

Merit System
Rules and Regulations
for
Classified Personnel

Introduction

These Rules and Regulations have been written and adopted by the Personnel Commission to establish and maintain an equitable, efficient merit personnel program for the Downey Unified School District.

These Rules and Regulations shall be used as a general guide by all affected persons, they shall be interpreted broadly on the basis of what is the reasonable approach to specific problems and situations; they shall be considered as a total set of working regulations; and they shall be accepted as setting the tone of personnel management within the District's classified service.

The classified employees of the Downey Unified School District are a vital part of the educational program of the District. The caliber of the services they render has a significant effect on the quality of education provided for the young people of this community.

The Merit System of the Downey Unified School District is administered under the direction of the Personnel Commission. The Personnel Commission shall prescribe and amend, subject to the Education Code, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. In working with and reviewing the classified personnel programs, the Commission attempts to provide necessary safeguards for the effective operation of a sound Merit System.

Careful study of these Rules and Regulations will provide all classified employees with the information, knowledge, and understanding of their privileges and responsibilities.

The Personnel Commission
Downey Unified School District

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Chapter 10

Definitions and Preliminary Statement

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Chapter 10

Definitions and Preliminary Statement

10.100 Definitions, General

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

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

Anniversary Date: The date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following completion of the required period of service.

Applicant: A person who has filed an application to take a merit system examination, whether a current employee or not. A new applicant is an applicant who does not currently work for the District, and who is not on a reemployment or reinstatement list for the District.

Appointing Authority or Power: The Board of Education of the Downey Unified School District.

Appointment: The official act of the Board of Education in approving the employment of a person.

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

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

Rank Certification: The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

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

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

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

Commission: The Personnel Commission established pursuant to the Act for the Downey Unified School District.

Continuous Examination: A method of recruiting applicants in which the last day for filing applications is not specified, and examinations are conducted from time to time in order to meet the needs of the classified service.

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: Separation from service for cause.

District: The Downey Unified School District.

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

Eligible: Adjective, meaning - legally qualified to be appointed.
Noun, meaning - person whose name appears on an eligibility list.

Eligibility List: A list of the names of persons who have qualified in a competitive examination (eligibles).

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

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

Employment List: A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, be demoted, be reinstated, or be reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status.

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

Governing Board: The Board of Education of the Downey Unified School District.

In Lieu Of: Filling an allocated position with an incumbent of a lower classification.

Insubordination: The refusal or willful failure to perform duties as assigned.

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

Limited-Term: 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 (synonymous with "temporary").

Limited-Term Employee: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited period of less than six (6) continuous months.

Nominating Authority: Principal, Director, Department Head, or Administrator, who is responsible for the selection of classified employees from an appropriate list.

Permanent Employee: In reference to District employment status, an employee who has completed his/her initial probationary period in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class.

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) continuous months.

Position: A group of duties and responsibilities assigned by the Board of Education requiring the full or part-time employment of one person on a permanent or limited-term basis.

Probationary Employee: An employee serving the initial period of six (6) months in a permanent position following appointment from an eligibility list.

Probationary Period: The trial period of six (6) months, or 130 days, immediately following an original or promotional appointment to a permanent position from an eligibility list.

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

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

Provisional Appointment: A temporary appointment 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 Appointment (Cont'd):

Temporary assignment to a higher classification shall advance the employee to the step in the salary range of the temporarily assigned classification that is next above the regular assigned classification the employee is presently receiving.

Provisional Employee: An employee employed under a provisional appointment.

Reassignment: Change in assignment at the same job site or at a different site, under the direction of the same supervisor.

Reclassification: Gradual accretion of duties and responsibilities of a position, which, when verified by investigation and study, result in a change in classification.

Reemployment: Reassignment to duty of an employee who has been laid off; or reassignment of a former employee in the same class or in a lower class than that from which he/she had resigned, or was serving in a limited-term status.

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

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

Reinstatement: A reappointment without examination after resignation or suspension to a position in the employee's former class.

Salary Range: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range normally consists of five (5) salary steps.

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

Salary Schedule: A complete list of ranges, steps, and rates established for the classified service.

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

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

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

Skelly Hearing: A meeting in which a permanent District employee has the opportunity to respond to the District's Skelly Hearing officer, with or without representation as he or she chooses, regarding charges for disciplinary action.

Skelly Hearing Officer: An employee of the District who was not involved with the initial proposed action, and who has authority to effectively recommend whether the proposed action should be taken as recommended, modified, or not taken.

Status: Tenure which is acquired in a classification by reason of examination, certification from eligibility list, election or appointment by the Board of Education, and the successful completion of the probationary period.

Substitute Employee: An employee occupying a permanent position during the absence of the incumbent.

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

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

Transfer: Change of job site within the same classification under the direction of a different supervisor.

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

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

"Y" Rate: A special rate which allows the employees to retain their current compensation when their classification is downgraded until the salary rate for the old classification is included in their new class range, at such time the "Y" rate will be removed.

Chapter 10

Definitions and Preliminary Statement

10.200 Preliminary Statement

10.200.1 Statutory Authority for These Rules

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

10.200.2 Interpretation and Application of Rules

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

10.200.3 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.

10.200.4 Amendment, Deletion, or Addition to Rules

- A. All proposals, from any source, to amend, delete, or add to these rules will be presented to the Personnel Director, who shall place the proposal on the Commission agenda as an item of discussion. If the Personnel Commission decides the item warrants consideration as a change or addition to existing rules, it shall instruct the Personnel Director to place the item on the agenda of the next Regular Personnel Commission meeting, for consideration as a "first reading." The proposals will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first reading" the Commission will set a date for Commission action on the proposal, which date shall be at least two (2) weeks later. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.

10.200 Preliminary Statement (Cont'd)

10.200.4 Amendment, Deletion, or Addition to Rules (Cont'd)

- C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

Chapter 20

The Personnel Commission

20.100 Organization of the Commission

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- 20.100.2 Officers and Organization Meeting
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Chapter 20

The Personnel Commission

20.100 Organization of the Commission

20.100.1 Terms

By law, the term of each Commissioner is for three (3) years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Personnel Director shall notify the Board of Education of the name of the Commissioner whose term will expire. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Section 45246.

20.100.2 Officers and Organization Meeting

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

20.100.3 Quorum and Majority

Two (2) members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two (2) members shall be necessary to any action.

20.100.4 Conduct

Robert's Rules of Order shall prevail for Personnel Commission meetings.

20.200 Meetings

20.200.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet on the third Wednesday of each month, unless a different day is designated at the previous regular meeting, in the Gallegos Administration Center, 11627 Brookshire Avenue, Downey, California. When the regular meeting date falls on a holiday, the Commission shall meet on Wednesday of the following week unless at a prior regular meeting it designates some other day for its meeting. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least forty-eight (48) hours' notice is given to employees, administration's representative, and the Board of Education, and posted on the Commission's official bulletin board.

20.200.2 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.

20.200.3 Special Meetings

Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two (2) members. Written notice shall be delivered personally or by mail to each member of the Commission, members of the Board of Education, Superintendent, and Administrators. Notice must also be given to each of the following who have filed written requests for such notice: Each local newspaper of general circulation, radio, or television station, and recognized employee or other organization. Such notice must be delivered personally or by mail 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 bulletin board. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission.

20.200.4 Public Meetings

All Regular and Special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, except as provided in Rule 20.200.5. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

20.200.5 Closed Sessions

The Commission may hold Closed Sessions only during or following a Regular or Special meeting. The Commission may go to and from Closed Session at will for such matters as properly may be considered in such Closed Session.

All matters discussed in Closed Session shall be kept confidential unless a majority of the Commission membership agrees not to hold such matters confidential. A violation of the confidentiality of a Closed Session by a Commission member shall be a misdemeanor under certain provisions of the Government Code. Repeated violations of the confidentiality of a Closed Session by a Commission member shall be grounds for removal from office under provisions of the Government Code.

