Code 45286, 45287, 45288, 45289, 45290, 45309

7.4.6 TERMINATION OF LIMITED-TERM AND LIMITED-TERM-ON-CALL APPOINTMENTS

A limited-term or limited-term-on-call appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority.

REFERENCE: Education Code 45135

7.5 EMPLOYMENT OF PERS RETIREES

7.5.1 GENERAL POLICY

Any person receiving a retirement allowance from the Public Employees' Retirement Systems (PERS) may be employed up to nine-hundred sixty (960) hours per calendar year. The retired person must be informed that employment is restricted to nine-hundred sixty (960) hours in any calendar year with the District and continuous of employment is at the discretion of the District.

REFERENCE: Education Code 45135
Government Code 21220 et. seq.

7.5.2 COMPENSATION OF RETIREES

Retired employees appointed to positions in their last permanent classification shall be placed on the step of the salary schedule closest to their last rate of pay (excluding differential and longevity pay). Retired persons appointed to positions in any other class shall be placed on the first step of the appropriate range on the salary schedule.

7.5.3 ASSIGNMENT

A retired person employed under this Rule is not subject to reinstatement to PERS nor does the compensation period provide for retirement allowance adjustment. The appointing authority shall certify to the Personnel Director that a retired person employed under this Rule meets the provisions of this Rule and the calendar year employment will not exceed nine-hundred sixty (960) hours with a PERS covered employer.

RULE 8

EMPLOYEE CLEARANCES

- 8.1 Health Examinations
 - 8.1.1 T.B. Examinations
 - 8.1.2 Medical Examinations
 - 8.1.3 Unscheduled Exams and Return to Work
 - 8.1.4 School Bus Driver Medical Examinations
- 8.2 Criminal Records
 - 8.2.1 Fingerprinting
 - 8.2.2 Review of Criminal Records
- 8.3 Other Employment Requirements
 - 8.3.1 Income Tax Withholding Form
 - 8.3.2 Retirement Application
 - 8.3.3 Social Security Numbers
 - 8.3.4 Oath of Allegiance
 - 8.3.5 Right to Work Verification
 - 8.3.6 Required Notice of Status Change
 - 8.3.7 Required Licenses or Certificates

RULE 8

EMPLOYEE CLEARANCES

8.1 HEALTH EXAMINATIONS

8.1.1 T.B. EXAMINATIONS

- A. All new employees shall present evidence of having submitted to an examination within the past sixty (60) days to determine that they are free of active tuberculosis. This examination shall consist of an approved intradermal tuberculin test (Mantoux), or if this test is positive the employee shall submit to an x-ray of the lungs. A new employee transferring employment from another school or school district shall be deemed to meet this requirement if that person can provide a certificate which shows he was examined within the past four(4) years and found to be free of communicable tuberculosis. This requirement can also be met if it is verified by the school or school district previously employing the new employee that it has such a certificate on file and a copy of the certificate is forwarded to this District. For new employees, evidence of compliance with the requirement of this section must be presented to the District prior to the first day of work.
- B. Subsequent to employment, employees are required to undergo the above examination at least once each four (4) years, or more often if directed by the Board upon recommendation of the local health offices.
- C. The District may exempt, for a period not to exceed sixty (60) days following termination of a pregnancy, a pregnant employee.
- D. Pre-employment tuberculin test costs are paid for by the individual. The District shall provide for the exam for all continuing employees.
- E. The District reserves the right to designate a particular clinic, hospital or site where the test will be administered.

REFERENCE: Education Code 45122, 49406

8.1.2 MEDICAL EXAMINATIONS

Candidates for appointment to positions with the District may be required to submit to a job related physical examination prior to initial appointment. Promotional eligibles who have been offered employment in a classification possessing different physical requirements may also be required to undergo a medical examination

as determined by the District. The examination shall be administered after a conditional offer of employment but prior to actual appointment.

The examination shall be administered by a physician chosen by the District. The kind and extent of the examination shall be determined by the District. Costs associated by this physical shall be borne by the District.

- A. The District's physician shall determine the ability of the applicant, candidate or eligible to perform the prescribed duties of the class and shall report the medical findings to the District.
- B. If the District's physician proposes to disqualify an individual, the doctor shall provide the District with a statement describing the specific condition and the limitations that have resulted in the individual's disqualification.
- C. If reasonable accommodation is requested, Personnel Services, in consultation with the physician, shall make a determination if reasonable accommodation can be made for the individual. If reasonable accommodation can be made, the individual shall be appointed. If reasonable accommodation is not possible, the individual will be so notified by Personnel Services.

REFERENCE: Education Code 45122

8.1.3 UNSCHEDULED EXAMS AND RETURN TO WORK

An employee may be required to undergo a physical exam at any time the District deems there is reasonable cause. Employees returning from an injury or illness leave may be required to submit to a medical exam to verify sufficient recovery to return to duty.

REFERENCE: Education Code 45122

8.1.4 SCHOOL BUS DRIVER MEDICAL EXAMINATIONS

In addition to any other physical exam that may be required by these Rules, school bus drivers must have a valid medical card as required by State Law. The District shall provide for and/or reimburse the costs of the school bus driver's examination for District employees.

REFERENCE: Education Code 45122

8.2 CRIMINAL RECORDS

8.2.1 FINGERPRINTING

Every candidate to be employed shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The District will notify each such candidate where and when to report for fingerprinting, which shall take place prior to employment. The cost of pre-employment fingerprinting shall be borne by the candidate.

REFERENCE: Education Code 45125, 45125.1, 45125.5, 45126

8.2.2 REVIEW OF CRIMINAL RECORDS

All criminal record reports received by Personnel Services are confidential. Any employee charged with receiving and/or reviewing criminal records and who divulges information contained therein to an unauthorized person is subject to disciplinary action.

- A. The criminal records report from the California Bureau of Criminal Identification and/or the Federal Bureau of Investigation will be reviewed together with the application form prior to employment. If there is a criminal record which was undisclosed, the conditional offer of employment may be withdrawn.
- B. If an eligible is denied employment based on information disclosed on the criminal records report, he shall be removed from the eligibility list for that classification and he may be removed from all eligibility lists.

REFERENCE: Education Code 45125, 45311

8.3 OTHER EMPLOYMENT REQUIREMENTS

8.3.1 INCOME TAX WITHHOLDING FORM

New employees shall submit the W-4 form for both State and Federal taxes at the time of employment.

8.3.2 RETIREMENT APPLICATION

New employees shall submit a completed retirement application form for the Public Employees Retirement System (PERS) at the time of employment or when they become eligible for membership. This Rule shall apply only to those employees eligible for PERS membership.

8.3.3 SOCIAL SECURITY NUMBERS

New employees shall present their Social Security card to the District at the time of employment.

8.3.4 OATH OF ALLEGIANCE

All new employees must sign an oath of allegiance as required by Article XX, Section 3, of the California State Constitution and the Education Code. Refusal to sign the oath of allegiance shall cause the employment offer to be withdrawn.

REFERENCE: Education Code 60
California State Constitution:
Article XX, Section 3

8.3.5 RIGHT TO WORK VERIFICATION

All persons employed are required to provide proof of their right to work in the United States. An individual's right to work is a minimum qualification for employment with the District.

- A. Proof of right to work is required when an initial offer of employment has been made by the District. All new employees are required to provide this verification.
- B. No person shall be placed in paid status without having on file with the District sufficient documentation as required by Federal law as to the person's right to work.
- C. Any person unable to provide verification of the right to work in this country and for the District pursuant to this Rule, shall be removed from all eligibility lists and shall not be employed by the District.

8.3.6 REQUIRED NOTICE OF STATUS CHANGE

Employees shall notify Personnel Services whenever their status changes, such as a new address, new telephone number, marital status for health benefits, increase or decrease in number of dependents, person to notify in case of emergency or other changes affecting the employee's status.

8.3.7 REQUIRED LICENSES OR CERTIFICATES

Some classifications require employees to possess licenses or certificates. All new employees must file a copy of any required license or certificate with the District as a condition of employment. As these licenses and certificates are renewed, copies must be filed with the District within ten (10) working days of receipt by the employee. Failure to maintain required licenses or certificates may be cause for discipline up to and including termination.

RULE 9

EMPLOYMENT STATUS

- 9.1 Certification of Payrolls
 - 9.1.1 Payroll Certification
 - 9.1.2 Non-Compliance with Order of Personnel Director
- 9.2 Employee Assignment
 - 9.2.1 Assignment Data
 - 9.2.2 Change of Assignment
 - 9.2.3 Work Site Orientation of New Employees
- 9.3 Probationary Status
 - 9.3.1 Initial Probationary Period
 - 9.3.2 Completion of Initial Probation
 - 9.3.3 Subsequent Probation for Permanent Employees
- 9.4 Permanency Status
 - 9.4.1 Permanent Status
 - 9.4.2 Rights of Permanent Employee

RULE 9

EMPLOYMENT STATUS

9.1 CERTIFICATION OF PAYROLLS

9.1.1 PAYROLL CERTIFICATION

No person shall be appointed to a position in the classified service unless the assignment order is certified by the Personnel Director. The Personnel Director shall certify that the assignment has been made in accordance with these Rules.

- A. The Personnel Director shall audit all changes of status for classified employees.
- B. All time sheets, payroll reports or other financial or employment documents shall be made available to the Personnel Director upon request. The Personnel Director shall audit classified payrolls, as needed. If assignments are not in accord with the Rules of the Commission, the Personnel Director shall immediately notify the District of any irregularities and attempt to resolve the problem.

REFERENCE: Education Code 45169, 45310, 45311

9.1.2 NON-COMPLIANCE WITH ORDER OF PERSONNEL DIRECTOR

If any irregularities are unresolved within a reasonable period of time, the Personnel Director shall report the violation of the Merit System Act or these Rules to the District and the Commission. Whenever the Commission, after a public hearing, finds that any appointment has been made in violation of these Rules as they apply to examination and appointment, the Commission may order that no salary warrant thereafter be drawn to the employee so appointed. Any violation of this article or the Rules of the Commission as they apply to examination or appointment shall constitute grounds for dismissal of the employee or employees guilty of such violation.

REFERENCE: Education Code 45169, 45272, 45310, 45311

9.2 EMPLOYEE ASSIGNMENT

9.2.1 ASSIGNMENT DATA

Upon initial employment and upon each change in classification thereafter, the classified employee shall sign an acknowledgement of the receipt of assignment information. The original assignment information shall be placed in the employee's personnel file.

- A. The employee shall be provided two (2) copies of: the class specification for the position; the notice of salary, including length of pay period, hourly, daily, monthly, annual and overtime and differential rates of pay; prescribed duty hours, work week, work year and work location; and the terms and conditions of the probationary period, including performance evaluation procedures.
- B. The employee shall provide one signed and dated copy of the above information to his supervisor.

REFERENCE: Education Code 45169

9.2.2 CHANGE IN WORKING HOURS

The District shall have the right to assign and reassign daily hours of work and shifts consistent with any negotiated labor agreement, to meet the operational needs of the District. Written notice of a change in working hours shall be provided to an employee five (5) work days prior to the effective date of the change.

REFERENCE: Education Code 45241

9.2.3 ORIENTATION OF NEW EMPLOYEES

Within five (5) working days of a new assignment, each employee shall be advised by his immediate supervisor of information relating to the employee's position, including but not limited to, specific duty hours, break times, lunch period, work rules, department regulations, procedure for reporting absences, payroll reporting and the terms, conditions and procedures for performance evaluation.

9.3 PROBATIONARY STATUS

9.3.1 INITIAL PROBATIONARY PERIOD

Each new regular employee appointed from an eligibility list shall serve an initial probationary period of six months or one hundred thirty (130) days of paid regular service, whichever is longer, in a classification before attaining permanent status in the classified service. Classes designated by the Commission as executive or administrative shall serve a probationary period of one (1) year of paid regular service in a classification before attaining permanent status in the classified service.

- A. Credit toward probation shall be granted only for service in a regular position in a class after appointment from an eligibility list.

- B. Probationary credit shall not include time when an employee is absent from work for more than ten (10) consecutive workdays.
- C. Executive or administrative classes are those classes allocated to the management salary schedule.

REFERENCE: Education Code 45301

9.3.2 COMPLETION OF INITIAL PROBATION

Each probationary employee shall be evaluated at least by the end of the third month and at least by the end of the fifth month. In addition, employees with a one (1) year probation shall be evaluated at least by the end of the ninth month and at least by the end of the eleventh month.

- A. When a probationary employee is to be disqualified, the immediate supervisor shall prepare a recommendation to disqualify. The recommendation shall be discussed with the employee and forwarded to Personnel Services for action.
- B. Written notice of disqualification shall be given to the probationary employee prior to the end of probation and a copy shall be forwarded to the Commission Office.
- C. A probationary employee shall not have the right to appeal disqualification, suspension or dismissal unless the appeal is based on a claim of discrimination because of race, color, national origin, age, marital status, gender, sexual harassment, ancestry, genetic information, medical condition, physical or mental disability, military or veteran status, reproductive health decision-making, sexual orientation, religion or protected political or employee organization activities, or any combination of these characteristics, as well as any other protected status under applicable laws. The employee must provide evidence that disqualification was a result of discrimination prior to a hearing being granted.
- D. Should the work for which a probationary employee has been appointed prove temporary instead of permanent, the employee may be laid off.

REFERENCE: Education Code 45269, 45270, 45272, 45281, 45301, 45302, 45305

9.3.3 SUBSEQUENT PROBATION FOR PERMANENT EMPLOYEES

A permanent classified employee who has been promoted shall serve a new probationary period in that class before attaining permanency in the class.

- A. A permanent classified employee who has been promoted may be

involuntarily returned to his former class upon completion of a performance evaluation and recommendation to disqualify. The employee shall not have the right to appeal unless the disqualification results in separation from the classified service or is based on discrimination.

B. A permanent classified employee in a probationary status shall retain all rights to appeal a discipline for cause or a probationary disqualification that results in the termination of employment.

REFERENCE: Education Code 45269, 45270, 45272, 45281, 45301, 45302, 45305

9.4 PERMANENCY STATUS

9.4.1 PERMANENT STATUS

Upon successful completion of the prescribed initial probationary period, a classified employee shall be deemed to be a part of the permanent classified service.

REFERENCE: Education Code 45301

9.4.2 RIGHTS OF PERMANENT EMPLOYEE

Every permanent classified employee shall be entitled to all rights, benefits and burdens conferred by law, Personnel Commission Rules, Board Policy or labor agreement for classified employees including a vested right to his position. A permanent classified employee may only be removed for cause or due to lay off.