Closed Sessions may be held only for the following reasons:

1. To consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee;
2. to hear charges or complaints brought against a person or employee by another, unless such employee requests a public hearing;
3. to discuss legal matters that come within the attorney/client privilege;
4. for discussions with a state conciliator who has intervened as authorized by law;
5. to review and discuss its position and instruct its representatives on items within the scope of negotiations;
6. in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Commission conducting the meeting may order the meeting room cleared and continue in Closed Session.

Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Commission from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

20.200 Meetings (Cont'd)

20.200.5 Closed Sessions (Cont'd)

When the matter is considered at a Closed Session, the final action of the Commission shall be a public record of the School District.

The vote or abstention of every member present on action taken in closed session shall be publicly reported.

20.200.6 Agenda and Supporting Data

A. Insofar as possible, at least forty-eight (48) hours prior to every regular or twenty-four (24) hours prior to every special meeting, the Agenda shall be provided the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the bulletin board and distributed to news media which 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 20.200.5, and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

20.200.7 Minutes

The Personnel Director shall record in the Minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. The Minutes shall be written and presented for correction and approval at the next Regular Meeting. The Minutes or a true copy thereof shall be open to public inspection. Copies of the official Minutes shall be distributed to the Board of Education, Administrators, Superintendent, and recognized employee organization representatives who request them.

20.300 Commission Employees

20.300.1 Status of Commission Employees

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be employees of the Personnel Commission. However, they shall be considered part of the classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service shall apply to Commission employees.

20.300.2 General Duties of the Personnel Director

- A. The Personnel Director shall perform all of the 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 law and necessary to the proper functioning of the office and staff of the Commission.
- B. The Personnel Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as deemed necessary by the Director.
- C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear cut answer to a problem, the matter shall be decided by the Personnel Director, subject to appeal to the Commission.

20.400 Miscellaneous Provisions

20.400.1 Communications

- A. Communications and requests shall, insofar as practicable, be in writing. Communications and request shall be acknowledged and replied to, noting official Commission action when appropriate.
- B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may appoint one of its members to study a specific subject.

20.400.2 Budget

- A. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April.
- B. The Commission shall designate one of its meetings in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing, as required in Education Code Section 45253, it shall direct the Personnel Director to forward a copy of the proposed budget to the Board of Education in sufficient time to be discussed at a regular Board meeting; and shall notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- C. Prior to adoption of its budget, the Commission will hear and consider all comments and suggestions that may be offered by District Administration, the Board, or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Board.
- D. When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 45253.

20.400.3 Annual Report

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

20.400 Miscellaneous Provisions (Cont'd)

20.400.3 Annual Report (Cont'd)

- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible, and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

Chapter 30

Position Classification Plan

30.100 The Classified Service

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30.300 Reclassification

- 30.300.1 Requests for Study
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- 30.300.3 Effects of Classification Changes on Incumbents
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Chapter 30

Position Classification Plan

30.100 The Classified Service

30.100.1 Positions Included

- A. All positions established by the Board of Education that are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.

30.100.2 Exemption from the Classified Service

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

30.100.3 "Part-Time" Defined

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87.5 percent of the normally assigned time of the majority of employees in the classified service.

30.100.4 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 as provided by law or the Board of Education.

30.100.5 Professional Expert Assignments

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

- B. When the person is known who is to be appointed as a professional expert, the person's name and data relative to their qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of said profession. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Service as a professional expert shall not exceed six (6) months. Additional required service shall be submitted to the Commission for approval.

30.200 General Classification Rules

30.200.1 General Nature of the Classification Plan

The Personnel Commission shall classify all employees and positions within the classified service. Classes will be placed in groups according to general occupational nature, and within groups, shall be listed in series by specific occupation.

30.200.2 Class Specifications

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

- A. The official class title;
- B. a definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
- C. a statement of typical tasks to be performed by persons holding positions allocated to the class;
- D. a statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills and abilities, personal and physical characteristics;
- E. license or other special requirements for employment or service in the class.

30.200.3 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, qualifications requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.

30.200.3 Interpretation of Class Specifications (Cont'd)

- B. In determining the class to which any 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 illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Each class 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 position in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition, freedom from disabling defects, (see Labor Code Section 1940 et. seq. for exceptions), honesty, sobriety, even though not specifically mentioned in the specifications are implied in the qualifications 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 qualification of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of tests or testing procedure.

30.200.4 Changes in Duties of Positions

Any substantial changes in the duties of existing positions shall be promptly reported in writing by the appointing authority to the Personnel Director, who shall cause them to be reviewed toward determining whether the positions should be allocated to different classes.

30.200.5 Creation of New Positions

When the Board of Education creates a new position in the classified service, it shall submit to the Personnel Commission, in writing, the duties to be performed in the position. The Personnel Director shall present recommendations to the Commission, which shall:

30.200.5 Creation of New Positions (Cont'd)

- A. Classify the position and determine whether the position should be allocated to an existing class or to a new class;
- B. designate the proper salary placement of a new class, if one is established;
- C. notify the Board of Education of its action.

30.200.6 Working Out of Classification

An employee is not normally expected to work out of classification; but if required to do so, this fact shall be reported to the Personnel Director, who shall investigate and report to the Personnel Commission. After review, the Commission shall take such action as necessary based upon the facts. This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

30.200.7 Working Out of Classification Temporarily

When it has been determined that it is necessary to work a permanent employee out of classification for a time which exceeds 5 days within a 15-calendar-day period, the fact shall be reported immediately to the Personnel Director. Probationary employees may not work out-of-class assignments. When it has been determined that it is necessary for this temporary assignment, the following schedule shall be followed.

- A. Temporary assignment to a higher classification shall advance the employee to the step in the salary range for the classification to which the employee has been temporarily assigned that is next above the rate the employee is currently receiving, with a minimum of 5% increase, if possible, within the salary range for the higher class;
- B. temporary assignment to a lower classification or to another classification on the same range, shall not constitute a change in salary;
- C. this salary adjustment will be in effect for the entire period, first through last day, the employee is required to work in the temporary assignment;
- D. upon termination of the temporary assignment, the temporarily assigned employee shall be returned to previous status and rate of pay.

30.200.8 Reorganization

- A. When the District reorganizes in any manner which affects the classification status of employees in the classified service, the administration shall inform the employee(s) affected, and shall submit appropriate information to the Personnel Commission.

A thirty (30) day period shall elapse between the initial reorganization proposal and the final action taken by the Board of Education for adoption.

- B. Classified employees affected by the reorganization shall be given a minimum of thirty (30) days notice. The employee shall be given detailed information as to the procedure they must follow should their position be abolished due to this reorganization.
- C. Any displacement of a regular employee resulting from reorganization shall be considered a layoff for lack of work, and the appropriate rules applying to layoff shall be in effect.

30.300 Reclassification

30.300.1 Requests for Study

Requests for classification study of existing positions shall be presented to the Personnel Commission together with a statement of the reasons for requesting study. Requests for study may be initiated by the Department Head with the approval of the Superintendent, or by employee organizations, employee representatives, or employees providing other prescribed channels have been used. Requests initiated by the Department Head shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes.

30.300.2 Effective Date of Reclassification

Reclassification of a position shall become effective on the date prescribed by the Commission and adopted by the Board of Education, and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but for not more than three (3) months.

30.300.3 Effects of Classification Changes on Incumbents

- A. The basis for the reclassification of a position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion will be made by the Personnel Director and ratified by the Personnel Commission and will be based on the following guideline factors:
1. Changes in duties and responsibilities;
 2. periods of time over which such changes occurred;
 3. organization changes affecting the position;
 4. evidence of the employee's performance of the added duties and responsibilities.
- B. For the upward reclassification of an employee, this reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or duty changes by the Board of Education. The Commission shall decide at the time the reclassification occurs as to whether the reclassification meets this rule.
1. When all of the positions in a class are reclassified upward, those incumbents with two (2) or more years' service in the class shall be automatically reclassified with the positions.

30.300 Reclassification (Cont'd)

30.300.3 Effects of Classification Changes on Incumbents (Cont'd)

2. When a portion of the positions in a class is reclassified upward, those incumbents with two (2) or more years' service in one or more of the positions being reclassified shall be reclassified with the position.

NOTE: The Commission may require a qualifying examination or other evidence of qualifications.

3. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until at least two (2) years have elapsed from the last upward reclassification.
- C. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:
1. The right to bump the employee in the same class with the lowest seniority in the class, provided the incumbent has greater seniority in the class;
 2. the right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that person had greater seniority in that class;
 3. the right to be demoted or to transfer, without examination, to the class to which the position is reclassified and employee's salary to be "Y" rated.

30.300.4 Reemployment List for Displaced Incumbents

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

Chapter 40

Application and Examination

40.100 Application for Employment

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Chapter 40

Application and Examination

40.100 Application for Employment

40.100.1 Filing of Application / Recruitments

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

In the case of continuous recruitments/examinations, applications will be taken on every business day.

Applicants interested in being considered for more than one recruitment/examination must indicate their interest on the District's interest form.

The recruitment notice will be published for at least fifteen (15) work days in advance of examination, and shall include the following:

- A. Description of the scope of duties and responsibilities of the position and the class;
- B. Minimum qualifications required;
- C. Salary and other forms of compensation;
- D. Last date for filing application if not continuous recruitment/examination;
- E. Such other information as will assist the employees and public in fully understanding the nature of the classification and procedures necessary to participate in the examination.

40.100.2 General Qualifications of Applicants

Applicants must possess all requirements that may be specified in the minimum qualifications established for the class.

40.100.3 Elimination of Unfit Applicants, Candidates, and Eligibles

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons:

40.100.3 Elimination of Unfit Applicants, Candidates, and Eligibles (Cont'd)

- A. Mentally and/or physically unable, even with reasonable accommodation in the instance of an individual covered under the Americans with Disabilities Act, to perform the essential functions of the position;
- B. advocacy of overthrow of the Government of the United States or the State of California by force, violence or other unlawful means;
- C. conviction or pleading guilty in court to a charge of moral turpitude, or any sex offense, or mistreatment of children, or a serious or violent felony;
- D. criminal, dishonest, immoral, or unprofessional conduct;
- E. making a false statement or omitting a statement as to any material fact on the application form, criminal conviction form, I-9 form, physical examination forms, or any other paperwork associated with application and/or processing for employment;
- F. filing an incomplete application packet;
- G. failure to meet minimum qualifications of the class;
- H. practicing any deception or fraud in connection with application for a position, or an examination or to secure employment;
- I. use of drugs prohibited by law and/or use of intoxicating beverages to excess;
- J. health conditions which would make the individual unfit for duty in the position as evidenced in post offer-of-employment physical exam, or by other investigatory means;
- K. previous dismissal from this District unless the District waives this subsection;
- L. a record of unsatisfactory service by employment, with the District or other employer(s), unsatisfactory service discovered during employment checks, because of frequent job changes, or because of resignation from the District in lieu of dismissal regardless whether there is a confidential agreement limiting disclosure of this action;
- M. discharge other than honorable from the Armed Forces of the United States;

40.100 Application for Employment (Cont'd)

40.100.3 Elimination of Unfit Applicants, Candidates, and Eligibles (Cont'd)

- N. failure to report for duty after an assignment has been offered and accepted;
- O. failure, after due notice, to report promptly for review of any of the above bases for rejection;
- P. refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Education.

40.100.4 Rejection and Appeal from Rejection

- A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 40.100.3 shall be notified in writing by the Personnel Director.
- B. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

40.100.5 Applications Not To Be Returned

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

40.100.6 Applicants' Name Not Made Public

The names of the applicants or unsuccessful candidates in any examination shall not be made public. Names of individuals who are successful in examinations and are placed on the eligibility list will be made public when the eligibility list is published. Rankings will be indicated; however, no indication will be made of examination scores.

40.100.7 Veterans' Preference

- A. Veterans' preference points shall be added to passing scores in entry level open examinations in the amount prescribed by Education Code Section 45296. At least thirty (30) days of active service in the armed forces (includes the Army and Air National Guard, Army, Navy, Marines, Air Force, and the Coast Guard) in a time of war or national emergency declared by the President of the United States are required. Some of the dates of service are listed below:

40.100 Application for Employment (Cont'd)

40.100.7 Veterans' Preference (Cont'd)

World War II	December 7, 1941 to December 31, 1946
Korea	June 27, 1950 to January 31, 1955
Vietnam	August 4, 1964 to May 8, 1975
Desert Storm	August, 1990 to February, 1991*

* Veteran's service credit will be granted former military members who can show the award of the Southwest Asia Service Medal on military service form DD214.

- B. In order to obtain credit, the applicant must have been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the representative of the commission at a time prior to the examination. No adjustment of rank on the list shall be made when such proof is presented thereafter.

40.200 Examinations

40.200.1 Promotional Examinations

Examinations shall, where practicable as determined by the Commission, be limited to promotional applicants. When no promotional field of competition exists, or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class, whether currently serving in a classified or certificated position.

40.200.2 When Held

Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist as determined by the Commission, the Commission shall direct the holding of an examination to provide eligibles. The notice shall contain the following facts:

- A. Classification title
- B. Date and time of examination
- C. Place of examination
- D. Last date by which application must be on file in order to be considered for the exam.
- E. Weights of the various examination parts.

40.200.3 Who May Compete

Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 40.100.4, provided that examinations may be restricted to promotional candidates at the discretion of the Personnel Commission.

40.200.4 Notice of Examination

Each applicant whose application has been approved shall be given reasonable notice of the time, date, and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application.

40.200 Examinations (Cont'd)

40.200.5 Character of Examinations

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

40.200.6 Examination Procedures

- A. Competitors in an open examination must take the written test on the prescribed date. Promotional candidates must take the written test on the prescribed date unless extenuating circumstances warrant special arrangements which do not interfere with the examining schedule. The reason for any deviation from the prescribed schedule shall be determined by the Personnel Director. In the event test notices are received too late for competitors, either open or promotional, to take the examination at the prescribed time, special arrangements shall be made to test these persons another time, provided persons so affected bring this to the attention of the Classified Personnel Director within two days following the scheduled test.
- B. In promotional examinations the three-day protest period shall have expired prior to regular appointment from the eligibility list.
- C. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.
- D. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated.
- E. Any competitor in any examination who places any identifying mark upon his/her test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his/her papers prior to the completion of the examination shall be disqualified.
- F. The Commission may designate examinations for specified classes as continuous examinations. When so designated, the examination shall be administered on a walk-in basis at the discretion of the Personnel Director, or at periodic intervals with advance notice being given to applicants of testing time, date, and location. Applications shall be accepted on every working day.

40.200 Examinations (Cont'd)

40.200.6 Examination Procedures (Cont'd)

- G. If it is determined that an appointment would not have been made but for the existence of error, the Personnel Commission may terminate the appointment provided such action is taken within one year after the effective date of such appointment.

40.200.7 Examination Weighting

The relative weights of the different parts of the examination shall be determined by the Personnel Commission and set forth in the notice of examination. All examination papers shall be prepared and rated under the direction of the Personnel Director.

40.200.8 Rating Required

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

40.200.9 Examination Papers

- A. The Personnel Commission shall retain examination papers, including the rating sheets from each member of the Qualifications Appraisal Interview (QAI) Board, for each candidate for a period of ninety (90) days after promulgation of an eligibility list.
- B. The candidate shall be informed of the review period, and the right to protest, at the time of each written examination.
- C. The District shall provide forms which notify candidates of their right to review examination records and of their right to protest exams.
 - 1. Examination Review:
 - a. The right to review shall be available to open candidates who are unsuccessful in passing an exam, and to promotional candidates whether or not they are successful in passing an exam.
 - b. The review must be requested within ten (10) working days from the date the notice is mailed advising candidates of their results in the exam.