RULE 10

HOURS OF EMPLOYMENT AND OVERTIME

10.1 Work Schedules

- 10.1.1 Workweek
- 10.1.2 Ten-Hour, Forty-Hour Per Week Schedule
- 10.1.3 Nine-Hour, Eighty-Hour, Two-Week Schedule
- 10.1.4 Workday
- 10.1.5 Adjustment of Assigned Time
- 10.1.6 Decreases in Assigned Time
- 10.1.7 Benefits for Assignments of Less Than 8 Hours/12
- 10.1.8 Meal Periods
- 10.1.9 Rest Periods
- 10.1.10 Split-Shift Assignments

10.2 Overtime and Related Matters

- 10.2.1 Overtime
- 10.2.2 Compensatory Time Off
- 10.2.3 Assignment of Overtime
- 10.2.4 Call-Back Time
- 10.2.5 Call-In time
- 10.2.6 Exemption from Overtime
- 10.2.7 Exempt Classes

RULE 10

HOURS OF EMPLOYMENT AND OVERTIME

10.1 WORK SCHEDULES

10.1.1 WORKWEEK

The workweek of classified employees shall consist of five (5) consecutive days of eight (8) hours per day. These Rules shall not be construed to restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

- A. The District may establish a workday of less than eight (8) hours per day for some or all of its classified positions.
- B. When the District determines that a classified employee is to be assigned a workweek which includes Saturday or Sunday, the district shall notify the employee in writing.

REFERENCE: Education Code 45127

10.1.2 TEN-HOUR, FORTY HOUR PER WEEK SCHEDULE

The District may establish a ten (10) hour per day, forty (40) hour, four consecutive day workweek for all, or certain classes of its employees, or for employees within a class, this schedule may be adopted by reason of work location and duties performed by such employees and when their services are not required for a workweek of five (5) consecutive days. This provision may be implemented if establishment of such a workweek has the concurrence of the concerned employees, as ascertained through the employee's organization, if applicable, and the employee's department or division manager.

REFERENCE: Education Code 45132

10.1.3 NINE-HOUR, EIGHTY-HOUR, PER TWO-WEEK SCHEDULE

The District may establish a nine (9) hour per day, eighty (80) hour per two (2) week work schedule. This schedule may be implemented if establishment of such a workweek has the concurrence of the employee organization, or in the absence of an employee organization, the concerned employee and the employee's department or division manager.

REFERENCE: Education Code 45133

10.1.4 WORKDAY

The length of the workday shall be designated by the District for each classified assignment in accordance with the

provisions set forth in these rules. Each classified employee shall be assigned a fixed number of hours per day, days per week and months per year.

10.1.5

ADJUSTMENT OF ASSIGNED TIME

- A. Any classified employee who with the permission or at the direction of his supervisor, works an average of thirty (30) minutes or more per day in excess of his regular part-time assignment for a period of twenty (20) or more consecutive work days shall have his regular assignment adjusted upward to reflect the longer hours, effective at the beginning of the next pay period.
- B. If a part-time employee's average paid time, excluding overtime, for a part-time assignment exceeds the average assigned time by fifty (50) minutes or more per working day in any quarter, the hours paid per day for compensable leaves and holidays in the succeeding quarter shall be equivalent to the average paid per working day in the preceding quarter.

REFERENCE: Education Code 45137

10.1.6

DECREASES IN ASSIGNED TIME

A District initiated decrease in the assigned hours per day, hours per week, days per year or months per year of a classified employee shall be considered a layoff for lack of work or lack of funds. All District initiated decreases in assigned time shall be in accordance with the layoff procedures in these Rules.

REFERENCE: Education Code 45308

10.1.7

BENEFITS FOR ASSIGNMENTS OF LESS THAN 8 HOURS/12 MONTHS

All employees assigned less than eight (8) hours per day and/or less than twelve (12) months per year shall be entitled to sick leave and all other benefits conferred by law on classified employees. These employees shall also be entitled to all leaves and benefits granted by the Board to a majority of the regular full-time classified employees. These benefits shall be provided on at least a prorated basis.

REFERENCE: Education Code 45136

10.1.8

MEAL PERIODS

All employees assigned to work more than five (5) consecutive hours per day shall be provided an unpaid, uninterrupted meal period of at least thirty (30) minutes, except that when an

assignment of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the District and employee. For full-time employees, the meal period shall be provided at or about the midpoint of the work shift.

10.1.9 REST PERIODS

Employees shall be assigned one (1) paid rest period during each consecutive four (4) hour work period as specified below:

- A. Employees who work six (6) to eight (8) hours per day shall be assigned two (2) fifteen (15) minute rest periods. Rest periods shall be scheduled approximately at the midpoint of each work period, before and after the meal period. Rest periods shall be assigned by the immediate supervisor.
- B. Employees working fewer than six (6) but four or more hours per day shall be provided one (1) fifteen (15) minute paid rest period.
- C. Employees shall remain at their assigned work sites during a paid rest period unless authorization to leave the work site has been given by the immediate supervisor. Immediate supervisors are encouraged not to unreasonably withhold authorization to leave the work site during rest periods.

10.1.10 SPLIT-SHIFT ASSIGNMENTS

The District shall have the right to assign classified employees to a split shift as part of a regular assignment. The period between the split shifts shall be unpaid as long as the period of unpaid time exceeds one (1) hour. If a shift is split by one

(1) hour or less, the unassigned time between shifts shall be paid at the appropriate regular or overtime rate of pay. Bona fide scheduled meal periods of up to one (1) hour as required by these Rules shall not be considered a split shift and shall be considered unpaid time.

10.2 OVERTIME AND RELATED MATTERS

10.2.1 OVERTIME

All overtime hours as defined in this Rule shall be compensated at the rate of pay equal to time and one-half (1-1/2) the regular rate of pay of the employee. Overtime is defined to include any time worked in excess of eight (8) hours in any one day or in excess of forty (40) hours in any calendar week.

- A. Employees having an average work day of four (4) or more hours shall receive overtime compensation for any authorized work performed on the sixth or seventh consecutive day of work.
- B. Employees having an average work day of less than four (4) hours per day shall receive overtime compensation for any authorized work performed on the seventh consecutive day of work.
- C. All hours worked by an employee on any holiday designated by these Rules, law or the Board shall be compensated at the overtime rate of pay in addition to regular pay received for the holiday. This provision shall apply to employees excluded from other overtime provisions of these Rules.
- D. When a ten (10) hour per day, forty (40) hour per week schedule has been approved, the overtime rate shall be paid for all hours worked in excess of ten (10) hours per day or forty (40) hours per week.
- E. When a nine (9) hour, eighty (80) hour per two (2) week schedule has been approved, the overtime rate shall be paid for all hours worked in excess of nine (9) hours per day or eighty (80) hours in the two-week period.
- F. The regular rate of pay for overtime purposes shall be the employee's hourly rate of pay plus any differential rate, premium rate or longevity rate paid on a monthly basis.
- G. The number of hours worked for overtime purposes shall include all time during which an employee is excused from work because of holidays, sick leave, vacation, compensation time off or other paid leave of absence.

REFERENCE: Education Code 45128, 45130, 45131, 45132, 45133, 45203

10.2.2 COMPENSATORY TIME OFF

Overtime may be compensated as compensatory time off.

- A. A record of compensatory time worked and taken shall be maintained in the department.
- B. Compensatory time may be taken in lieu of any other authorized leave.
- C. Compensatory leave shall be approved by the immediate supervisor before it is taken.

- D. An employee shall use earned compensatory time within the twelve (12) calendar months following the date on which the time was earned.
- E. Compensatory time is earned at the regular or overtime rate as established in these Rules.

REFERENCE: Education Code 45128, 45129

10.2.3

ASSIGNMENT OF OVERTIME

Overtime work shall be equitably assigned among all qualified classified employees who are in the same class, the same organizational unit and the same work location. In assigning overtime, the immediate supervisor may consider:

- A. Special skills and/or training required to perform the work.
- B. The availability of regular part-time classified employees to perform the work.

10.2.4

CALL-BACK TIME

Whenever an employee is called back to duty by a supervisor or designee, after the conclusion of the normal work shift, the employee shall receive a minimum of two (2) hours pay or pay for the actual hours worked at the appropriate salary rate, whichever is greater.

10.2.5

CALL-IN TIME

Whenever an employee is called to work by a supervisor or designee on a day which is not a regularly scheduled work day, the employee shall receive a minimum of two (2) hours pay or pay for the actual hours worked at the appropriate salary rate, whichever is greater.

10.2.6

EXEMPTION FROM OVERTIME

Positions or classes of positions designated supervisory, administrative or executive by the Commission may be exempted from the overtime provisions of these Rules. To be exempted from overtime, positions or classes of positions must clearly and reasonably be management positions. The classes of established positions listed below are clearly and reasonably management positions. The duties, flexibility of hours, salary, benefit structure and authority of these classes are of such a nature that they should be set apart from positions subject to overtime and will not be unreasonably discriminated against as a result of this exemption. Notwithstanding this Rule, if an exempt employee is required to work, with prior approval of the Superintendent or Board on any District paid holiday, the

employee shall be paid, in addition to the regular pay received for the holiday, the rate of one and one-half (1-1/2) times the employee's regular rate of pay for all hours worked on that day.

REFERENCE: Education Code 45130, 45203

10.2.7

EXEMPT CLASSES

Assistant Director Food Services
Assistant Director Maintenance and Operations
Assistant Director Network Systems Manager
Chief Business Officer
Chief of Police and Safety
Chief Technology Officer
Coordinator of Facility Technologies
Coordinator of Risk Management
Database Administrator
Director of Communication and Community Affairs
Director of Facilities
Director of Fiscal Services
Director of Food Services
Director of Network and Computer Services
Director of Purchasing and Warehouse
Director of Transportation
Finance Manager
Human Resources Coordinator - Personnel Commission
Personnel Director

REFERENCE: Education Code 45130, FLSA

RULE 11

TRANSFER OF EMPLOYEES

- 11.1 Transfer
 - 11.1.1 Definition of Transfer
 - 11.1.2 Position Transfer
 - 11.1.3 Submission of Request for Transfer
 - 11.1.4 Lateral Transfer
 - 11.1.5 No Adverse Effect from Transfer
 - 11.1.6 Seniority Credit Upon Transfer
- 11.2 Demotions
 - 11.2.1 Voluntary Demotions
 - 11.2.2 Involuntary Demotion
- 11.3 Restoration/Reinstatement
 - 11.3.1 Restoration of Current Employee to Former Class
 - 11.3.2 Reinstatement of Former Employee
 - 11.3.3 Effects of Restoration/Reinstatement

RULE 11

TRANSFER OF EMPLOYEES

11.1 TRANSFER

11.1.1 DEFINITION OF TRANSFER

For purposes of this Rule, a vacancy shall occur when a new position is created or an existing position becomes vacant.

- A. A position transfer means the relocation of an employee between job sites or between departments, within the same classification.
- B. A lateral transfer is the transfer of an employee to a position in a similar or related class with the same salary range.

11.1.2 POSITION TRANSFER

A position transfer may be initiated by the District or at the request of the employee. An employee may request a position transfer if the employee has permanent status. District initiated position transfers may be made at any time for the good of the classified service with the approval of Personnel Services. Transfers shall be governed by the following:

- A. An employee who is to be transferred shall be notified in writing by the District at least five (5) working days prior to the effective date of the transfer.
- B. When a transfer is initiated by the District, the employee may request a conference or written statement regarding the reasons for the transfer. Upon such request, the District shall provide a written statement of the reasons for the transfer or meet with the employee and provide the reasons prior to the effective date of the transfer. The reasons for the transfer shall be clearly stated to the employee in ordinary and concise language understandable by the employee.
- C. Employees shall not be transferred for punitive or disciplinary reasons except as provided under the disciplinary provisions of these Rules.
- D. Employees may appeal a transfer on grounds that the District did not comply with the procedures set forth in these rules.

11.1.3 SUBMISSION OF REQUEST FOR TRANSFER

An employee may request a transfer by submitting a completed Request to Transfer to Personnel Services. Consideration shall be given to all properly submitted requests for transfer. Transfer requests will be held on file for transfer consideration until

the following June 30.

11.1.4 LATERAL TRANSFER

Lateral transfers shall be approved by the Personnel Director and reported in the agenda for the subsequent Personnel Commission meeting. Employees may appeal the Personnel Director's decision to the Personnel Commission. Determination of whether classes are sufficiently related to permit transfer between them shall be based on the similarity of duties, minimum qualifications, examination content, salary and other related factors. Lateral transfer candidates shall be certified for a vacant position in addition to all other promotional eligibles for hiring interviews. Certified promotional eligibles must be interviewed along with lateral transfer candidates. The appointing authority, at their discretion, may interview open competitive eligibles certified from appropriate employment or eligibility lists along with the lateral transfer candidate(s).

11.1.5 NO ADVERSE EFFECT FROM TRANSFER

Transfer shall not change the employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation credit or otherwise adversely affect the employee's rights except as provided in these Rules.

11.1.6 SENIORITY CREDIT UPON TRANSFER

Transfers shall have the following effect on seniority:

- A. There shall be no effect upon seniority when both positions are in the same class.
- B. When the transfer is to a position in another class, seniority in the new class shall commence with the employee's first day of paid service in the new class. The employee shall retain seniority in the former class as well as total seniority with the District.

11.2 DEMOTIONS

11.2.1 VOLUNTARY DEMOTIONS

A permanent employee may request a voluntary demotion to a vacant position in a class with a lower salary rate, provided that the employee has previous permanent status in that class or the Personnel Director has determined that the classes are sufficiently related to permit a demotion based on similarity of duties, minimum qualifications, examination content and other related factors and the request for demotion is to a related class in the same occupational group. All demotion requests shall require the approval of the Personnel Director. Demotion candidates shall be certified for a vacant position in addition

to all other eligibles for interview.

- A. A permanent employee may take a voluntary demotion to remain in a current position rather than being reassigned.
- B. A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited- term position or a summer assignment.
- C. A voluntary demotion is available to a probationary employee, who does not hold permanent status in the District, only in lieu of layoff and according to this Rule.
- D. An employee who demotes to a class where permanent status has not been held shall complete the appropriate probationary period in the new class.
- E. Salary placement for employees who demote to a class with a lower maximum salary rate shall be in accord with these Rules.

REFERENCE: Education Code 45272

11.2.2 INVOLUNTARY DEMOTION

Involuntary demotion is a disciplinary action for cause and is subject to the disciplinary procedure in these Rules.

- A. A permanent employee who has been promoted to a higher class or transferred to a new class may be involuntarily returned to the former class, during the probationary period without the right of appeal, pursuant to these Rules.
- B. Salary placement upon involuntary demotion shall be in accordance with these Rules.

REFERENCE: Education Code 45302, 45304

11.3 RESTORATION/REINSTATEMENT

11.3.1 RESTORATION OF CURRENT EMPLOYEE TO FORMER CLASS

An employee who has taken a voluntary demotion may be restored to a vacant position in the former class within thirty-nine (39) months after demotion. Except for demotion in lieu of layoff, restoration is discretionary with the district.

11.3.2 REINSTATEMENT OF FORMER EMPLOYEE

A former permanent employee who resigned in good standing may be reinstated to a vacant position in a former class and status within thirty-nine (39) months of the last date of paid service. In addition, the former employee may be reinstated to a vacant position in a lower related class if approved by the Personnel Director. The determination of whether the class is sufficiently

related to permit reinstatement shall be based on the similarity of duties, minimum qualifications, examination content and other related factors. Reinstatement actions are discretionary with the District.