40.200 Examinations (Cont'd)

40.200.9 Examination Papers (Cont'd)

2. Examination Protest:

- a. Candidates choosing to protest an exam shall submit their protest in writing to the Director, Classified Personnel using the District's form, and shall state the specific reason for the protest. The protest shall be submitted no later than the third business day following administration of the exam.
- b. Any candidate who remains dissatisfied with the decision of the Director, Classified Personnel may appeal to the Personnel Commission in writing. The candidate shall state the specific reason for the appeal, and shall submit the appeal no later than the third business day following the day the candidate is notified of the Director's decision. The Commission will hear the appeal at the next regular meeting of the Personnel Commission.

- D. Examination records shall not be available to the public and shall be considered confidential. However, should a candidate file a protest concerning any portion of the examination process, the records shall be made available to the candidate or candidate's representative.

40.200.10 Qualifications Appraisal Interview (Oral Examination)

- A. If an examination includes a Qualification Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).
- B. A QAI Board may consist of three (3) or more persons, but not less than two (2). When the QAI Board is directed to evaluate technical knowledge and skills, at least two (2) members of the QAI Board shall be technically qualified in the specified occupation area.
- C. Employees of the District may serve on oral boards providing the employee is not in the line of supervision over the candidate in the case of a promotional exam, or in the line of supervision of the vacant position. Care will be taken to ensure all candidates have an equal opportunity for rating without bias or prejudice on the part of oral panel members. If the rater or the candidate feels an objective rating is not possible due to a relationship with the rater, the rater will be excused from the panel.

40.200 Examinations (Cont'd)

40.200.10 Qualifications Appraisal Interview (Oral Examination) (Cont'd)

- D. A candidate may appeal a QAI rating to the Director, Classified Personnel in writing on forms provided by the District, stating the specific reason for the appeal. The appeal shall be submitted within five (5) working days from the date notice is sent advising candidates of their results if notice is given by mail, or no later than the third business day following verbal notification.

If the appeal is rejected by the Director, Classified Personnel, the candidate may appeal to the Commission in writing. The candidate shall state specific reasons for the appeal, and shall submit the appeal no later than the third business day following notification of the Director's decision. The Commission will hear the appeal at the next regular meeting of the Personnel Commission, and may alter the QAI rating if it finds justification for the appeal. The Commission may order the candidate's examination score adjusted accordingly.

- E. On promotional examinations, the QAI Board shall be restricted to the employee's application for reference during the interview.
- F. The District shall provide a tape recorder and tapes to record the oral interview. The tapes from the oral interview must be held for a minimum of ninety (90) days before being erased. The oral interview shall be taped in its entirety.

40.200.11 Seniority Credit - Promotional Examinations

In promotional examinations only, seniority credit shall be added to the final passing scores of candidates in the amount of one-fourth (1/4) of one point for each year of service, not to exceed a total of five (5) points. Credit shall be granted for time spent in regular status (see definition) in the classified service and on leave from the classified service while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis. Credits shall be calculated for units of not less than one-half year, unless greater accuracy is required in order to break ties in examination scores.

40.200.12 Notice of Final Score

Notification of final score and of relative standing on the eligibility list shall be sent to each successful competitor.

40.200.13 Examination for Business Manager

In the event a recruitment is necessary for a classified position at the level of Business Manager or above, the following will apply:

- A. All permanent employees of the district, classified and certificated, who meet the established minimum qualifications shall be eligible to compete in the examination as promotional candidates.
- B. Seniority credits shall be equally applicable to classified and certificated promotional candidates.
- C. The eligibility list resulting from this open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for seniority credits.
- D. The examination shall not be construed to be an entrance level position examination.

Chapter 50

Employment Lists

50.100 General

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50.200 Eligibility Lists

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Chapter 50

Employment Lists

50.100 General

50.100.1 Certification for Issuance of Warrants

No warrant shall be drawn by or on behalf of the Board of Education for the payment of any salary or wage to any employee of the classified service unless the assignment bears the certification of the Personnel Director that the person named in the assignment has been employed and assigned pursuant to the Education Code and the Rules of the Commission.

50.100.2 Examination of Payroll Records

Payroll records of the classified service shall be made available for inspection by the Commission or the Personnel Director upon request. If, upon examination of the payroll at any time it is found that an appointment has been made in violation of the Education Code or the Rules of the Commission, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed for services rendered after the date of said order.

50.200 Eligibility Lists

50.200.1 Establishment and Life of Eligibility Lists

- A. 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.
- B. The eligibility list shall be in effect for one (1) year, unless exhausted, and may be extended for a period of ninety (90) calendar days or more, not to exceed two (2) years, at the discretion of the Personnel Commission.

In the instances of entry level classifications such as Food Service Assistant, Custodian, Groundskeeper, and Instructional Assistant, the eligibility list shall be in effect for six (6) months, unless exhausted, and may be extended for a period not to exceed ninety (90) calendar days, at the discretion of the Personnel Commission.

Names of successful competitors may be added to eligibility lists resulting from continuous examinations.

50.200.2 Reemployment Lists

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

50.200.3 Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Commission; or, in the case of entry-level class as specified in 50.200.1 B., at the end of six (6) months unless extended by the Personnel Commission.
- B. An eligibility list is automatically terminated when no rankings of eligibles remain on the list.
- C. An eligibility list may be terminated when no eligible is available for appointment to a specific permanent position in a class, or when there are fewer than three (3) rankings of eligibles remaining on the list.

50.200.4 Consolidation of Eligibility Lists

- A. If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists, except that, where "dual certification" applies, open and promotional lists shall be merged for certification.
- B. When lists are consolidated under this rule, the earlier list shall be terminated one (1) year after its establishment plus the length of an extension, if any, and the names of those eligibles shall be removed from the consolidated list.

50.200.5 Eligibility After Appointment

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

50.200.6 Removal of Names from Eligibility Lists

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

- A. A written or verbal request for removal by eligible;
- B. failure to respond to a written inquiry regarding availability for employment;
- C. waiver of three (3) referrals to a hiring authority or three (3) offers of employment; or
- D. any of the causes listed in 40.100.3.

Notice to eligible of removal shall be by regular and certified mail.

50.200.7 Eligibility for Summer School Employment

When assigning classified employees who are not regularly so assigned, to work between the end of one academic year and the commencement of another, such assignment shall be made on the basis of qualifications for employment in each classification of service which is required.

Beginning March 1st of each year in which summer session will be held, classified employees may contact Classified Personnel to indicate their interest in summer school employment. A memorandum will be sent prior to March 1 inviting employees to indicate their interest.

Employees accepting summer school assignments are expected to be present for each day of summer school. Those who have vacation plans during the summer school session shall not be selected for summer school assignments. Should an employee accept a summer school assignment knowing they will not be available each day due to prior plans, the employee will not be eligible for summer school assignments in the future. Absences for illness during summer session will require a doctor note after three days.

In the instance of the assignment of an aide whose assignment is dependent upon the attendance of a particular student or students who fail to attend summer session, or cease attendance during the summer session, the name of the aide so assigned will be returned to the seniority list for selection for another assignment should one be available.

Eligibility for summer school employment shall be on the following basis:

- A. In instances of the classifications of School of School Office Manager, Sr. Instructional Assistant - BC, Sr. Instructional Assistant - S/MH, and Sr. Instructional Assistant when the employee is serving in a one-to-one capacity with a student receiving special education services.

First Priority will be given to the employee assigned to the position during the regular school year at the site selected for summer school, and/or to the student.

EXAMPLE: ABC Elementary School is selected for summer session.

There will be a need for a School Office Manager during the summer session. If the employee who works as School Office Manager during the regular academic year is interested in working the summer session, that employee will be entitled to the assignment.

50.200.7 Eligibility for Summer School Employment (Cont'd)

A. (Cont'd)

If the individual in one of the classifications above has not indicated interest in serving in the summer session assignment, the second priority will be used.