REFERENCE: Education Code 45272, 45309

11.3.3 EFFECTS OF RESTORATION/REINSTATEMENT

The restoration of a current employee or the reinstatement of a former employee shall have the following effects:

- A. A former employee reinstated to a position in a former class shall be placed at the same salary step as when the person left the District, and on the current salary range for the classification. If reinstated in a lower related class, the employee is placed at the rate closest that of the step to which he would be assigned if reinstated to his former class.
- B. A current employee being restored to a former higher class would be placed on the salary range of the higher class and then to the step required in these Rules as if the employee was receiving a promotion.
- C. A reinstated former employee receives restoration of accumulated sick leave and seniority as of the date of separation.
- D. A reinstated former employee receives restoration of the former anniversary date, deducting the time away from the District and without step advancement credit for the break in service.
- E. A reinstated former employee receives restoration of any longevity granted prior to resigning, without longevity or step advancement credit for the break in service.

REFERENCE: Education Code 45309

RULE 12

EMPLOYEE PERSONNEL FILES

12.1 Personnel Files

- 12.1.1 Maintenance of Files
- 12.1.2 Inspection of Personnel File by Employee
- 12.1.3 Inspection of Personnel File by Others
- 12.1.4 Personnel File Log
- 12.1.5 Derogatory Information
- 12.1.6 Signature/Date Required
- 12.1.7 Appeal of Placement of Material in File
- 12.1.8 Removal of Derogatory Material

RULE 12

EMPLOYEE PERSONNEL FILES

12.1 PERSONNEL FILES

12.1.1 MAINTENANCE OF FILE

The District shall maintain an official employee personnel file for each employee.

REFERENCE: Education Code 44031

12.1.2 INSPECTION OF PERSONNEL FILE BY EMPLOYEE

An employee shall have the right to inspect his personnel file upon request. Such inspection shall take place during regular business hours at a time when the employee is not working or the employee may be released by their supervisor for this purpose. An employee shall have access to all materials that may affect their employment status in the personnel file, except that such materials subject to inspection shall not include confidential ratings, reports or records which were:

- A. Obtained prior to the person's employment.
- B. Prepared by identifiable examination committee members.
- C. Obtained in connection with a promotional examination.

REFERENCE: Education Code 44031
Government Code 6254

12.1.3 INSPECTION OF PERSONNEL FILE BY OTHERS

The employee personnel file shall be available for inspection by authorized Personnel Services staff and the immediate supervisor of the employee. An employee may authorize inspection of the personnel file by another person if written permission is provided.

12.1.4 PERSONNEL FILE LOG

Personnel Services shall maintain a log indicating the persons who have examined a personnel file as well as the date such examinations were made. Such log shall be made available to the employee or the employee's representative (with written permission). Personnel Services employees who need access to personnel files in the normal course of their duties shall not be required to log the use of files.

12.1.5DEROGATORY INFORMATION

Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee. The affected employee shall be furnished with a copy of the proposed material ten (10) working days prior to it being placed in the personnel file. An employee shall have the right to enter, and have attached to any derogatory material, his own statements.

REFERENCE: Education Code 44031

12.1.6SIGNATURE/DATE REQUIRED

Any person who places derogatory written material or drafts written material for placement in an employee personnel file shall sign the material and identify the date the material was prepared. Any written material placed in a personnel file shall indicate the date placed in the file.

12.1.7APPEAL OF PLACEMENT OF MATERIAL IN FILE

An employee may appeal the placement of derogatory material in the personnel file through the Commission grievance procedure. The time line for appeal shall be within the ten (10) working day inspection period prescribed by this Rule or within ten

(10) working days of when the employee found out the derogatory material was in the file. The only cause for appeal shall be a claim that a Rule of the Commission has been violated.

12.1.8REMOVAL OF DEROGATORY MATERIAL

If the Commission sustains a grievance, the Commission shall recommend to the District that the derogatory material be removed from the employee's personnel file. At the point that the grievance is not sustained by the Commission or the time period for filing a grievance related to derogatory information has passed without the filing of a grievance, the derogatory material shall be considered a Class 1 Permanent Record, and shall not be removed.

RULE 13

PERFORMANCE EVALUATIONS

13.1 General Policy

- 13.1.1 Policy Statement
- 13.1.2 Administration of Performance Evaluation System
- 13.1.3 When Evaluations Are To Be Made
- 13.1.4 Evaluation Rater
- 13.1.5 Evaluation Forms
- 13.1.6 Evaluation Meeting
- 13.1.7 Documentation
- 13.1.8 Recommendations for Improvement
- 13.1.9 Signature on Form
- 13.1.10 Distribution of Evaluation
- 13.1.11 Employee Attachments
- 13.1.12 Appeal Process

RULE 13

PERFORMANCE EVALUATIONS

13.1 GENERAL POLICY

13.1.1 POLICY STATEMENT

The employee performance evaluation report serves as an important tool for both supervisors and employees to ensure efficient work performance. Performance evaluations are designed and intended to provide an objective determination of employee skills, ability performance and work behavior.

13.1.2 ADMINISTRATION OF PERFORMANCE EVALUATION SYSTEM

The District shall administer a performance evaluation for classified employees. The District shall be responsible for ensuring that evaluations are properly completed, submitted and placed in employee personnel files. The evaluation(s) shall be available for administrative review in connection with promotional examination and disciplinary actions.

13.1.3 WHEN EVALUATIONS ARE TO BE MADE

All regular classified employees shall be evaluated by their immediate supervisor in accordance with the following:

- A. Employees with a six (6) month probationary period shall be evaluated at least by the end of the third month and at least by the end of the fifth month. Employees with a one (1) year probationary period shall be evaluated at least by the end of the ninth month and at least by the end of the eleventh month.
- B. Permanent employees shall be evaluated at least once each year, not later than April 30.
- C. Special evaluations may be given at any time during the year if deemed necessary by the immediate supervisor. A special evaluation for unsatisfactory performance shall be made not later than thirty (30) calendar days after the immediate supervisor becomes aware that the unsatisfactory performance has taken place.

13.1.4 EVALUATION RATER

Employees are to be evaluated by their immediate supervisor. The immediate supervisor is an employee in a higher classification, designated as supervisory or management who assigns, checks and supervises the majority of the employee's work.

- A. Evaluations shall be made in a meeting between the employee and immediate supervisor. The inability or refusal of an employee to attend a meeting on reasonable notice shall not invalidate the performance evaluation.
- B. In cases where an employee is assigned to more than one (1) department, site and/or classification, the employee shall receive a joint evaluation.
- C. Only designated supervisory or management employees may rate and sign the evaluation form. Supervisors may receive input from employees having a lead function over the employee to be evaluated.

13.1.5 EVALUATION FORMS

Performance evaluations shall be made on forms adopted by the District.

13.1.6 EVALUATION MEETING

In presenting the performance evaluation form, the supervisor shall hold a meeting with the employee to discuss performance issues. Performance evaluation meetings shall be held during the employee's normal work time and without loss of pay. The meeting shall be scheduled by the supervisor to allow adequate time for a discussion with and by the employee.

13.1.7 DOCUMENTATION

Evaluations which contain ratings of outstanding or unsatisfactory regarding the employee's performance shall include substantiating comments or documentary evidence.

13.1.8 RECOMMENDATIONS FOR IMPROVEMENT

Unsatisfactory evaluations shall include a written improvement plan that contains specific recommendations. The written improvement plan shall include specific comments or documentary evidence of the unsatisfactory performance or behavior. The improvement plan shall provide written guidance to assist the employee in correcting any deficiencies and improving performance. The improvement plan shall also include steps the supervisor will take to assist the employee with the improvement plan.

Within thirty (30) to sixty (60) working days of the effective date of the performance improvement plan, the employee shall be issued a new performance evaluation. Said evaluation shall be attached to the original evaluation and shall fall under the provisions of P.C. Rule 13.1.2.

13.1.9 SIGNATURE ON FORM

The completed evaluation form shall be signed by the evaluator and the employee being evaluated. The employee signature indicates that the evaluation has been seen, discussed with the employee and a copy has been received. The employee signature shall not be construed to mean that the employee necessarily agrees with the content of the evaluation.

13.1.10 DISTRIBUTION OF EVALUATION

The completed evaluation shall be distributed as follows:

- A. The original shall be sent to Personnel Services for inclusion in the employee personnel file.
- B. The second copy shall be given to the employee being evaluated.
- C. The third copy is retained by the evaluator.

13.1.11 EMPLOYEE ATTACHMENTS

The employee shall have ten (10) working days from the date of the evaluation meeting to submit to Personnel Services written comments and/or documentary evidence to refute or rebut any rating or comment in the evaluation. Employee submissions shall be attached to the evaluation form prior to placement in the employee personnel file. A copy of the attachment shall then be forwarded to the evaluator.

13.1.12 APPEAL PROCESS

An employee may use the grievance procedure in these Rules only on the grounds that the evaluation procedures have been violated in the preparation or completion of the performance evaluation form.

RULE 14

VACATION

14.1 Vacation

- 14.1.1 Vacation/Regular Employees
- 14.1.2 Vacation/Management Employees
- 14.1.3 Vacation Rate of Pay
- 14.1.4 Vacation for Part-Time Employees
- 14.1.5 Vacation Credit for Partial Month
- 14.1.6 Vacation Earned In Paid Status
- 14.1.7 Vacation Scheduling for Less Than Twelve Months Employees
- 14.1.8 Vacation Scheduling for Twelve Month Employees
- 14.1.9 Crediting Vacation to Employee's Account
- 14.1.10 Vacation Upon Termination of Employment
- 14.1.11 Vacation Carry-Over
- 14.1.12 Holidays And Vacation
- 14.1.13 Interruption of Vacation

RULE 14

VACATION

14.1 VACATION

14.1.1 VACATION/REGULAR EMPLOYEES

A. Classified employees will earn vacation on the basis of years of service according to the following schedule:

1. From the date of regular employment through the completion of five (5) years, one (1) day of vacation will be earned per month worked.
2. From the beginning of the sixth (6) year through the completion of the tenth (10) year, one and one-quarter (1 $\frac{1}{4}$) days of vacation will be earned per month worked.
3. From the beginning of the eleventh (11) year through the completion of the fifteenth (15) year, one and one-half (1 $\frac{1}{2}$) days of vacation will be earned per month worked.
4. From the beginning of the sixteenth (16th) year through the completion of the twentieth (20th) year, one and three-fourths (1 $\frac{3}{4}$) days of vacation will be earned per month worked.
5. From the beginning of the twenty-first (21st) year, two (2) days of vacation will be earned per month worked.
6. The amount of vacation earned is subject to amendment by the Board.

REFERENCE: Education Code 45190, 45197

14.1.2 VACATION/MANAGEMENT EMPLOYEES

Regular classified employees designated management by the District and Commission earn vacation at the rate of twenty-six (26) days per year. The amount of vacation earned is subject to amendment by the Board.

REFERENCE: Education Code 45190, 45197

14.1.3 VACATION RATE OF PAY

Vacation shall be paid at the employee's current rate, including longevity, differential or stipend.

14.1.4

VACATION FOR PART-TIME EMPLOYEES

Regular employees working part-time or less than twelve (12) months per year shall earn vacation in direct proportion to full-time or twelve (12) month employees.

14.1.5

VACATION CREDIT FOR PARTIAL MONTH

A regular employee in paid status for one-half (1/2) or more of the working days in that month shall receive vacation credit for the month.

14.1.6

VACATION EARNED IN PAID STATUS

Vacation is earned at all times a regular employee is in paid status including paid holidays and all paid leaves of absence but excluding overtime.

14.1.7

VACATION SCHEDULING FOR LESS THAN TWELVE MONTH EMPLOYEES

Regular employees who work less than twelve (12) months shall take their earned vacation during the Winter and/or Spring recesses or at other times approved by the District. In the event an employee is entitled to more days of vacation than are available during the recesses, the amount not taken shall accumulate for use in the next year or be paid to the employee at the option of the Board.

14.1.8

VACATION SCHEDULING FOR TWELVE MONTH EMPLOYEES

An employee assigned twelve (12) months per year shall take vacation at a time convenient to both the employee and his supervisor.

14.1.9

CREDITING VACATION TO EMPLOYEE'S ACCOUNT

At the beginning of each fiscal year employees may be granted, in advance, the number of vacation days expected to be earned that fiscal year.

14.1.10

VACATION UPON TERMINATION OF EMPLOYMENT

When a regular employee terminates employment, the employee shall be entitled to lump sum compensation for all earned and unused vacation. Vacation taken which was not yet earned at the time of termination shall be deducted from the employee's final pay warrant. Employees who have not completed six (6) months of employment in regular status shall not be entitled to vacation pay and any days taken shall be deducted from the employee's final pay warrant.

14.1.11 VACATION CARRY-OVER

Regular employees not permitted to take their full annual vacation shall accumulate the vacation not taken for use in the following year or be paid for the vacation days at the option of the Board. Vacation to be carried over in excess of the current year's vacation entitlement requires approval of the Superintendent or designee.

14.1.12 HOLIDAYS AND VACATION

When a paid holiday falls within a scheduled vacation, the employee shall be paid for the holiday and shall not be charged vacation.

14.1.13 INTERRUPTION OF VACATION

Regular employees may interrupt or terminate vacation leave to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination of vacation.

RULE 15

LEAVES OF ABSENCE

15.1 GENERAL PROVISIONS

- 15.1.1 Definition of Leave Of Absence
- 15.1.2 Right to Position Upon Return
- 15.1.3 Right to Position for Leaves Over Six (6) Months
- 15.1.4 Authorized Leave Is Not A Break In Service
- 15.1.5 Continuation of Benefits During Paid Leave
- 15.1.6 Health Coverage During Leave
- 15.1.7 Cancellation of Voluntary Leave
- 15.1.8 Failure to Report For Duty After A Leave Is Cancelled
- 15.1.9 Licenses/Certificates Maintained
- 15.1.10 Absent Employees May Not Accept Gainful Employment
- 15.1.11 Absence Reports
- 15.1.12 Holidays During Paid Leave
- 15.1.13 Order of Available Leaves For Industrial Illness Or Injury

15.2 SICK LEAVE

- 15.2.1 Definition of Sick Leave
- 15.2.2 Number of Sick Leave Days Earned
- 15.2.3 Pay Rate for Sick Leave
- 15.2.4 Sick Leave Carry-Over
- 15.2.5 Probationary Employees' Use of Sick Leave
- 15.2.6 Sick Leave Advanced
- 15.2.7 Notification of Absence
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- 15.2.9 Doctor's Note May Be Required
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15.3 EXTENDED SICK LEAVE

- 15.3.1 Extended Sick Leave
- 15.3.2 Extended Sick Leave and Next Fiscal Year
- 15.3.3 Verification of Illness

15.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE

- 15.4.1 Seventy (70) Working Days of Full Paid Leave
- 15.4.2 Reporting Of Injury
- 15.4.3 Leave Commences On First Day
- 15.4.4 Workers' Compensation Check Endorsed To District
- 15.4.5 Use of Sick Leave After Exhaustion Of Seventy (70) Days
- 15.4.6 Use of Other Leaves After Exhaustion Of Sick Leave
- 15.4.7 Placement on Reemployment List on Exhaustion of Leave
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15.5 TRANSFER OF SICK LEAVE

- 15.5.1 Transfer of Sick Leave from another District

15.6 UNPAID ILLNESS LEAVE

- 15.6.1 Six (6) Month Unpaid Leave
- 15.6.2 Right to Return To Class

15.7 BEREAVEMENT LEAVE

- 15.7.1 Three (3) to Five (5) Days of Paid Leave
- 15.7.2 Immediate Family
- 15.7.3 Discretionary Bereavement Leave

15.8 PERSONAL NECESSITY LEAVE

- 15.8.1 Use Up To Seven (7) Days
- 15.8.2 Notification of Leave Usage
- 15.8.3 Personal Necessity Not Cumulative

15.9 PREGNANCY DISABILITY

- 15.9.1 Entitlement to Sick Leave
- 15.9.2 Medically Certified Absence
- 15.9.3 Last Day Able To Work
- 15.9.4 Return to Work

15.10 REPRODUCTIVE LOSS LEAVE

- 15.10.1 Eligibility and Length of Leave
- 15.10.2 Concurrent Leaves
- 15.10.3 Retaliation and Confidentiality
- 15.10.4 Reproductive Loss Leave Definitions

15.11 UNPAID CHILD CARE LEAVE

- 15.11.1 Eligibility and Time Lines for Leave
- 15.11.2 Beginning and Ending Dates
- 15.11.3 Employee May Return Earlier

15.12 JURY DUTY LEAVE

- 15.12.1 Leave for Jury Duty
- 15.12.2 Notification of Jury Leave
- 15.12.3 Return From Jury Leave

15.13 WITNESS LEAVE

- 15.13.1 Witness Leave Of Absence
- 15.13.2 Notification of Witness Leave
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15.14 ABSENCE FOR EXAMINATION/INTERVIEW

- 15.14.1 Absence for Examination
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15.15 MILITARY LEAVE

- 15.15.1 Military Leave Granted
- 15.15.2 Reserve Service
- 15.15.3 Thirty (30) Days Leave With Pay
- 15.15.4 Official Orders
- 15.15.5 Return From Military Leave

15.16 LEAVE TO SERVE IN EXEMPT/TEMPORARY/LIMITED TERM POSITION

- 15.16.1 Exempt/Temporary/Limited Term Leave
- 15.16.2 Return to Regular Position

15.17 LEAVE WITHOUT PAY

- 15.17.1 When Granted
- 15.17.2 Length of Leave
- 15.17.3 Reasons
- 15.17.4 Right to Return
- 15.17.5 Cancellation of Leave Without Pay
- 15.17.6 Vacancy Due to Leave Without Pay
- 15.17.7 Notice of Return
- 15.17.8 Failure to Return
- 15.17.9 Unpaid Leave of Five (5) Days Or Less
- 15.17.10 Unpaid Illness Leave

15.18 FAMILY SCHOOL PARTNERSHIP LEAVE

- 15.18.1 Length of Leave

15.19 FAMILY MEDICAL LEAVE

- 15.19.1 Family Medical Leave

15.20 STUDY LEAVE

- 15.20.1 Eligibility for Leave
- 15.20.2 Length of Leave
- 15.20.3 Application and Factors Considered
- 15.20.4 Study Leave Compensation

RULE 15

LEAVES OF ABSENCE

15.1 GENERAL PROVISIONS

15.1.1 DEFINITION OF LEAVE OF ABSENCE

A leave of absence is when a regular employee is absent from duty with or without pay for a specific period of time and approved by the District.

15.1.2 RIGHT TO POSITION UPON RETURN

An employee granted a paid or unpaid leave of absence of six (6) months or less shall have the right to return to the position held at the time the leave was granted.

15.1.3 RIGHT TO POSITION FOR LEAVES OVER SIX (6) MONTHS

An employee granted a paid or unpaid leave of absence of more than six (6) months shall have the right to return to a position of equal hours, months and pay in the same classification held at the time the leave was granted.

15.1.4 AUTHORIZED LEAVE IS NOT A BREAK IN SERVICE

Approved leaves, paid or unpaid, shall not constitute a break in service.

15.1.5 CONTINUATION OF BENEFITS DURING PAID LEAVE

An employee on a paid leave of absence shall continue to accrue all benefits to which he is entitled as a regular employee.

15.1.6 HEALTH COVERAGE DURING LEAVE

An employee, who is otherwise eligible for health insurance, shall continue to receive such benefits during all periods of paid leave. An employee absent on an approved unpaid leave may be allowed to maintain health coverage benefits by remitting monies to the District to cover the cost of such insurance.

15.1.7 CANCELLATION OF VOLUNTARY LEAVE

The Board may cancel any discretionary leave of absence for good cause by giving the absent employee due notice. Due notice shall allow sufficient time for the employee to return to work, but shall not be less than five (5) working days.

15.1.8 FAILURE TO REPORT FOR DUTY AFTER A LEAVE IS CANCELED

Failure to report for duty within three (3) working days after

a leave has been canceled shall be considered abandonment of position and the employee may be terminated by the Board. Termination for abandonment shall be deemed for cause and treated as a disciplinary action.

15.1.9 LICENSES/CERTIFICATES MAINTAINED

Any employee required to hold a license or certificate at the time a leave is granted may not return to employment after the leave without a valid license or certificate.

15.1.10 ABSENT EMPLOYEES MAY NOT ACCEPT GAINFUL EMPLOYMENT

An employee, while on leave other than vacation, may not accept other gainful employment, except ordered military service, without express prior approval of the Board.

15.1.11 ABSENCE REPORTS

Reports of absence required by the District shall be submitted with the employee's time report.

15.1.12 HOLIDAYS DURING PAID LEAVE

Authorized paid holidays which occur during a period in which an employee is on paid leave of absence shall be paid as holiday pay, and except for extended sick leave, shall not be deducted from any paid leave days being used or eligible to be used by the employee.

15.1.13 ORDER OF AVAILABLE LEAVES FOR INDUSTRIAL ILLNESS OR INJURY

An employee who is absent related to illness or injury shall utilize available leaves in the following order:

- A. Industrial Accident and Illness Leave (if applicable).
- B. Accrued or advanced sick leave.
- C. Compensatory Time.
- D. Accrued or advanced vacation days.
- E. Extended leave.
- F. Some leaves may be concurrently utilized. REFERENCE: Education Code 45190, 45191, 45203

15.2 SICK LEAVE

15.2.1 DEFINITION OF SICK LEAVE

Sick leave is the authorized absence of a regular employee when the absence is due to:

- A. Physical or mental inability to perform the usual and customary duties of the position due to illness, injury or legally established quarantine.
- B. A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation or therapy related to illness, injury or legally established quarantine.

15.2.2

NUMBER OF SICK LEAVE DAYS EARNED

Regular classified employees shall earn:

- A. One (1) day of sick leave for each month of paid service.
- B. A regular employee must be in paid status for one-half (1/2) or more of the working days in the month to earn sick leave for the month.
- C. Employees assigned to a work year of less than twelve (12) months or less than forty (40) hours per week shall accrue sick leave credit pro-rated in the proportion the number of months compared to twelve (12) and the number of hours worked per week compared to forty (40).

15.2.3

PAY RATE FOR SICK LEAVE

Pay for sick leave shall be the same pay the employee would have received had he worked that day.

15.2.4

SICK LEAVE CARRY-OVER

Sick leave accrued, but not used, shall carry over from one fiscal year to another without limit on accumulation.

15.2.5

PROBATIONARY EMPLOYEES' USE OF SICK LEAVE

Employees may not use more than six (6) days of paid sick leave during their initial probationary period. This rule shall not apply to permanent classified employees in probationary status.

15.2.6

SICK LEAVE ADVANCED

At the beginning of each fiscal year, the sick leave account of the employee may be increased by the number of days of sick leave which would normally be earned in the ensuing fiscal year. An employee's advanced sick leave shall be adjusted should a change in assignment alter the amount of sick leave which the employee can earn.

15.2.7

NOTIFICATION OF ABSENCE

In order to receive compensation for sick leave, an employee must notify the District in accordance with procedures

established by the employee's supervisor or the District. If no procedure has been established, the employee shall notify his immediate supervisor prior to the start of his work day if possible, but not later than the first working hour of absence. If such notification is impossible, the burden of establishing impossibility shall be upon the employee.

15.2.8

NOTIFICATION OF RETURN TO WORK

In order to allow the District the opportunity to make arrangements for the return of an absent employee, the employee shall notify his immediate supervisor of his pending return as soon as possible, but not later than 3:00 p.m. of the work day preceding the employee's return. If an employee fails to notify his immediate supervisor and a substitute has been assigned to work the day the employee returns, the employee may be sent home for the day without pay.

15.2.9

DOCTOR'S NOTE MAY BE REQUIRED

If the District has reason to question an employee's absence from duty, regardless of the duration of the absence, the District may require the employee to present a statement from a state-licensed physician or other source acceptable to the District, verifying the nature and/or duration of the illness by the end of the ensuing pay period.

An employee absent five (5) consecutive working days shall provide the District with a doctor's statement outlining the nature and duration of the illness, as well as the expected date of return to work by the end of the ensuing pay period.

The District may send an employee to a District appointed physician, as needed, for examination at District expense.

15.2.10

GENERAL RIGHT TO REQUIRE MEDICAL EXAM

The District shall have the right to have an employee examined by a state-licensed physician, at District expense, whenever there is a reasonable question as to the employee's physical, mental or emotional ability to perform the duties of his position.

15.2.11

NO SICK LEAVE PAYOFF

When an employee leaves employment with the District, accumulated sick leave shall not be paid.

REFERENCE: Education Code 45122, 45136, 45137, 45190, 45191, 45196.5

15.3 EXTENDED SICK LEAVE

15.3.1 EXTENDED SICK LEAVE

All regular classified employees who have exhausted all accrued and advanced sick leave shall receive extended sick leave benefits subject to the following conditions:

- A. Extended sick leave shall be limited to five (5) months per fiscal year beginning with the first day of illness.
- B. When a regular classified employee has exhausted all accrued, advanced or other paid leave and continues to be unable to resume the duties of his position due to illness or injury, the employee will be placed on extended sick leave.
- C. Extended sick leave pay shall be the employee's regular rate of pay less the amount actually paid a substitute employee employed to fill his position during his absence. If no substitute is hired to replace the absent employee, the employee shall receive full pay.
- D. Accrued and advanced sick leave, accrued Compensatory time off and accrued vacation days must be used before an employee can receive extended leave pay as described in Subsection C above and is included in the five (5 month extended sick leave period.

15.3.2 EXTENDED SICK LEAVE AND NEXT FISCAL YEAR

When the entitlement to extended sick leave is not exhausted at the end of a fiscal year, and the employee continues to be sick or disabled, the employee shall be entitled to receive the regular and extended sick leave benefits available for the new fiscal year. Extended sick leave shall not accumulate from year to year.

15.3.3 VERIFICATION OF ILLNESS

All rules governing verification of illness and medical examination in these rules shall also apply to absences taken under this Rule.

REFERENCE: Education Code 45136, 45190, 45191,
45195, 45196, 45196.5

15.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE

15.4.1 SEVENTY (70) WORKING DAYS OF FULL PAID LEAVE

All regular classified employees shall be entitled to this leave. A classified employee who is absent from duty for causes

which are District related industrial accident, injury or illness shall be entitled to not more than seventy (70) working days for each industrial injury, accident or illness.

If the full seventy (70) working days overlap into the ensuing fiscal year, the employee shall be entitled only to the remainder of the seventy (70) working days not used. This leave is non-cumulative and may be taken only during those periods when the employee would normally have been in paid status.

15.4.2

REPORTING OF INJURY

In the case of an industrial accident or injury, the employee must report the incident to his supervisor on the same day whenever possible. Injuries not reported the same day require justification for the delay. When an employee is absent from duty due to an industrial accident or illness, he shall notify his supervisor within the first day of absence that the injury is industrial.

15.4.3

LEAVE COMMENCES ON FIRST DAY

An industrial accident or illness leave shall commence on the first day of absence and shall be reduced by one day for each day of authorized absence.

15.4.4

WORKERS' COMPENSATION CHECK ENDORSED TO DISTRICT

During all paid leaves resulting from an industrial accident or illness, the employee shall endorse to the District any temporary disability indemnity checks received on account of his industrial accident or illness. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary and/or leave benefits and shall deduct normal retirement and other authorized contributions.

15.4.5

USE OF SICK LEAVE AFTER EXHAUSTION OF SEVENTY (70) DAYS

Upon exhaustion of industrial accident/illness leave, the employee shall be entitled to use advanced and accrued sick leave. If the employee continues to receive temporary disability indemnity, sick leave will be reduced only in the amount necessary to provide not more than the employee's full salary.

15.4.6

USE OF OTHER LEAVES AFTER EXHAUSTION OF SICK LEAVE

After all accumulated sick leave has been exhausted, an employee will be paid accumulated compensatory time, accrued vacation and then the employee will be placed on extended illness leave.

15.4.7

PLACEMENT ON REEMPLOYMENT LIST ON EXHAUSTION OF LEAVE

When all available paid or unpaid leaves have been exhausted, and the employee is unable to return to work, he shall be placed on a reemployment list for thirty-nine (39) months. When the employee is medically able to return to work, he shall be reemployed in a vacant position in the class according to his seniority on the list.

An employee, medically released to return to work, who fails to accept an appropriate assignment, shall be removed from the reemployment list. An appropriate assignment for purposes of this rule, shall be defined as a position in the employee's former class having the same or greater number of hours per day, months per year and on the same approximate shift.

15.4.8

ABOLISHMENT OF PREVIOUS CLASSIFICATION

If the employee's class has been abolished during his absence and the employee has been released to return to work, the employee shall be placed in a vacant position in a comparable class for which the employee is qualified as determined by the Personnel Director and approved by the Commission.

REFERENCE: Education Code 45190, 45192

15.5 TRANSFER OF SICK LEAVE

15.5.1

TRANSFER OF SICK LEAVE FROM ANOTHER DISTRICT

Any classified employee of another school district, county superintendent's office, community college, or other public school agency deemed a school district by California law, who has been employed for one (1) calendar year or more who was not terminated for cause, who accepts employment with the District within one (1) calendar year from the date of employment with the other district shall be allowed to transfer his accumulated sick leave to this District. The newly hired employee shall request Personnel Services to secure the sick leave information from the former district and submit it to payroll for inclusion in the employee's sick leave account.

REFERENCE: Education Code 45202

15.6 UNPAID ILLNESS LEAVE

15.6.1

SIX (6) MONTH UNPAID LEAVE

An employee, who has exhausted all paid leaves and who continues to be absent due to illness or injury, may be granted an additional six (6) month unpaid leave by the Board. This leave

may be extended by the Board for two (2) additional six (6) month periods.