Second priority will be given by seniority within the classification for School Office Manager. In the instances of the Sr. Instructional Assistant BC, Sr. Instructional Assistant S/MH, and Sr. Instructional Assistant where the employee is serving in a one-to-one capacity with a student receiving special education services, second priority will be given by seniority within classification, and within the levels of elementary, middle and high school. If no other aide at the same level is interested, the assignment will be open to all aides based on seniority in the same classification District-wide.

EXAMPLE: ABC Elementary will have summer session and will have an opening for a School Office Manager. The classified employee assigned that position during the regular academic year is not interested in working summer session.

In that case the most senior employee in the School Office Manager classification who has indicated interest in working summer session and is not regularly assigned during this time, would be entitled to the assignment.

If the individual electing not to work at an elementary school is a Senior Instructional Assistant serving in a one-to-one capacity with a student receiving special education services, or is a Senior Instructional Assistant-BC, or Senior Instructional Assistant - S/MH, the assignment for that position would be determined by seniority within the classification at the elementary level. If no one in the same classification is available at the elementary level, the selection will be by seniority District-wide.

50.200.7 Eligibility for Summer School Employment (Cont'd)

A. (Cont'd)

If unable to fill the position using these criteria, the third priority will be used.

Third Priority will be given to employees based on seniority within the next highest related classification who have indicated interest in working and are not regularly assigned during this time.

EXAMPLE: ABC Elementary will have summer session and will have an opening for a School Office Manager. The classified employee assigned that position during the regular academic year is not interested in working summer session. No other School Office Manager is interested in working summer session.

In that case, the employee with greatest seniority in the next highest related classification who has indicated interest in working summer session and is not regularly assigned during that time will be offered the position.

If unable to fill the position using these criteria, the fourth priority will be used.

Fourth Priority allows selection to be made from regular employees who have indicated interest in working and are not regularly assigned during this time, who do not meet the criteria shown above, but may be qualified to perform the duties of the position as evidenced by prior successful experience in a similar or higher position.

If unable to fill the position using these criteria, the fifth priority will be used.

Fifth Priority allows selection from qualified individuals not regularly employed as classified employees within the District.

- B. In instances of classifications with multiple incumbents at a site, such as Sr. Instructional Assistant (other than one-to-one), Instructional Assistant, Campus Security Assistant, etc.....

50.200.7 Eligibility for Summer School Employment (Cont'd)

B. (Cont'd)

First Priority for selection will be based on seniority of all incumbents within the classification who have indicated an interest in working and are not regularly assigned during this time, except in the instance of Senior Instructional Assistant. The selection for Senior Instructional Assistant will be based on seniority within classification and within educational level elementary, middle and high school. If unable to fill within educational level, the assignment will be made based on seniority in the classification District-wide.

If unable to fill a position using these criteria, second priority will be used.

Second Priority will be given to employees based on seniority within the next highest related classification, who have indicated interest in working and are not regularly assigned during this time.

If unable to fill a position using these criteria, the third priority will be used.

Third Priority allows selection to be made from regular employees who have indicated interest in working and are not regularly assigned during this time, who do not meet the criteria shown above, but may be qualified to perform the duties of the position as evidenced by prior successful experience in a similar or higher position.

If unable to fill the position using these criteria, the fourth priority will be used.

Fourth Priority allows selection from qualified individuals not regularly employed as classified employees within the District.

50.300 Certification from Employment Lists

50.300.1 Order of Precedence

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

- A. Reemployment List
- B. Promotional Eligibility List
- C. Open Eligibility List

In the case of vacancies in Unit II positions, referral of employees who have current transfer requests on file, and are currently serving in the same classification, shall occur prior to referral of candidates from eligibility lists, but after placement from the reemployment list.

50.300.2 Procedure When Fewer Than Three (3) Ranks Remain

- A. When fewer than three (3) rankings of eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice of at least three (3) rankings of eligibles.
- B. When fewer than three (3) rankings of eligibles are available for certification, the available rankings shall be certified; however, the appointing authority may choose not to appoint any of those certified, and may request a new examination to provide additional rankings sufficient to satisfy the requirement of three rankings.

50.300.3 Dual Certification

The Personnel Commission may, prior to examination, authorize dual certification from an eligibility list.

The names certified shall be those of open and promotional eligibles who placed in the three(3) highest rankings on the eligibility list without veteran's credit, and including seniority credit for promotional eligibles.

When all promotional eligibles have been removed from the list through appointment or otherwise, veteran's credit shall be added to scores of remaining open eligibles where appropriate, and their ranks shall be adjusted accordingly.

50.300 Certification from Employment Lists (Cont'd)

50.300.4 Other Sources of Eligibility

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

50.300.5 Procedure of Certification and Appointment

- A. When a position is to be filled, the nominating authority shall notify the Personnel Director of the fact and of the date of the anticipated need. The request for certification shall state the class title, hours, and location of employment, and other pertinent information as required by the Director.
- B. The Personnel Director shall ascertain the availability of eligibles and shall certify names to the nominating authority in accordance with these rules.
- C. The nominating authority shall make a selection and shall notify the Director.

50.300.6 Refusals of Appointment

An eligible may refuse appointment to a specific position and retain eligibility. Refusal of three (3) offers of appointment within the areas of employment may be cause for removal from the eligibility list.

50.300.7 Certification From List for Another Class

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

50.300.8 Withholding Names From Certification

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

- A. Unwillingness or inability to accept appointment is expressed;

50.300 Certification from Employment Lists (Cont'd)

50.300.8 Withholding Names From Certification (Cont'd)

- B. Eligible fails to respond within three (3) days next following a phone call, the mailing of written inquiry regarding availability for permanent employment, or request to appear for interview regarding such employment;
- C. Eligible fails to appear for duty at the time agreed upon after having accepted an appointment;
- D. Eligible cannot be reached in time for appointment when immediate temporary employment is required (this provision shall apply only to such immediate temporary employment);
- E. Eligible fails to present the license, registration, certificate, or any other credential required (the name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met);
- F. Waiver of three referrals to a hiring authority;
- G. For any reason listed in Rule 40.100.3.

50.300.9 Restoration to Certification

When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be replaced on such list or restored thereto by the Personnel Director under the following circumstances:

- A. When the withholding or removal was because of inability of the eligible to accept employment, or failure to respond to inquiry as to availability to appear for interview or for duty, and the eligible presents a good and valid reason and certifies to the Personnel Director a willingness and ability to accept appointment;
- B. When the withholding or removal was for reasons stated in Rule 40.100.3, and such action was improper or the defect has since been corrected.

50.300.10 Duties of Eligible

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides within District boundaries, the eligible shall respond within three (3) days after the date the notice is mailed. If the eligible resides outside the District, the eligible shall respond within three (3) days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for the answer to be returned by mail.
 - 1. In the event an eligible is notified of the certification by telegram, e-mail, or phone communication, the eligible shall appear before the nominating authority for interview or reach the nominating authority with some form of communication within forty-eight (48) hours after the communication was initiated.
 - 2. Failure of an eligible to respond within the above stated times will be deemed an automatic waiver of certification, and the Personnel Director may certify an additional rank in lieu of such eligible if the failure of the eligible to respond causes fewer than three ranks to have been certified.

- B. An eligible who has been certified shall be allowed two (2) weeks to report for duty after an offer of appointment to a regular position has been made. If unable or unwilling to report by the end of two (2) weeks, eligible may be considered to have refused appointment. The Board of Education may request certification of another rank if the failure of the certified eligible to report causes fewer than three ranks to have been certified.
 - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Commission staff of the selection.
 - 2. Notification may be made by telephone, telegram, e-mail, or regular or certified mail.
 - 3. The Board of Education may allow a period longer than two (2) weeks at its discretion.
 - 4. When appointment is to a limited-term position, the eligible must be available on the date specified by the Board of Education.

50.300 Certification from Employment Lists (Cont'd)

50.300.11 Subjects Regarding Which No Questions Shall Be Asked

No questions relating to political or religious opinions or affiliations, race, color, national origin, ancestry, religious creed, physical disability, mental disability, medical condition, sex, sexual orientation, or marital status shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any discrimination be exercised therefore.

50.300.12 Selective Certification

- A. Appointments may be made from other than the first rank of three (3) on the eligibility list when the District determines, and the Personnel Commission concurs, that circumstances warrant a special requirement, such as a male or a female for locker room duty in the physical education classes, or when the ability to speak, read, and write a language in addition to English is necessary for the position to be filled.
- B. If there are insufficient eligibles that meet the special requirements, the Personnel Commission shall certify those eligibles meeting the special requirements, plus the top eligibles on the eligibility list, not to exceed a rank of three (3).

50.400.1 Types of Limited-Term Appointments

- A. The Board of Education may establish positions, the duration of which is six months or less; such positions shall be designated "limited-term." Limited-term positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification.

The Commission may, based on a declaration of an emergency by the President of the United States or the Governor, authorize an extension that may not exceed one year. The duties of the extended position must be related to the emergency.

- B. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee. A substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.
- C. A list for substitute employment shall be maintained of those on the eligibility list for the classification who have indicated their willingness to accept an appointment to a limited-term substitute position, along with the names of other individuals who are able and willing to accept limited-term substitute assignments.

50.400.2 Eligibility for Limited-Term Employment

- A. Limited-term appointments shall be made in accordance with procedures for regular appointments, except as provided below.
- B. Whenever necessary, there may be established and maintained an eligibility list for substitute assignments in any class. Names for such a list shall be taken from the reemployment list and eligibility lists for that class insofar as is possible. Additional names of people meeting the minimum qualifications for employment in the class may be added to the list by the Personnel Director. Anyone whose name appears on the substitute eligibility list shall be eligible for a substitute assignment in that class. If anyone whose name is on a substitute eligibility list is not used as a substitute for a period of one year, they shall be terminated and their name removed from the list.
- C. Regular, permanent employees shall be certified ahead of all other candidates for limited-term appointments as their availability permits. Such employees shall be employed in the class in which the appointment is to be made or a related class, or be on the eligibility list for that class or a related class. Persons previously employed in the class shall be certified after current employees, but ahead of all other candidates for limited-term appointments.

50.400 Appointments, Including Limited-Term and Provisional (Cont'd)

50.400.2 Eligibility for Limited-Term Employment (Cont'd)

- D. Limited-term appointments shall not be available to employees serving in a probationary status.

50.400.3 Compensation

- A. Limited-term appointments shall be made within the salary range for the class in which the appointment is made. When a regular employee is given a limited-term appointment, the employee shall receive the employee's regular rate of pay, or the maximum rate of pay for the class in which the appointment is made, whichever is lower; however, in no case shall employee's rate of pay for the limited-term assignment be lower than the minimum rate of pay for the class in which the appointment is made.
- B. Compensation for limited-term or substitute employees may be at the first step of the authorized pay range for the class in which the appointment is made.

50.400.4 Rights and Benefits

- A. Regular employees serving in limited-term positions while retaining regular status, shall continue to earn and be granted all rights and benefits of a regular employee.
- B. All other limited-term employees shall be granted only those benefits provided by law.
- C. No time served in a limited-term capacity may count toward acquiring permanent status in any position.

50.400.5 Terminations

- A. The services of a provisional appointee shall be terminated within fifteen (15) calendar days after the date on which an eligibility list has been established, provided this fifteen (15) day period does not extend beyond the ninety (90) working-day provisional assignment.
- B. Limited-term and provisional appointments may be terminated at any time, except during an assigned shift, at the discretion of the Board of Education.

50.400.6. Emergency Appointments

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Education, through its authorized Department Heads, may make emergency appointments without reference to eligibility lists, for a period not to exceed fifteen (15) working days.
- B. When such emergency appointments are made, it shall be the duty of the Board of Education to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

50.400.7. Provisional Appointments

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

- A. When the Personnel Director certifies that no eligibility list exists for a position in the classified service, a new employee may receive provisional appointments which may accumulate to a total of ninety (90) working days. A ninety (90) calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity.
- B. No person shall be employed in provisional capacities under a given Board of Education for a total of more than 126 working days in any one fiscal year, except in the situation of a part-time position. When no one is available on an appropriate eligibility list for a part-time position, as defined in Section 45256 of the Education Code, successive ninety (90) working-day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.
- C. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list; provided, that continuous examination procedures for the class have been authorized by the Commission. Such successive provisional appointments may be made and persons employed in temporary capacities under a given governing board for a total of more than six months in any one year.

50.400.7. Provisional Appointments (Cont'd)

C. (Cont'd)

Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list. (E.C. sec. 45289)

50.400.8. "In lieu of" Appointments

"In lieu of" appointments is defined as filling of an allocated position with an incumbent of a lower classification. At the discretion of the nominating authority with the approval of the Personnel Commission, "in lieu of" appointments may be made under the following conditions:

- A. An inability to recruit a qualified employee in the original class;
- B. an inability to recruit a qualified employee may cause a lower class to be utilized in an interim training capacity; or,
- C. if the nominating authority deems the higher classification is not required to fill the needs of the position and a lower classification will suffice. The position may be continued in the budget and position control file at its original class and salary. However, if it is anticipated the position will continue to be utilized in the lower classification, the position shall be changed in the budget and position control file to reflect the change of level.

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Chapter 60

In-Service Status and Transactions

60.100 Probationary Period

60.100.1 Duration of Probation

- A. A new employee appointed from an eligibility list shall serve a probationary period of six (6) months or 130 working days, whichever is longer, in one class before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six (6) months or 130 working days, whichever is longer, in the higher class before attaining permanency in that class. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.

For those classes designated by the Commission as executive or administrative, the probationary period shall be one (1) year of 260 working days, whichever is longer.

- B. Working days as they apply in this section shall be days the employee is present and providing service to the District. Specifically excluded are days on leave of absence regardless of the reason for the leave.

60.100.2 Rights of Probationary Employees

- A. An employee who is suspended or dismissed during the initial probationary period shall be notified in writing of the action taken. The employee shall not have the right of appeal.
- B. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be demoted during the probationary period to their former class. Employee shall be notified in writing of the action.
- C. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should the employee be laid off without fault or delinquency before completion of probationary period, employee's name shall be restored to the eligibility list and the time served shall be credited for probationary period.
- D. Probationary employees shall not be assigned to work out-of-classification.

60.200 Changes in Position and Classification

60.200.1 Transfer

- A. An employee may be transferred upon request or for the good of the service from one position to another in the same class at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons.
- B. Transfers shall be made without change in salary range, anniversary date, accumulated illness leave, and accumulated vacation credit, nor in any other manner reflect adversely upon the rights of the employee as provided by the Education Code and these rules.
- C. An employee, upon request, will be given a written statement regarding reasons for an involuntary transfer.
- D. An employee interested in a transfer must complete the appropriate district form which shall stay on file for one year from the date filed with the Classified Personnel / Personnel Commission office.
- E. Specific procedures for transfer which apply to bargaining unit employees are described in the association's master agreement.

60.200.2 Lateral Movement

Employees who change classifications within the same salary range will be considered to be making lateral movement. No salary change will be made in the case of lateral movement, except that which would normally transpire through regular step advancement.

60.200.3 Demotions

- A. A permanent employee may request voluntary demotion in writing to a previously held class, or to a closely related class with a lower maximum salary rate. Such requests require the approval of the department head involved and the Personnel Director.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when employee would otherwise be laid off for lack of work or lack of funds.
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

60.200.4 Restorations (Cont'd)

- A. A former permanent employee who resigned in good standing may be reinstated in a vacant position of former class and status within thirty-nine (39) months of the last date of paid service. Also, a former employee may be reinstated in a vacant lower class, if qualified, or in a limited-term status in the same or lower class. Such actions are discretionary with the nominating authority.
- B. An employee who has taken a voluntary demotion may be restored to a vacant position of former class, or in a related lower class as determined by the Commission, within thirty-nine (39) months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the nominating authority.
- C. An employee who has accepted a voluntary demotion or voluntary reduction in assigned time in lieu of layoff or to remain in his/her present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided, that the same tests of fitness under which the employee qualified for appointment to the class shall still apply. Intervening reassignments to other classes shall not abrogate that right.
- D. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased time as vacancies become available, and without limitation of time, but if there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority.
- E. Reinstatement or reemployment of a former employee shall have the following effects:
 - 1. If restored to permanent status, restoration of accumulated sick leave and seniority;
 - 2. restoration of former anniversary date, but without step advancement credit for the off-duty period.