15.6.2 RIGHT TO RETURN TO CLASS

Granting an unpaid leave under this Rule shall guarantee the employee the right to return to a position in his former class.

REFERENCE: Education Code 45195

15.7 BEREAVEMENT LEAVE

15.7.1 THREE (3) TO FIVE (5) DAYS OF PAID LEAVE

In the event of the death of a member of the immediate family, an employee shall be granted necessary leave of absence, not to exceed three (3) days, and an additional two (2) days for necessary one way travel beyond 300 miles of the District. Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave in these Rules. Employees granted bereavement leave under this Rule shall suffer no deduction from their salary, nor shall such leave be deducted from leave granted by other sections of these Rules or the Education Code.

15.7.2 IMMEDIATE FAMILY

Members of the immediate family are:

- Brother
- Brother-in-Law
- Daughter (Stepdaughter)
- Daughter-in-Law of employee
- Father (Stepfather)
- Father-in-Law
- Foster children
- Grandchild of employee
- Grandfather
- Grandmother
- Husband
- Legal Guardian of employee (or spouse)
- Mother (Stepmother)
- Mother-In-Law
- Sister
- Sister-In-Law
- Son (Stepson)
- Son-in-Law of employee
- Wife

15.7.3 DISCRETIONARY BEREAVEMENT LEAVE

The Superintendent or his designee shall have the discretion to grant bereavement leave to an employee for persons other

than immediate family when unusual circumstances exist.

15.8 PERSONAL NECESSITY LEAVE

15.8.1 USE UP TO SEVEN (7) DAYS

An employee may use, upon District approval, not more than seven (7) days accumulated sick leave in a fiscal year, in the following cases of personal necessity:

- A. Death of a member of the immediate family when additional time is needed beyond the bereavement allowance.
- B. Accident involving the employee's person or property, or that of a member of his immediate family, of such a nature that the immediate presence of the employee is required during his work hours.
- C. Illness of an emergency nature involving a member of the immediate family that requires the presence of the employee during his work hours.
- D. Any other situations of urgency acceptable to the District, for the purpose of conducting personal business which is impossible to transact at other than work hours. Such leave may not be used for seeking other employment, rendering paid services, for recreational activities or for withholding services.

15.8.2 NOTIFICATION OF LEAVE USAGE

Classified employees shall make an oral request to their immediate supervisor or site administrator and file an Absence Affidavit with Personnel Services. Requests shall be made in advance of the anticipated absence, except in emergencies or unexpected situations. In such cases the employee shall request leave as soon as possible.

15.8.3 PERSONAL NECESSITY NOT CUMULATIVE

Personal necessity leave is non-cumulative and shall not exceed seven (7) days in a fiscal year.

Personal necessity leave is deducted from an employee's accrued sick leave.

REFERENCE: Education Code 45207

15.9 PREGNANCY DISABILITY

15.9.1 ENTITLEMENT TO SICK LEAVE

Regular female classified employees who must be absent from duty because of pregnancy or convalescence following childbirth

shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled.

15.9.2

MEDICALLY CERTIFIED ABSENCE

Paid leave, including regular and extended sick leave, may be used for the period of absence medically certified by the employee's attending physician and approved by the District.

15.9.3

LAST DAY ABLE TO WORK

An employee requesting pregnancy disability leave shall submit a physician's statement and a request for leave form to their immediate supervisor or site administrator. The request for leave and physician's statement should be submitted, if possible, thirty (30) days prior to the anticipated leave.

15.9.4

RETURN TO WORK

Prior to returning to work, the employee must submit to the District, a release to return to work from the treating physician. The release must be provided at least ten (10) calendar days prior to the expiration of the leave.

REFERENCE: Education Code 45193

15.10 REPRODUCTIVE LOSS LEAVE

15.10.1

ELIGIBILITY AND LENGTH OF LEAVE

A regular classified eligible employee who has been employed for at least 30 days prior to the commencement of leave may be granted up to 40 hours or 5 days of reproductive loss leave following a reproductive loss event. The five (5) days of leave do not need to be consecutive, but must be taken within three months of the reproductive loss event.

If an employee experiences more than one reproductive loss event within a 12-month period, the regular classified eligible employee may be granted up to 20 days of reproductive loss leave within a 12-month period.

15.10.2

CONCURRENT LEAVES

If the employee is on or chooses to take alternate statutorily provided/protected leave, such as pregnancy disability leave (PDL) or leave under the California Family Rights Act (CFRA), they may take reproductive loss leave within three months of the conclusion of that leave.

An employee may use accrued and available paid sick leave or

other available balances to be paid during reproductive loss leave. Otherwise, reproductive loss leave may be unpaid.

15.10.3 RETALIATION AND CONFIDENTIALITY

No regular classified eligible employee who takes leave for a reproductive loss event shall be retaliated against for exercising the right to reproductive loss leave or the individual's giving of information or testimony as to reproductive loss leave.

Related reproductive loss leave employee information is confidential.

15.10.4 REPRODUCTIVE LOSS LEAVE DEFINITIONS

A reproductive loss event means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

For a failed adoption or failed surrogacy, leave is available to a person who would have been a parent had the event been successful.

For miscarriages, stillbirths, and unsuccessful assisted reproduction, leave is available to the person who experiences the loss and their spouse or domestic partner, or by another individual if that individual would have been a parent as a result of the pregnancy.

Government Code 12945.6

15.11 UNPAID CHILD CARE LEAVE

15.11.1 ELIGIBILITY AND TIME LINES FOR LEAVE

A regular classified employee who is the natural or adoptive parent of a child may be granted an unpaid child rearing leave, when medical disability is not a factor. The leave shall be limited to one (1) year from the time the employee is medically released to return to work or the completion of the adoption procedures.

15.11.2 BEGINNING AND ENDING DATES

The employee shall establish a beginning and ending date for the childcare leave as far possible in advance of the start of the leave. The employee shall file a written request for leave of absence with the school principal or division/department head using a District supplied form. The request form will be forwarded to Personnel Services for review, recommended action, and presentation to the Superintendent and Board.

15.11.3 EMPLOYEE MAY RETURN EARLIER

An employee must make a written request, at least ten (10) calendar days prior to the expiration of the leave that he is returning to active service. At the discretion of the Superintendent or his designee this time may be reduced.

15.12 JURY DUTY LEAVE

15.12.1 LEAVE FOR JURY DUTY

Regular classified employees who are called to serve on a jury shall be entitled to be absent from duty without loss of pay for the period of the jury service. The jury service fee shall be remitted to the District. Mileage, parking or other reimbursement shall be retained by the employee.

15.12.2 NOTIFICATION OF JURY LEAVE

A request for jury duty leave shall be made by presenting the court summons to Personnel Services. A copy of the court summons shall be attached to the employee's time report.

15.12.3 RETURN FROM JURY LEAVE

An employee shall return to work from jury duty if he can complete at least one-half (1/2) of his regular assignment. At no time shall an employee be expected to put in more time, when combining jury duty hours and regular work hours than the employee's regular assignment or eight (8) hours. An employee whose regular assignment commences at 4:00 p.m. or after, and who has served all or any part of the day on jury duty shall be relieved from work with pay for that day.

15.13 WITNESS LEAVE

15.13.1 WITNESS LEAVE OF ABSENCE

A leave of absence to serve as a witness in a court case, administrative hearing or tribunal, or to respond to an official order from another governmental jurisdiction for reasons not brought about by the connivance or misconduct of the employee, shall be granted to all regular classified employees without loss of pay. Any compensation, excluding reimbursements for mileage or parking, received by the employee shall be remitted to the District.

15.13.2 NOTIFICATION OF WITNESS LEAVE

A request for witness leave shall be made to Personnel Services by presenting the summons, subpoena or official orders. A copy of the summons, subpoena or official order shall be attached to the employee's time report.

15.13.3 RETURN FROM WITNESS LEAV

An employee shall return to work from witness leave if he can complete at least one-half (1/2) of his regular assignment. At no time shall an employee be expected to put in more time, when combining witness hours and regular work hours, than the employee's regular assignment or eight (8) hours. An employee whose regular assignment commences at 4:00 p.m. or after, or who has served all or part of the day on witness leave shall be released from work with pay for that day.

15.14 ABSENCE FOR EXAMINATION/INTERVIEW

15.14.1 ABSENCE FOR EXAMINATION

Any classified employee shall be permitted to take any examination given by the Commission during his regular working hours without loss of pay or other penalty. The employee shall provide at least two (2) working days' notice to his immediate supervisor.

15.14.2 ABSENCE FOR INTERVIEW

Any classified employee shall be permitted release time to attend an interview for promotion or transfer in the District during regular working hours without deduction of pay or other penalty. The employee shall provide at least two (2) working days' notice to his immediate supervisor.

15.14.3 ATTENDANCE AT COMMISSION MEETING

Any classified employee shall be permitted release time to attend a Commission meeting at which a recommendation affecting the employee's classification, position, salary or status is being presented. Release time shall be without deduction of pay or other penalty provided the employee has given his immediate supervisor at least twenty-four (24) hours' notice and returns to work after the meeting.

15.15 MILITARY LEAVE

15.15.1 MILITARY LEAVE GRANTED

Regular classified employees under official orders, who are called to active duty in the Armed Services of the United States of America, including the Coast Guard, shall be granted military leave of absence for the period of service consistent with federal and state law.

15.15.2 RESERVE SERVICE

Regular classified employees who are members of an authorized reserve corps, and who must be temporarily absent due to active duty training or exercises shall be granted a temporary military leave of absence. A temporary military leave shall not exceed six (6) months.

15.15.3 THIRTY (30) DAYS LEAVE WITH PAY

Regular classified employees shall be granted full pay and other benefits for the first thirty (30) calendar days of military leave. Employees on military leave shall be granted salary advancement and shall continue to accrue seniority for purposes of layoff. No other benefits shall be provided during any unpaid portion of the leave.

15.15.4 OFFICIAL ORDERS

In order for a paid or unpaid military leave of absence to be granted, the employee must submit to Personnel Services official orders to active or reserve duty, stating the date to report.

15.15.5 RETURN FROM MILITARY LEAVE

Upon return from military leave, the employee shall be reinstated to his same regular position or an equivalent position in the same class.

REFERENCE: California Military and Veterans Code
389, 395, 395.01-395.06, 395.1-395.4

15.16 LEAVE TO SERVE IN EXEMPT/TEMPORARY/LIMITED TERM POSITION

15.16.1 EXEMPT/TEMPORARY/LIMITED TERM LEAVE

Any regular classified employee who accepts an assignment within the District to an exempt, temporary or limited term position shall, during such assignment, be considered as serving in his regular position, and such assignment shall not be considered a separation from service.

15.16.2 RETURN TO REGULAR POSITION

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

15.17 LEAVE WITHOUT PAY

15.17.1 WHEN GRANTED

Leaves of absence without pay may be granted to a classified employee upon written request of the employee, and the approval of the Superintendent or his designee, subject to the provisions of this Rule.

15.17.2 LENGTH OF LEAVE

Leave of absence without pay may be granted for any period not exceeding six (6) months, but may be extended for six (6) additional months with the approval of the District.

15.17.3 REASONS

A leave of absence without pay may be granted to an employee provided he meets the requirements set forth in this Rule, and for:

- A. An employee who desires to attend an educational institution or to enter training to improve quality of service.
- B. Reasons enumerated in this Rule.
- C. Reasons deemed satisfactory to the District.

15.17.4 RIGHT TO RETURN

Granting a leave of absence without pay gives the employee the right to return to his position at the end of his leave of absence. Leave without pay is granted only to employees who desire to return to the District.

15.17.5 CANCELLATION OF LEAVE WITHOUT PAY

The District may, for good cause, cancel an approved leave of absence by giving the employee due notice.

15.17.6 VACANCY DUE TO LEAVE WITHOUT PAY

When a leave without pay is granted, the vacancy thus caused may be filled for the duration of the leave only. The position must be held open for the employee on leave.

15.17.7 NOTICE OF RETURN

Notice of the employee's return to work at or before the expiration of a leave without pay shall be made, to Personnel Services, prior to the return of the employee.

The Board may approve or reject the request. Personnel Services will notify an employee, who has been filling the position temporarily, of his end of assignment.

15.17.8 FAILURE TO RETURN

Failure to report for duty within three (3) working days after the date to return from leave shall be considered abandonment of position. The employee is subject to disciplinary action up to and including termination.

15.17.9 UNPAID LEAVE OF FIVE (5) DAYS OR LESS

An unpaid leave without pay may be granted by Personnel Services for a period of five (5) working days or less. The unpaid leave must be reported on the employee's time report.

15.16.10 UNPAID ILLNESS LEAVE

A regular employee may be granted an unpaid leave for health reasons. The employee must present a doctor's certificate. If granted, this leave will be not longer than six (6) calendar months. If, at the conclusion of six (6) months, the employee is unable to return to duty, he may be granted one (1) additional six (6) calendar month leave. If the employee is still unable to return to duty after these leaves, he will be asked to resign in order to be protected for the thirty-nine(39) month reinstatement period. Failure to resign will result in termination and loss of reinstatement rights.

15.18 FAMILY SCHOOL PARTNERSHIP LEAVE

15.18.1 LENGTH OF LEAVE

A regular classified employee shall be permitted, with District approval, to take up to forty (40) hours off each fiscal year, not to exceed eight (8) hours in a calendar month, to participate in his child's school activities.

- A. The employee must be a parent, guardian or grandparent with custody of the child.
- B. The child must be enrolled in kindergarten through grade twelve (12) or attending a licensed child day care facility.
- C. Employees shall utilize vacation, personal necessity, compensatory time or time off without pay. Absences shall be taken in units of at least two (2) hours.
- D. An employee shall give reasonable advance notice to his immediate supervisor and complete the appropriate leave forms.

15.19 FAMILY MEDICAL LEAVE

15.19.1 FAMILY MEDICAL LEAVE

All regular classified employees are entitled to leave in compliance with state and federal law regarding family and medical care leaves.

15.20 STUDY LEAVE

15.20.1 ELIGIBILITY FOR LEAVE

Regular classified employees may be eligible for study leave. An employee requesting study leave must have completed seven (7) consecutive years of service with the District. When a study leave has been authorized and taken, the employee does not again become eligible until an additional seven (7) years of service has been completed.

15.20.2 LENGTH OF LEAVE

Study leave may be granted for up to one (1) year. The leave may be taken in increments, as approved, but must be completed within three (3) years of commencing the leave. Service performed between leave segments shall be credited toward future study leave eligibility.

15.20.3 APPLICATION AND FACTORS CONSIDERED

An employee requesting study leave shall submit written application to the Board. The application must include information for consideration in the following areas:

- A. Work history with the District including positions held and length of service.
- B. Length of leave requested and the time(s) required to be on leave.
- C. The purpose of the leave. This includes the course of study, the institution providing the course, costs involved, credit to be granted, degree or certificates to be achieved and other pertinent information.
- D. Compensation requested while on leave.
- E. Service, if any, to be performed for the District during the leave.
- F. Benefit to the District by granting the leave.