60.300 Assignments of Handicapped Employees

60.300.1 General Policy

When a permanent employee becomes unable to perform the duties of the present classification because of illness or injury as determined by medical authority designated by the Commission, effort shall be made to place the employee in a position, the duties of which are within the employee's capabilities. Reassignment, if any, shall be at the discretion of the nominating authority, with the approval of the Personnel Commission.

60.300.2 Reassignments

- A. A handicapped employee's duties in a regular position may be altered in accordance with employee's handicap. Such changes in duties shall be informally reported to the Personnel Director, who shall determine whether the position requires classification study.
- B. A handicapped employee may accept demotion or transfer to a less demanding class, with the approval of the Commission.
- C. A handicapped employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

60.300.3 Effect of Refusal by Employee

A handicapped employee may refuse assignments to other classes without affecting the rights under sick leave provisions of the law and these rules. However, there is no obligation for the nominating authority to renew offers of reassignment which have been refused or to make alternative offers.

60.400 Performance Evaluations

60.400.1 Purpose of Performance Ratings

The employee performance rating plan, embodying significant factors and factor degrees for the various classes of positions, shall have reference to the quality and quantity of work done, and other characteristics which shall be considered in rating and reporting the ability, performance, and efficiency of the respective employee, and the value of the employee to the District service.

The following rules define the performance rating standards and procedure which shall be used in connection with eligibility for advancement, promotion, demotion, dismissal from the service, or as a recommendation for reduction in pay within the salary range for the classification, and in other decisions relating to the employee. Such plan shall primarily be a means whereby individual employees may regularly review their performance with their supervisors, and for ascertaining and encouraging the improvement in service by the employees, and in providing effective supervision of employees.

60.400.2 When Evaluations Are to Be Made

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

- A. Probationary employees - at the end of the third and beginning of the fifth month of service;
- B. Permanent employees - every other year. This section does not preclude the filing of additional reports at any other time during the employment of any individual.

60.400.3 Who Makes Evaluations

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

60.400.4 Procedure to be Followed

- A. Performance evaluation reports shall be made on forms prescribed by the Personnel Department, which shall be prepared by the employee's immediate supervisor. The form shall be reviewed by the next higher supervisor, and, if the need for improvement is noted, by the Department Head, Principal, or Administrator.
- B. The immediate supervisor shall present and discuss the performance evaluation report with the employee. The evaluation form shall be signed by the employee indicating it was discussed with the immediate supervisor. The employee shall receive a copy of the performance evaluation. If the employee disagrees with the rating of the supervisor, the employee may submit a written response which shall be transmitted through the administrator to whom the immediate supervisor is responsible prior to placement in the employee's personnel file.
- C. The employee's completed Performance Evaluation will accompany the Personnel Action Report for salary step increases when the report is transmitted to the Personnel Director for certification. Performance evaluations made on employees who are on the last step of their salary range shall be submitted to the Personnel Director on or prior to employee's anniversary date.
- D. Notice shall be given to an employee any time that derogatory statements are sent to Personnel for placement in the employee's folder. The employee shall have the opportunity to review and make written comments on any derogatory statements in his/her personnel file. The exceptions to this are such material as ratings, reports, or records that were obtained prior to the employment of the employee.
- E. The performance rating reports and records of the respective employees shall be open at all times during normal workings hours to said employees for review of their own file.

60.500.1 Vacation

- A. Every regular classified employee shall earn vacation at the prescribed rate as part of employee's compensation.
- B. Vacation shall be earned at the rate of one (1) working day for each full month of employment or major portion thereof. Major portion of the month, as used herein, is defined as an excess of fifteen (15) working days in the month.

Additional paid vacation for longevity shall be granted on the following schedule:

Additional Vacation Leave Days Per Month

Years of Service	12 Month Employee	11 Month Employee	10 Month Employee	Days Per Year
6	1/ 12	1/11	1/ 10	1
7	1/ 6	2/11	1/ 5	2
8	1/ 4	3/11	3/ 10	3
9	1/ 3	4/11	2/ 5	4
10	5/ 12	5/11	1/ 2	5
11	1/ 2	6/11	3/ 5	6
12	7/ 12	7/11	7/ 10	7
13	2/ 3	8/11	4/ 5	8

- C. All regular classified Administrative, Confidential, and Management employees on a twelve (12) calendar month basis shall earn vacation at the rate of 1-5/6 days for each full month of employment or major portion thereof, to equal twenty-two (22) days per year.
- D. All regular classified employees who work on a part-time basis in a ten (10), eleven (11), or twelve (12) month assignment shall accrue paid vacation in line with these policies and receive such vacation credit commensurate with the designated hours worked per day.
- E. Earned vacation accumulated on the employee's anniversary date must be taken during the following twelve (12) months or be paid for in cash, at the option of the governing board. Employees may be permitted to take earned vacation leave within the same calendar year in which it is earned with the approval of the Department Head, Principal, or Administrator.

60.500 Leaves of Absence (Cont'd)

60.500.1 Vacation (Cont'd)

- F. Vacation leave shall be scheduled by the employee, subject to approval by the Department Head, Principal, or Administrator.

Vacation leave and requests for such leave shall not be unreasonably denied by a Department Head, Principal or Administrator, provided that the granting of vacation leave shall not create a burden for the District in terms of the performance of its mission.

- G. The salary at which vacation is paid shall be the employee's current salary rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation salary by reason of subsequent changes in conditions of employment.
- H. Upon separation from the service, a permanent employee shall be paid any accumulated vacation credit at the rate of pay applicable to employee's last regular assignment. No pay for accumulated vacation shall be paid to employees whose employment is terminated prior to or upon completion of the probationary period.
- I. An employee who has completed the probationary period may be granted vacation during the school year even though not earned at the time the vacation is taken.
- J. If an employee is terminated, and had been granted vacation which was not earned at the time of termination, the District shall deduct from the employee's severance pay the full amount of salary that was paid for such unearned days of vacation taken.
- K. A regular classified employee may revert to leave of absence for illness or injury if the employee suffers an incapacitating personal illness or injury while on authorized paid vacation. Such request shall be verified in writing by the attending physician, and be individually considered by the Personnel Director for final validity and approval.

60.500.2 Paid Sick Leave

- A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.
- B. A regular classified employee (probationary and permanent) shall earn paid sick leave in accordance with the provisions of Education Code Section 45191. Unused sick leave may be accumulated without limit.

60.500.2 Paid Sick Leave (Cont'd)

- C. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick leave normally earned in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.
- D. Sick leave may be taken at any time, provided employees with probationary status may use only six (6) days of paid sick leave during their initial probationary period.
- E. Pay for any day of sick leave shall be the same pay the employee would have received had the employee worked that day.
- F. In order to receive compensation while absent on sick leave, employees must notify their supervisor of said absence within the first working hour of the first day absent, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.
- G. At least one (1) day prior to expected return to work, the employee shall notify the supervisor in order that any substitute employee may be terminated. If the employee fails to notify the supervisor and both the employee and the substitute report, the substitute is entitled to the assignment and the employee shall not receive pay for that day.
- H. An employee absent for three (3) working days or more may be required to present a doctor's statement stating the nature of the illness or injury and the date the employee is able to return to work.
- I. Regular classified employees shall once a year be credited with a total of 100 days of sick leave which shall be compensated at 50% of the employee's regular salary. These days at half-pay shall be in addition to current and accumulated sick leave, and shall not be cumulative.
(Reference Education Code section 45196)
- J. Any classified employee of any California school district who has been an employee of that district for one year or more and terminates such employment for the sole purpose of accepting a position in Downey Unified School District, and subsequently accepts such position within thirty (30) days of termination of their former employment, shall have transferred to Downey Unified School District the accumulated unused earned leave of absence for illness or injury, if properly established, to which the employee is entitled under Education Code Section 45191.