- G. Willingness to provide a bond to the District as required by law. Agreement by the employee to continue as an employee for at least two (2) years after completing the leave.
- H. Ability to provide the District evidence of satisfactory study progress. Failure to provide evidence of or to make satisfactory progress may result in cancellation of the study leave.
- I. Agreement by the employee that he will report any employment during the leave to the District for a determination on whether a conflict exists with the purpose of the leave.

15.20.4

STUDY LEAVE COMPENSATION

Study leave is a paid leave of absence. The amount paid shall be between the employee's regular pay, less the amount that is or would have been paid a substitute and the employee's regular pay. The Board may grant any amount between the above minimum and maximum amounts.

- A. If the employee provides an appropriate bond to indemnify the District, he will be paid the agreed upon compensation on a monthly basis. Should the employee fail to complete two (2) years of service following his return from leave, he may be required to return a prorated portion of compensation paid while on leave.
- B. If the employee does not provide an appropriate bond to indemnify the District, he will be paid in two (2) equal annual installments during the first and second year of service following his return from leave.
- C. If the employee has provided a bond but is unable to complete the required two (2) years of service due to death, physical or mental disability, the terms and conditions of the leave shall be deemed to have been met.

REFERENCE: Education Code 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45198, 45199
Labor Code 230.8

RULE 16

HOLIDAYS

16.1 Holidays

- 16.1.1 Holidays for Classified Employees
- 16.1.2 President/Governor Declared Holidays
- 16.1.3 Holiday Pay
- 16.1.4 Pay for Working on a Holiday
- 16.1.5 Holiday Eligibility
- 16.1.6 Weekend Holidays

RULE 16

HOLIDAYS

16.1 HOLIDAYS

16.1.1 HOLIDAYS FOR CLASSIFIED EMPLOYEES

Regular classified employees shall be entitled to paid holidays which occur during their assigned work year in addition to summer and student recess periods as outlined in PC Rule 16.1.5, subject to the eligibility provisions of this Rule.

Authorized holidays are:

Independence Day
Labor Day
Veterans' Day
Thanksgiving Holidays (2 days)
Christmas Holidays (2 days)
Winter Break (3 days) - Designated by the District
during one of the winter break weeks
New Year's Holidays (2 days)
Martin Luther King, Jr.'s Day
Lincoln's Birthday
Presidents' Day
Spring Break (1 day) - Designated by the District
(Currently the Friday during Spring Break)
Memorial Day
Juneteenth

16.1.2 PRESIDENT/GOVERNOR DECLARED HOLIDAYS

In addition to the holidays listed in this Rule, regular classified employees shall be entitled to a paid holiday for any day approved by the President of the United States or the Governor of the State of California as a public fast, thanksgiving or holiday.

16.1.3 HOLIDAY PAY

Any day defined as a holiday by these Rules shall be paid at the regular rate of pay the employee would have received had the employee worked that day.

16.1.4 PAY FOR WORKING ON A HOLIDAY

Regular classified employees required to work on a holiday shall be paid their regular pay for the holiday, plus one and one-half times their regular rate of pay for all hours worked on the holiday. Compensatory time off may be earned at the same rate.

16.1.5

HOLIDAY ELIGIBILITY

A regular classified employee shall be entitled to paid holidays under this Rule, provided he is in paid status during any portion of his scheduled work day either immediately preceding or succeeding the holiday. A regular classified employee who is not normally assigned to work during student recess periods within the regular school term shall be paid for any holiday that falls within the recess, provided he was in paid status during any portion of his scheduled work day either immediately preceding or succeeding the recess period.

16.1.6

WEEKEND HOLIDAYS

When a holiday falls on a Saturday, the holiday shall be observed on the preceding work day. When a holiday falls on a Sunday, the holiday shall be observed on the succeeding work day.

REFERENCE: Education Code 45203

RULE 17

COMPENSATION AND PAY PRACTICES

17.1 Determination of Salary Schedules/Pay Rates

- 17.1.1 Fixing Annual Salary Schedules
- 17.1.2 Board Must Employ/Pay in Accordance With Merit System
- 17.1.3 Commission Shall Recommend Salary Schedules
- 17.1.4 Board's Action on Salary Recommendations
- 17.1.5 Commission Shall Determine Salary Range Placement

17.2 Application of Salary Schedules

- 17.2.1 Initial Salary Placement
- 17.2.2 Salary Placement of Temporary Employees
- 17.2.3 Salary Step Advancement
- 17.2.4 Salary Range Changes
- 17.2.5 Salary upon Promotion
- 17.2.6 Salary Placement after Unpaid Leave
- 17.2.7 Salary Placement on Demotion
- 17.2.8 Salary Placement When Reemployed or Reinstated

17.3 Differential Pay

- 17.3.1 Differential Compensation
- 17.3.2 Temporary Assignment
- 17.3.3 Shift Differential

17.4 Other Pay Practices

- 17.4.1 Payroll Errors
- 17.4.2 Meal and Overnight Expenses
- 17.4.3 Uniforms
- 17.4.4 Safety Equipment

RULE 17

COMPENSATION AND PAY PRACTICES

17.1 DETERMINATION OF SALARY SCHEDULES/PAY RATES

17.1.1 FIXING ANNUAL SALARY SCHEDULES

The Board shall fix and order paid the compensation of all classified employees and other employees not requiring certification qualifications employed by the District unless otherwise prescribed by law. The fixing of annual salaries means that the Board shall adopt a salary schedule or matrix with specific dollar amounts for each range and step.

A. The Board may increase the salaries of classified employees at any time during the school year and may adopt increases and/or decreases resulting from the classification, reclassification or reallocation of positions as approved by the Commission.

REFERENCE: Education Code 45160, 45162

17.1.2 BOARD MUST EMPLOY/PAY IN ACCORDANCE WITH MERIT SYSTEM

The Board shall employ, pay and otherwise control the services of classified employees in accordance with the provisions of Title 2, Division 3, Part 25, Chapter 5, Article 6 of the California Education Code.

REFERENCE: Education Code 45241

17.1.3 COMMISSION SHALL RECOMMEND SALARY SCHEDULES

The Personnel Director shall prepare recommendations for the allocation of classes to salary ranges for approval by the Commission. The Commission's recommended salary schedule may take into account the following:

- A. The wages and salaries paid for similar work in the recruitment area.
- B. The principle of like pay for like work within the classified service.
- C. Appropriate salary differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.
- D. Such other information as the Commission may require.

REFERENCE: Education Code 45256, 45268

17.1.4BOARD'S ACTION ON SALARY RECOMMENDATIONS

The Board may approve, amend or reject the salary schedule recommendations of the Commission, but shall not alter the percentage relationships between classes as established by the Commission. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendment will have on the principle of like pay for like work.

REFERENCE: Education Code 45256, 45268

17.1.5COMMISSION SHALL DETERMINE SALARY RANGE PLACEMENT

The Commission may determine the salary range placement of all positions and classifications within the Classified Service pursuant to its obligation to set reasonable relationships among the various classifications. The Commission may make modifications to the range placement of classifications as part of its statutory salary obligations.

REFERENCE: Education Code 45256

17.2 APPLICATION OF SALARY SCHEDULES17.2.1INITIAL SALARY PLACEMENT

All new regular classified employees shall be paid in accordance with the salary range established for the class to which assigned. Initial placement will normally be the first step of the salary range. However, a new employee may be provided with advanced step placement upon recommendation of the appointing authority and approval by Human Resources based upon:

- A. Additional qualifying experience beyond that required for entry into the class.
- B. Additional education at the college level when related to the position, beyond the established educational requirements for entry into the class.
- C. Difficulty experienced in the recruitment of candidates to meet the vacancy needs in the class.
- D. Additional skills or qualifications of the candidate that make them especially qualified for the position.
- E. Evidence of currently receiving a salary greater than the first step of the salary for the classification.

17.2.2SALARY PLACEMENT OF TEMPORARY EMPLOYEES

Salary placement of temporary, substitute and limited term employees will be at the first step of the appropriate salary range. Classified employees and retirees working in temporary, substitute or limited term assignments shall be compensated pursuant to these Rules.

17.2.3SALARY STEP ADVANCEMENT

When a probationary or permanent employee accepts a regular position on the first step of the salary range, salary advancement shall be granted upon completion of one (1) year in the position, if the employee actually renders service at least seventy- five (75) percent of the number of days of the employee's regular work year. If completion of this period is after the fifteenth of the month, step advancement shall be the first of the following month. Salary step advancement shall be annually thereafter.

17.2.4SALARY RANGE CHANGES

Unless otherwise provided by the Commission, when the salary range for a class is reallocated to a higher range, the salary of each incumbent in the class shall be adjusted to the higher range with the same step as the lower range. When the salary range for a class is reallocated to a lower range, the salary placement of each incumbent shall be made pursuant to Rule 3.

17.2.5SALARY UPON PROMOTION

The salary for an employee who is promoted shall be:

- A. When an employee is promoted the employee shall receive at least the equivalent of a one (1) step salary increase, but not less than the first step of the new salary range.
- B. If the salary increase resulting from the promotion is less than one (1) salary step above the prior salary, the employee shall be placed on the next higher step but not higher than the highest step on that range.
- C. The promoted employee shall serve the required probationary period in the new class pursuant to these Rules.

17.2.6SALARY PLACEMENT AFTER UNPAID LEAVE

Upon return from an unpaid leave of absence, an employee shall be placed on the same step of the range for the class achieved prior to the leave, including any change(s) in rate or range for the class. Step advancement within the range will be granted when the employee has rendered service for at least seventy-

five (75) percent of the number of days of the employee's regular work year.

17.2.7 SALARY PLACEMENT ON DEMOTION

An employee who selects a voluntary demotion or is involuntarily demoted shall be placed on the same step of the range of the lower as that achieved in the higher class. The demoted employee shall retain the anniversary date established in the higher class.

17.2.8 SALARY PLACEMENT WHEN REEMPLOYED OR REINSTATED

When a former permanent employee is reemployed or reinstated within thirty-nine (39) months following a resignation or layoff, the employee shall be placed on the same step of the range for the class achieved by the employee prior to resignation or layoff, including any changes in rate or range to the class. Step advancement shall be granted as follows:

A. When the employee has rendered service for at least seventy-five (75) percent of the number of days of the employee's regular work year. An adjustment to the employee's anniversary date shall be made upon reemployment or reinstatement.

REFERENCE: Education Code 45298, 45309

17.3 DIFFERENTIAL PAY

17.3.1 DIFFERENTIAL COMPENSATION

The Commission shall, insofar as possible, determine the practices relating to shift differentials in the private employment fields in which it must compete for employees and shall consider the advisability of providing comparable differentials for the classified staff.

A. The District may provide differential compensation to classified employees who perform duties which are distasteful, dangerous or unique nature, when the Board determines such compensation is reasonably justified. Such differential compensation shall be based on findings and recommendations of the Commission and shall not be applied in a manner contrary to the principle of like pay for like work.

B. No employee assigned to work in a position entitled to differential compensation shall be demoted in class or grade for the purpose of nullifying the effect of differential compensation required under this Rule.

REFERENCE: Education Code 45181, 45182, 45184

17.3.2 TEMPORARY ASSIGNMENT

An employee receiving differential compensation shall not lose such compensation if the employee is temporarily, for twenty (20) working days or less, assigned to a position not entitled to such compensation.

REFERENCE: Education Code 45185

17.3.3 SHIFT DIFFERENTIAL

Employees with an assignment where a majority of the assignment is worked after 6:00 p.m. shall work seven and one-half (7 1/2) hours and be paid for eight (8) hours.

REFERENCE: Education Code 45180-45186

17.4 OTHER PAY PRACTICES

17.4.1 PAYROLL ERRORS

Any payroll error resulting in the underpayment of a classified employee shall be corrected and supplemental payment made within five (5) working days after determination an error has occurred. Equitable arrangements will be made for repayment when an employee has been overpaid.

REFERENCE: Education Code 45167

17.4.2 MEAL AND OVERNIGHT EXPENSES

The District shall provide for the payment of the actual and necessary expenses including but not limited to travel and lodging an employee incurs in the course of performing services for the District.

REFERENCE: Education Code 44032

17.4.3 UNIFORMS

The cost of the purchase, lease or rental of uniforms, equipment, identification badges, emblems and cards required by the District shall be borne by the District.

REFERENCE: Education Code 45138

17.4.4 SAFETY EQUIPMENT

If the District requires the use of any equipment or gear to ensure the safety of an employee or others, the District shall provide such equipment or gear.

RULE 18

PROCEDURES FOR DISCIPLINARY ACTION AND APPEAL

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RULE 18

PROCEDURES FOR DISCIPLINARY ACTION AND APPEAL

18.1 GENERAL PROVISIONS FOR DISCIPLINARY ACTION

18.1.1 DISCIPLINARY ACTION ONLY PURSUANT TO THIS RULE

A permanent classified employee shall be subject to disciplinary action only for cause as prescribed by these Rules.

Reference: Education Code 45261, 45302

18.1.2 TIME LIMITS ON DISCIPLINARY ACTION

Disciplinary action generally will not be taken against any permanent classified employee for any cause which arose prior to the employee becoming permanent, nor for any cause which was more than two (2) years prior to the date of the notice of intent to discipline. Exceptions to this general rule include situations in which the cause was concealed, not disclosed by the employee, or otherwise unknown to the District, the facts illustrate a history of similar misconduct, or a pattern of misconduct, and/or prior attempts at remediation that extend beyond the two-year period or other reasonable cause. When the District relies on charges for discipline beyond the two-year period the finder of fact shall exercise discretion in determining the weight that should be accorded to evidence of such misconduct.

18.1.3 DEFINITION OF DISCIPLINE

Disciplinary action includes any action whereby a permanent employee is deprived of any classification or any incident of any classification in which he has permanence, including dismissal, suspension, demotion, or any reassignment without his voluntary consent.

18.1.4 CAUSES FOR DISCIPLINARY ACTION

The following causes shall be grounds for disciplinary action as detrimental to the efficiency of the classified service:

- A. Incompetency, inefficiency, inattention to or dereliction of duty.
- B. Insubordination
- C. Discourteous treatment of the public, students or fellow employees or any willful failure of good conduct tending to injure the public service.
- D. Willful and/or persistent violation of the Education Code,

rules, regulations, policies or procedures established by the Board, Commission or a department.

- E. Falsifying information supplied to or withholding any material information from the District, including, but not limited to, information on application forms and employment records.
- F. Possession of, use of, public display of an alcoholic beverage or being intoxicated on District property.
- G. The use, possession or being under the influence of any controlled substance while on District property or during working hours other than prescribed by a licensed physician and used in accordance with such prescription. Being under the influence of and/or abuse of prescription drugs while on District property or during working hours are also grounds for discipline.
- H. Arrest and/or being formally charged with a sex offense as defined in Education Code Section 44010. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- I. Arrest and/or being formally charged with a controlled substance offense as defined in Education Code Section 44011. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- J. Conviction of a violent or serious felony. A violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code. Conviction of a violent or serious felony shall result in automatic dismissal without the procedures required herein, including the right to appeal.
- K. Threatening, abusive, demeaning and/or hostile verbal conduct toward a student, member of the public or another District employee, which has the purpose or effect of negatively impacting the individual's academic or work performance, interferes with the individual's ability to participate or receive the benefits of public programs or services, or may contribute toward creation of an intimidating, hostile or offensive work or educational environment.
- L. Assault, battery or other unjustified use of force or violence against a student, member of the public or another District employee.
- M. Conviction of a crime involving moral turpitude or a record of more than one minor offense indicating that the person is a

poor employment risk or unfit to associate with children.

- N. Repeated excused or unexcused absence or tardiness, abuse of leave privileges or absence without notification.
- O. Engaging in political or personal activities during assigned hours of duty.
- P. Abandonment of position. Abandonment is an absence of three (3) consecutive work days without authorization and/or failure to notify the District of a valid or acceptable reason for the absence.
- Q. Failure to return to work following a recess or authorized leave without approval of the District, except in the case of dire emergency.
- R. The uninsurability of an employee to drive a District vehicle when such is a requirement of the employee's position. In lieu of demotion or dismissal the District may, with the Commission's approval, reassign the employee to a vacant position in the same or a related class not requiring operation of a motor vehicle.
- S. The suspension, cancellation or revocation of a certificate or license required for a position or the failure to maintain a valid certificate or license.
- T. Dishonesty, theft, willful misuse, destruction or mishandling of property that belongs to the District, employees, students or the public.
- U. Conduct which constitutes, or contributes to, unlawful harassment or discrimination in the work setting.
- V. Failure to obey a subpoena issued by the Commission and duly served or any refusal to furnish testimony or documents at or for a hearing or investigation before the Board or Commission.
- W. Advocacy of the overthrow of the federal, state or local government by force, violence or other unlawful means.
- X. Offering anything of value or offering any services in exchange for special treatment in connection with an employee's job or employment or accepting anything of value or any service in exchange for granting any special treatment to an employee or member of the public.
- Y. Failure to report for a review of criminal records or for a health examination after due notice.

- Z. Failure to submit to involuntary drug testing or positive drug test results after a confirming second drug test for positions designated safety sensitive by PL 102-143.
- AA. Any action or behavior which is a clear and present danger to the health or safety of the employee, students, fellow employees or District property.
- BB. Failure to obtain any job related license or certificate or complete required job related training after employment.
- CC. Any other cause deemed appropriate by the Board or Commission.

Reference: Education Code 212.5, 230, 44010, 44011, 45302, 45303, 45304.

Government Code 1028.

Penal Code 261, 667.5, 1192.7.

Health & Safety 11054, 11056, 11357-11361, 11363-11364, 11377-11382.

18.1.5 PROGRESSIVE DISCIPLINE

The Commission recognizes the value of a system of progressive discipline for correcting employee performance or conduct problems. Progressive discipline is recognized as a system using the least severe form of discipline necessary to correct employee performance or conduct. Progressive discipline often begins with a verbal warning, which may be followed by a written warning if the performance or conduct does not improve. Written warnings or reprimands should state the rule, policy, procedure or behavioral violation and offer a performance improvement plan and reasonable time period during which the employee's performance will be reviewed for improvement or attainment of goals. Written warnings or reprimands may be followed by demotion, suspension or dismissal depending on the seriousness of the offense.

There is no inflexible rule that all steps of progressive discipline must be followed before demoting, suspending or dismissing an employee. The circumstances of each case and the Board or Commission's judgment as to the action that is necessary to correct the performance or conduct will help determine which step to use or whether immediate demotion, suspension or dismissal is appropriate. Progressive discipline, or the absence thereof, may be considered by the Commission at hearing when determining whether cause for disciplinary action exists.

18.1.6 IMMEDIATE SUSPENSION WITHOUT PAY

The Superintendent or his designee may suspend an employee without pay and without pre-disciplinary notice for the following causes:

- A. An employee shall be immediately suspended without pay if charged with the commission of any sex offense, controlled substance offense or a violent or serious felony as defined by Education Code 44010, 44011, 45122.1 or 45304. Such suspension shall continue for not more than ten (10) working days after the date of the court judgment.
- B. Any employee suspended under this Rule shall continue to be paid his regular salary during the period of suspension provided he furnishes the District a suitable bond or other security acceptable to the Board, as a guarantee that the employee will repay the District the amount of salary and benefits paid during the suspension in the event the employee is convicted of the charges or does not return to service after the suspension. If the judgment determines that the employee is not guilty of the charges, or if the complaint, information or indictment is dismissed, the District shall reimburse the employee for the cost of the bond.
- C. Notwithstanding the procedures set forth in this Rule, the Superintendent or his designee may suspend, without pay, an employee required to maintain a license or certificate issued by the Department of Motor Vehicles (DMV) to perform assigned duties when the license or certificate is suspended by the DMV or California Highway Patrol (CHP) and the license or certificate is required by the employee's position.

The duration of the suspension without pay shall not be greater than the number of days the license or certificate is suspended. The suspension without pay may begin on the first working day the license or certificate is suspended and shall conclude on the last working day of the suspension. If the suspension of the license or certificate is rescinded by the DMV or CHP the employee shall be immediately returned to work status and paid all compensation lost during the suspension. If an employee is suspended under this Rule the Superintendent or his designee shall immediately notify the employee and the Personnel Director. The Superintendent or his designee shall then comply with the due process disciplinary procedures.

- D. Notwithstanding the procedures set forth in this Rule, the Superintendent or his designee may suspend an employee without pre-disciplinary notice in the event of emergency or under extraordinary circumstances when it is necessary to remove an employee from district property. If an employee is suspended in this manner, the District shall provide a written notice to the Personnel Director of the circumstances which justified its action and shall meet with the employee to explain its actions and to provide an opportunity for the employee to respond before the Board ratifies the suspension.

The Personnel Director may act in the same manner regarding employees of the Commission. When the Board or Commission may be asked to consider dismissal, the suspension may be extended until the Board or Commission considers such disciplinary recommendation.

References: Education Code Sections 44010, 44011, 44940, 44940.5, 45122.1, 45123, 45124, 45302, 45304.

18.1.7 DISMISSAL OF SUBSTITUTE/LIMITED-TERM/PROVISIONAL/PROBATIONARY EMPLOYEES

A substitute, limited-term, provisional or other temporary or probationary employee may be released without cause and without regard to the procedures in these Rules at any time during an assignment. Probationary employees must be released prior to completion of the probationary period.

18.1.8 REMOVAL FROM EMPLOYMENT LISTS

Dismissal shall be cause for removing the employee's name from all employment lists.

18.2 NOTICE OF INTENT TO DISCIPLINE

18.2.1 NOTICE OF INTENT

A permanent classified employee may be subject to discipline after receipt of a Notice of Intent to respond to the charges.

18.2.2 CONTENTS OF NOTICE OF INTENT

The Notice of Intent to Discipline shall contain the following:

- A. The nature of the proposed discipline, such as, suspension, demotion or dismissal.
- B. The sections of these Rules that the employee is alleged to have violated.
- C. The specific charges against the employee, which should include dates, locations and a description of the chargeable acts or omissions, when ascertainable.
- D. The proposed effective dates of the disciplinary action.
- E. The employee's right to a pre-disciplinary conference with the Superintendent or designee, which may be scheduled in the Notice of Intent to Discipline.
- F. The employee's right to representation.

G. The employee's right to see and obtain copies of all evidence and documentation of a derogatory nature which the District intends to introduce at hearing in its case against the employee.

H. The employee's right to respond to the charges either orally or in writing.

18.2.3 NOTICE IN READILY UNDERSTOOD LANGUAGE

The charges made in the Notice of Intent to Discipline must be written so that the employee will understand the complaint(s) and charge(s) against him and may be expected to respond to them. Causes or grounds for disciplinary action stated solely in the language of the rule, regulation or statute is deemed insufficient notice.

18.2.4 NOTICE TO PERSONNEL DIRECTOR

A copy of the Notice of Intent to Discipline shall be delivered to the Commission Office.

18.2.5 NOTICE IN WRITING AND SERVED ON EMPLOYEE

Notice of Intent to Discipline shall be in writing and served to the employee in person or by certified mail, return receipt requested. This requirement is deemed to have been met if the Notice of Intent to Discipline is sent certified mail to the last known address on file with the District. Failure of the employee to retrieve mail or respond to notices by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notice or staying the time lines in these rules. Keeping the District informed of a current home address is the responsibility of the employee. When a notice is mailed, the second working day following the mailing date shall be considered the date of receipt.

18.3 PRE-DISCIPLINARY CONFERENCE

18.3.1 Conference before Superintendent

An employee shall have the right to a pre-disciplinary conference before the Superintendent or his designee. The pre-disciplinary conference shall be scheduled before discipline is recommended to the Board.

18.3.2 Notice to Employee

An employee shall be noticed of the date, time and place of the pre-disciplinary conference. Notice of the pre-disciplinary conference may be contained in the Notice of Intent to Discipline. Notice shall be hand delivered or sent certified mail to the last known address on file with the District. Failure of the employee

to retrieve delivered mail or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification or staying the established time line.

18.3.3 Conference Not Attended

Failure of the employee to respond to or attend the pre-disciplinary conference is a waiver of this right.

18.3.4 Designee

The Superintendent may assign a designee to conduct the pre-disciplinary conference. The designee must be an administrator who has the authority and authorization to accept, modify or rescind the proposed disciplinary action. The administrator shall not be a party to the proposed action.

18.3.5 Opportunity to Refute Charges

The employee shall be afforded the opportunity to refute all charges and to present his case at the pre-disciplinary conference.

18.3.6 Representation

The employee may be represented by legal counsel, union representation or any other person designated. When a pre-disciplinary conference is held the employee must attend even when the employee's representative appears on his behalf.

18.3.7 Decision

The Superintendent or his designee shall provide a written decision to the employee and his representative after the pre-disciplinary conference. Notice that the pre-disciplinary conference has been held shall be sent to the Commission Office.

18.4 APPEALS AND HEARINGS

18.4.1 Authority to Conduct Hearings and Appeals

The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to an investigation and may administer oaths. The Commission may, at will, inspect any records of the Board that may be necessary to ensure the Rules and procedures established by the Commission have been complied with. Upon request of a disciplined permanent employee the Commission shall conduct a hearing. Hearings may be held on any subject to which the Commission's authority may extend.

Reference: Education Code 45305, 45306, 45311

18.4.2 Notice of Right to Appeal

- 18.4.2.1 A permanent employee who has been suspended, demoted or dismissed may appeal to the Commission within fourteen (14) days after receipt of a copy of the written charges from the Personnel Director by filing a written answer to the charges.
- 18.4.2.2 A permanent employee who has not completed a subsequent probationary period may be demoted to the class from which promoted without right to an appeal or hearing by the Commission except when the demotion results in separation from the permanent classified service.

18.4.3 Employee Response to Charges

An employee's request for hearing and response to the charges must be in writing and upon one or more of the following grounds:

- 18.4.3.1 The charges made do not constitute sufficient cause for the action taken.
- 18.4.3.2 The action taken was not in accord with the facts.
- 18.4.3.3 There has been an abuse of discretion.
- 18.4.3.4 The action taken was due to sexual harassment, race, color, national origin, age, marital status, gender, sexual orientation, handicapping condition, ancestry, organizational membership, religious or political beliefs or any unlawful basis.
- 18.4.3.5 The notice of appeal must be signed by the employee being disciplined and include a current address where the employee may be contacted. If the employee is represented, the notice of appeal shall also include the name and contact information for the representative.
- 18.4.3.6 Failure on the part of the employee to file an appeal within the fourteen (14) calendar day period shall be considered an admission of the truth of the charges against him and the action by the Board is final.

Reference: Education Code 45305 and 45306

18.4.4 Appointment of Hearing Officer

The Commission may appoint a hearing officer to conduct any hearing or investigation it is authorized to conduct. A hearing officer appointed by the Commission may administer oaths, subpoena and require the attendance of witnesses and the production of records and cause the deposition of witnesses to be taken as prescribed for civil cases in the Superior Court. The Commission

may also choose to conduct the hearing with the assistance and presence of a hearing officer. Although the Commission may appoint a hearing officer to conduct the hearing, any and all Commissioners may observe the hearing. The Personnel Director may also be present and assist during the hearing at the discretion of the Commissioners. The Commission may instruct the hearing officer to present findings and recommendations. The Commission may accept, reject or amend the findings or recommendations of the hearing officer. Any rejection or amendment of findings or recommendations shall be based on a review of the transcript of the hearing or upon the results of a supplementary hearing or investigation the Commission may order.

Reference: Education Code 45312

18.4.5 Time and Place of Hearing

Upon receipt of an appeal, the Commission shall determine the date, time and place for the hearing. The hearing shall be held within the geographic boundaries of the District and in a place that is conducive to the conduct of a hearing. Disciplinary hearing shall be held in closed session unless an open hearing is requested by the appellant. An appellant that fails to appear at a hearing scheduled by the Commission shall be deemed to have withdrawn the appeal and the action of the Board shall be final.

18.4.6 Hearings to be Recorded

All hearings authorized under these rules shall be electronically recorded in a manner that will allow a written transcript to be produced. Either party to the hearing may request that the hearing be recorded by a Court Reporter. The party making such request shall bear the cost. If both parties request a Court reporter the cost shall be shared equally.

18.4.7 Hearings to Determine Truth

Hearings shall be conducted in a manner most conducive to determining the truth in the matter at hearing. Neither the Commission nor an appointed hearing officer shall be bound by technical rules of evidence and the decision of the Commission shall not be invalidated by any informality in any of the proceedings.

18.4.8 Oral Evidence

Oral evidence shall be taken only on oath or affirmation.

18.4.9 Examination of Evidence

Each party shall have the right to examination of witnesses and evidence as follows:

- 18.4.9.1 To call and examine witnesses.
- 18.4.9.2 To introduce exhibits.
- 18.4.9.3 To cross examine opposing witnesses on any matter was not covered in direct examination.
- 18.4.9.4 To attempt to impeach a witness regardless of which party first called the witness to testify.
- 18.4.9.5 To rebut all evidence presented by the opposing party.

18.4.10 Appellant Testimony

An appellant that does not elect to testify on his own behalf may be called to testify and be cross examined as an adverse witness.

18.4.11 Admission of Evidence

The hearing need not be conducted according to the technical rules relating to evidence and the examination of witnesses. Relevant evidence shall be admitted if it is the type of evidence that a responsible person would rely on in the conduct of serious business.

- 18.4.11.1 Hearsay evidence may be admitted for the purpose of explaining or providing supplemental evidence but shall not be sufficient in and of itself to support a finding by the Commission or a hearing officer.
- 18.4.11.2 The rules of privilege shall be effective to the extent that they are required by statute. Irrelevant or unduly repetitious evidence may be excluded.

18.4.12 Representation

The Board and appellant shall be allowed representation by legal counsel or other designated representatives.

18.4.13 Continuances

The Commission or hearing officer may grant a continuance prior to or during a hearing for reasons important to reaching a fair resolution.

18.4.14 Objections

The Commission or hearing officer shall rule on all objections.

18.4.15 Burden of Proof

The burden of proof shall be on the District. In must make a

prima fascia case to the Commission or hearing officer before the hearing proceeds on that matter.

18.4.16 Findings and Recommendation

The Commission or hearing officer shall determine the relevancy, weight and credibility of the evidence and testimony presented. The findings and recommendation of the Commission or hearing officer shall be based on a preponderance of the evidence.

18.4.17 Order of Presentation

Each side will be permitted an opening statement with the Board going first. The appellant may make an opening statement following the Board or wait until the presentation of their case in chief. The Board shall present their case first followed by the appellant. Closing statements shall be the Board first and appellant last.

18.4.18 Witnesses

Each side shall be allowed to examine and cross examine witnesses. The Commission or hearing officer may exclude witnesses not under examination except the appellant.

18.4.19 Subpoena of Witnesses or Evidence

Upon request, the Commission or hearing officer may issue subpoenas for witnesses and/or the production of records, documents or other material evidence. The Personnel Director shall issue the subpoenas on behalf of the Commission or hearing officer. Subpoenas shall be delivered to the requesting party for service.

18.4.20 Witness List

A list of witnesses to be called by each party that are employees of the District shall be submitted to the Personnel Director at least three (3) working days prior to the date of the hearing. The Personnel Director will secure release time for employee witnesses to provide testimony.

18.4.21 Sworn Affidavits

Witnesses give testimony orally at the hearings. If the Commission or hearing officer determines that a witness has good and sufficient reason to not be present at the hearing, written testimony will be acceptable as follows:

18.4.21.1 Written testimony must be by sworn affidavit.

18.4.21.2 The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness.

18.4.21.3 The affidavit shall not contain conclusions of the witness, except when the Commission or hearing officer determines that the witness qualifies as an expert on the subject the witness may express an opinion based on the facts presented.

18.4.21.4 Copies of all affidavits must be filed with the Personnel Director or hearing officer at least three (3) working days prior to the date of the hearing. Copies of affidavits filed will be forwarded to the other party for review.

18.4.21.5 The Commission or hearing officer may reject an affidavit that fails to comply with the foregoing.

18.4.22 Findings and Recommendations of Hearing Officer

The hearing officer shall consider all evidence presented at hearing.

18.4.22.1 The hearing officer shall submit his report, including findings of fact and recommendations, to the Personnel Director within thirty (30) days following the conclusion of the hearing.

18.4.22.2 The Personnel Director shall agendize a time for the Commission to deliberate the findings of fact and recommendations.

18.4.23 Commission Deliberations

The Commission shall deliberate its decision in closed session. Legal counsel to the Commission and the Personnel Director may be included in deliberations. The Personnel Director shall be excluded from the deliberations if he was a party to the disciplinary action.

Reference: Education Code 45266

18.4.24 Commission Action

The Personnel Commission's authority in rendering a decision in disciplinary matters for classified employees is authorized by the California Education Code, Article 6 (Merit System) Part 25, Division 3. The Commission may sustain or reject any or all of the charges against the employee. The Commission may sustain, modify or reject the disciplinary action taken against the employee. The Commission shall not invoke a more stringent discipline against the employee than that taken by the Board.

18.4.25 Decision of the Commission

The Commission shall render its decision within thirty (30) business days after conclusion of the hearing or the receipt of findings of fact and recommendations from the hearing officer. The decision of the Commission shall be in writing and set forth which changes are sustained and the reasons therefore.

18.4.25.1 The Commission's decision shall contain findings of fact, determinations of the issues presented and any penalty imposed.

18.4.25.2 If all or any part of the disciplinary action is not sustained the Commission shall order and set forth the effective date and any restoration or reinstatement to the employee's position and/or status. The date of restoration or reinstatement may be set at any time on or after the discipline was invoked.

18.4.25.3 A true copy of the Commission's decision shall be delivered personally or by other agreed upon means to all parties to the hearing.

Reference: Education Code 45306, 45307

18.4.26 Consideration of Just Settlement

Upon conclusion of the hearing and determination of the facts and findings relative to the disciplinary action taken against the employee the Commission shall consider such matters as it deems necessary and proper to effect a just settlement of the appeal. These matters may include but are not limited to:

18.4.26.1 All or part of full compensation from the date of discipline.

18.4.26.2 Reinstatement to status with the District upon such terms and conditions determined appropriate by the Commission.

18.4.26.3 Compensation for all or part of the legitimate expenses incurred in pursuit of the appeal.

18.4.26.4 Seniority credit as deemed appropriate.

18.4.26.5 Transfer or change of location.

18.4.26.6 Expunge from the employee's personnel record of disciplinary action, causes and/or charges not sustained by the Commission.

18.4.27 Compliance with Commission Decision

Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof. The Board of Education, or its designee, shall acknowledge receipt of the Personnel Commission's decision within 5 business days of receiving the decision and shall adopt the decision within 30 business days. In the event the Board of Education elects not to adopt the Personnel Commission's decision, the Personnel Commission shall take further remedial action(s) as provided by the Education Code and/or the Personnel Commission Rules and Regulations, and other local, State, and Federal laws.

Reference: Education Code 45307

18.4.28 Hearing Transcript

Any party to a hearing may obtain a transcript under the following conditions:

- 18.4.28.1 The cost of the transcript shall be born by the party making the request.
- 18.4.28.2 The request shall be in writing and include a cash deposit in an amount determined by the Personnel Director prior to preparation
- 18.4.28.3 The final cost of the transcript shall be the actual cost of preparation plus the cost of copies as determined by the Personnel Director.
- 18.4.28.4 The transcript shall only be released upon payment in full. If the deposit made is greater than the actual cost of the document, the remainder shall be refunded.

18.4.29 Counsel for the Commission

The Commission may seek and appoint legal counsel as part of its appeal and investigatory hearing responsibility. Legal counsel shall not be the same counsel nor within the same legal firm representing the Board or employee. Reasonable costs associated with the use of such legal counsel by the Commission in a hearing or investigation shall constitute a legal charge against the District, whether or not the funds for legal services appear in the Commission budget.

Reference: Education Code 45313

RULE 19

LAYOFF AND REEMPLOYMENT PROCEDURES

19.1 Layoff Procedures

- 19.1.1 Reason for Layoff
- 19.1.2 Order of Layoff
- 19.1.3 Displacement
- 19.1.4 Voluntary Demotion or Transfer
- 19.1.5 Substitute or Limited Term Assignment
- 19.1.6 Refusal of Substitute or Limited Term Employment
- 19.1.7 Notification of Layoff and Procedures

19.2 Reemployment Procedures

- 19.2.1 Reemployment List
- 19.2.2 Equal Seniority
- 19.2.3 Reemployment for 39 Months
- 19.2.4 Additional 24 Months Reemployment
- 19.2.5 Establishment and Maintenance of Reemployment List
- 19.2.6 Reemployment and Acceptance

RULE 19

LAYOFF AND REEMPLOYMENT PROCEDURES

19.1 LAYOFF PROCEDURES

19.1.1 REASON FOR LAYOFF

Layoff of classified employees shall be for lack of work or lack of funds.

REFERENCE: Education Code 45308

19.1.2 ORDER OF LAYOFF

Length of service is the only criteria used to determine the order of layoff within a class. The employee who has been employed the shortest time in the class, plus equal or higher classes, shall be laid off first.

REFERENCE: Education Code 45308

19.1.2.1 For the purpose of this Rule, length of service shall be based on the date of hire as a regular employee unless negotiated differently in the classified bargaining agreements.

19.1.2.2 If two or more employees subject to layoff have equal seniority the determination of who shall be laid off shall be made by lot.

REFERENCE: Education code 45101, 45308

19.1.3 DISPLACEMENT

A classified employee who is laid off from a class and has achieved permanency in an equal or lower class shall have the right to displace a less senior employee in the equal or lower class.

REFERENCE: Education Code 45308

19.1.4 VOLUNTARY DEMOTION OR TRANSFER

A permanent classified employee who will suffer a layoff despite his displacement rights may accept a voluntary demotion or a lateral transfer. The voluntary demotion or lateral transfer requires the Commission to determine that the employee meets the minimum qualifications of the class and is qualified to perform the duties of the class. The Board must approve any such voluntary demotion or lateral transfer.

19.1.5SUBSTITUTE OR LIMITED TERM ASSIGNMENT

An employee who has been laid off and placed on a reemployment list may be employed as a substitute or limited term employee in any class for which he is qualified and such employment shall in no way affect his status or eligibility for reemployment.

19.1.6REFUSAL OF SUBSTITUTE OR LIMITED TERM EMPLOYMENT

Refusal of substitute or limited term employment shall in no way affect the status of an employee on a reemployment list.

19.1.7NOTIFICATION OF LAYOFF AND PROCEDURES

No later than March 15 and before a classified employee is given notice by the board of education that the employee's services will not be required for the ensuing year due to lack of work or lack of funds, the board of education and the employee shall be given written notice by the superintendent or the superintendent's designee, that it has been recommended that the notice be given to the employee, stating the reasons that the employee's services will not be required for the ensuing year, and informing the employee of the employee's displacement rights, if any, and reemployment rights.

Until the classified employee has requested a hearing or has waived their right to a hearing, the notice and the reasons for the notice shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties.

A classified employee may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. A request for a hearing shall be in writing, shall be delivered to the person who sent the notice, and shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, the employee's failure to do so shall constitute a waiver of the employee's right to a hearing. The notice provided by the district shall advise the employee of the provisions of this section of the rules.

If a hearing is requested by a classified employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the governing board shall have all the power granted to an agency in that chapter, except that all of the following shall apply:

- A. The respondent shall file their notice of participation, if any, within five days after service upon the respondent of the District Statement of Reduction in Force and the respondent shall be notified of this five-day period for filing in the District Statement of Reduction in Force.
- B. The discovery authorized by Section 11507.6 of the Government Code shall be available only if a request is made for discovery within 15 days after service of the District Statement of Reduction in Force, and the notice required by Section 11505 of the Government Code shall so indicate.
- C. The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils of the schools. The proposed decision shall be prepared for the governing board of the school district and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board of the school district. Nonsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial errors. Copies of the proposed decision shall be submitted to the governing board of the school district and to the classified employee on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the administrative law judge, shall be paid by the governing board from school district funds. Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid, and addressed to the last known address of the employee. Notice of termination shall be given to the employee before May 15. If a continuance was granted after a request for hearing was made, the deadlines described in this section shall be extended for the number of days of that continuance.
- D. For purposes of this section, "cause" for layoff includes school district compliance with the seniority requirements of this code, including Section 45308.

If the governing board determines that its total local control funding formula apportionment per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent, and if the governing board determines it is therefore necessary to decrease the number of classified employees of the school district due to lack of work or lack of funds, the governing board may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing to be adopted by the governing board.

If a permanent classified employee is not given the notices and a right to a hearing as provided for in this section, the employee shall be deemed reemployed for the ensuing school year, except that nothing in this section shall be construed to interfere with the right of the district to release probationary employees who never become permanent without notice or hearing.

A. For purposes of this subdivision, "permanent employee" includes an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice.

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. This subdivision does not create a layoff notice requirement for any individual hired as a short-term employee, as defined in Section 45103, for a period not exceeding 60 days.

A. This subdivision does not apply to the retention of a short-term employee, as defined in Section 45103, who is hired for a period not exceeding 60 days after which the short-term service may not be extended or renewed.

When classified positions must be eliminated as a result of the expiration of a specially funded program, the employees to be laid off shall be given written notice not less than 60 days prior to the effective date of their layoff informing them of their layoff date and their displacement rights, if any, and reemployment rights.

If, after January 1, 2021, the Legislature provides certificated employees with any additional rights to notice or hearing as to layoffs, then permanent classified employees and those who become permanent classified employees shall be afforded the same rights by the school district.

REFERENCE: Education Code 45117

19.2 REEMPLOYMENT PROCEDURES

19.2.1 REEMPLOYMENT LIST

The names of classified employees laid off shall be placed on a reemployment list for the classification. Names on a reemployment list shall be in order of seniority in the class.

REFERENCE: Education Code 45298

19.2.2 EQUAL SENIORITY

If two or more employees subject to reemployment have equal class seniority, reemployment shall be by lot.

19.2.3 REEMPLOYMENT FOR 39 MONTHS

Laid off employees are eligible for reemployment for thirty-nine (39) months. Reemployment shall be in the reverse order of layoff. Reemployment shall take precedence over employment of new candidates. Employees placed on reemployment lists shall have the right to compete in promotional examinations while on reemployment lists.

REFERENCE: Education Code 45298

19.2.4 ADDITIONAL 24 MONTHS REEMPLOYMENT

Classified employees who accept a voluntary demotion or reduction in assignment in lieu of layoff shall be granted an additional twenty-four (24) months of reemployment eligibility.

REFERENCE: Education Code 45298

19.2.5 ESTABLISHMENT AND MAINTENANCE OF REEMPLOYMENT LIST

The Human Resources Department shall establish and maintain the reemployment lists.

19.2.6 REEMPLOYMENT AND ACCEPTANCE

Offers of reemployment are made by the Human Resources Department.

19.2.6.1 A person offered an assignment equivalent or greater than the one held at the time of layoff may accept or refuse the offer. If the person refuses this offer of reemployment, his name is removed from the reemployment list.

19.2.6.2 A person offered an assignment with fewer hours or months than the one held at the time of layoff, may accept or refuse the offer. If the person refuses the offer of reemployment

he shall remain on the reemployment list until the offer meets the requirement above.

19.2.6.3 Offers of reemployment are to fill vacant positions and may be at a different work location than the one from which the employee was laid off.

RULE 20

RESIGNATIONS

20.1 RESIGNATION PROCEDURES

- 20.1.1 Resignation During Probation
- 20.1.2 Resignation and Effect on Eligibility Lists
- 20.1.3 Procedures for Resignation
- 20.1.4 Notice of Resignation
- 20.1.5 Acceptance of Resignation

RULE 20

RESIGNATIONS

20.1 RESIGNATION PROCEDURES

20.1.1 RESIGNATION DURING PROBATION

An employee who resigns while in good standing during a probationary period may, upon request, be returned to his original place on the eligibility list by the Personnel Director with ratification by the Commission.

REFERENCE: Education Code 45308

20.1.2 RESIGNATION AND EFFECT ON ELIGIBILITY LISTS

Upon resignation, the person's name shall be removed from all promotional only eligibility lists. Upon the person's reinstatement, he may request reinstatement to the promotional eligibility lists.

20.1.3 PROCEDURE FOR RESIGNATION

Resignations shall be presented in writing and should indicate the last day of paid service.

20.1.4 NOTICE OF RESIGNATION

Classified employees are requested to provide the District with at least a two (2) week notice. Management, Supervisory and Confidential employees are requested to provide at least a four (4) week notice.

20.1.5 ACCEPTANCE OF RESIGNATION

The resignation of a classified employee shall be irrevocable upon receipt by the Superintendent or Assistant Superintendent, Human Resources. The Superintendent or Assistant Superintendent, Human Resources, upon request, may allow rescission of a resignation.