60.500.3 Additional Sick Leave

- A. After exhaustion of paid sick leave, an employee who is ill or injured may, upon request, use accumulated vacation and compensatory time to avoid leave without pay.
- B. After exhaustion of paid leave, a permanent employee may be placed on additional unpaid leave upon request and with the approval of the Board of Education. The additional leave may be extended for any period not to exceed eighteen (18) months, in increments of no more than six months. If placed on unpaid leave, the employee shall not again become eligible for paid leave because of the commencement of a new fiscal year until the employee has rendered service. (Reference Education Code section 45195)
- C. In addition to current and accumulated sick leave, employees shall be entitled to not more than one hundred (100) days of sick leave at fifty percent (50%) of the employee's regular salary. After exhaustion of paid sick leave and prior to using the one hundred (100) days at fifty percent (50%), an employee who is ill or injured will use accumulated compensatory and vacation time to avoid leave without pay. Ten and eleven month employees may bank/save enough vacation days to cover current year winter and spring breaks.

60.500.4 Termination of Sick Leave

- A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided employee is able to resume the assigned duties and if the leave has been for more than twenty (20) working days, provided notification is given of intent to return to work at least three (3) working days in advance to the District.
- B. If at the conclusion of all sick leave and additional leave, paid or unpaid, granted under these rules the employee is still unable to assume his/her duties, employee will be placed on a reemployment list for a period of thirty-nine (39) months in the same manner as if employee were laid off for lack of work or lack of funds.

60.500.5 Industrial Accident and Industrial Illness Leave

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192 and this rule.

60.500.5 Industrial Accident and Industrial Illness Leave (Cont'd)

- B. An employee in the classified service who is absent from duty because of an illness or injury, defined as an industrial accident or industrial illness under provisions of the Worker's Compensation Insurance law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from Worker's Compensation provided employee has completed six months continuous service with the district.
- C. Paid industrial accident leave for employees having completed six months continuous service with the district shall be granted, as indicated in the employee's assignment, from the first day of absence to and including the last day of absence resulting from each separate industrial illness or industrial injury. A paid industrial accident shall be for not more than sixty (60) working days.
- D. Paid industrial accident leave shall be reduced by one (1) day for each day of authorized absence regardless of the temporary disability allowance made under worker's compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.
- E. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if still eligible therefore. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation from the District's Worker's Compensation Fund.
- F. After all paid illness leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation, earned compensatory time, or other earned leave to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the District's Worker's Compensation Fund.

After the expiration of all paid leave privileges, the Board of Education may place the employee on an industrial accident leave without pay. The total time of all leave benefits provided under this rule including unpaid industrial accident leave, shall not exceed thirty-six (36) months for any one (1) industrial accident or industrial illness.

60.500.5 Industrial Accident and Industrial Illness Leave (Cont'd)

- G. Upon return to service from paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to the former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in the employee's former class, the employee may displace the most recently appointed employee in the class. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.
- H. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefit other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.
- I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which the employee was on leave, for a period not to exceed thirty-nine (39) months.
- J. An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in the employee's former status and time basis.
- K. When returning from a leave of absence for industrial accident and industrial illness the employee will be required to obtain a health clearance for normal duties from the attending physician or surgeon at least three (3) working days prior to returning to duty. The clearance must be submitted to Classified Personnel Services. The District may require the employee to undergo an exam paid for by the District by a physician selected by the District for the purpose of verifying that the employee is fit for duty. Should the employee's and the District's physicians disagree, a third physician, whose decision will be final and binding, shall be selected by the employee from the qualified medical examiner's list and will examine the employee at the District's expense.
(Reference Education Code section 45192)

60.500.6 Bereavement Leave

- A. Probationary and permanent employees in the classified service shall be allowed regular pay for not more than three (3) working days when absent due to death of any member of the employee's immediate family. Bereavement leave with pay shall be extended to a maximum of five (5) days when travel beyond a three-hundred-mile radius or out of state is necessary in connection with the bereavement. Bereavement leave shall not be charged against the employee's accumulated illness leave.
- B. Member of immediate family means: the child, parent, stepparent, grandparent, grandchild, brother, sister, aunt or uncle, niece or nephew of the employee or employee's spouse, and the spouse, stepchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law of the employee; or any person living in the immediate household of the employee.

60.500.7 Personal Necessity Leave

A probationary or permanent employee in the classified service may elect to use their accumulative illness or injury leave, not to exceed eight (8) days in any school year for the following purposes:

- A. Death or illness of a member of the immediate family when additional leave is required beyond that provided under Bereavement Leave;
- B. accident, involving employee's person or property, or the person or property of a member of the immediate family;
- C. appearance in any court or before any administrative tribunal as a litigant party, or witness under subpoena, or any order made with jurisdiction;
- D. in cases of personal necessity where the employee cannot reasonably be expected to disregard the situation, or where the necessity cannot be transacted outside of the employee's assigned working hours. Necessities included under this section are:
 - 1. Illness of a member of the immediate family;
 - 2. birth or adoption of employee's child;
 - 3. imminent danger to the home of the employee;
 - 4. non-routine personal business;
 - 5. significant events.
 - 6. religious holidays;
 - 7. activities required by virtue of holding a public elected office.

60.500.7 Personal Necessity Leave (Cont'd)

- E. Personal necessity leave shall not be used for:
1. vacation, recreation, or social activities;
 2. employee organization activities;
 3. political activities (aside from that required to perform duties as public elected official), or political demonstrations;
 4. work stoppage and other concerted activities.

Payment for such absences shall be made only upon reasonable verification by the employee to the immediate administrator or supervisor that the absence was due to a necessity as defined in these regulations.

The employee must state in writing on the Affidavit of Absence form, the reason for requesting the personal necessity leave.

In situations where absence is due to subpoena or an official order, the employee must provide evidence from a certified clerk or authorized officer of a court or other governmental jurisdiction.

60.500.8 Jury Duty and Witness Leave

- A. Leave of absence for jury service shall be granted to any classified employees who have been officially summoned to jury duty in local, State, or Federal Court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to, and the subpoena or court certification of service is filed with the District. Request for jury service leave should be made by presenting the official court summons of jury service to the Personnel Director.
- B. Leave of absence to serve as a witness in a court case shall be granted when employee has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to, and the subpoena or court certification is filed with, the District. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the Personnel Director.
- C. The jury service fee and witness fee referred to in A. and B., respectively, of this rule, do not include reimbursement for transportation expenses.

60.500 Leaves of Absence (Cont'd)

60.500.8 Jury Duty and Witness Leave (Cont'd)

- D. An employee who has received leave of absence under this rule shall be available for work during employee's regular work hours when employee's presence is not required in court.

60.500.9 Absence for Examination

Every employee in the classified service shall be permitted to be absent from duty during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty, provided that two (2) days' notice is given to the immediate supervisor.

60.500.10 Leave for Voting

Consideration of time off for purposes of voting shall be determined by the provisions of the State Election Law.

60.500.11 Leave of Absence Without Pay

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the Board of Education, subject to the following restrictions:
 - 1. Leave of absence without pay may be granted if not to exceed six (6) months. The Board may renew the leave of absence for two (2) additional six (6) month periods or such lesser leave periods that it may provide, not to exceed a total of eighteen (18) months. Leave of absence for military service shall be granted as provided by the Education Code and the Military and Veterans Code, and leave of absence for service in the Peace Corps and Vista may be granted for a period not to exceed twenty-four (24) months.
 - 2. The granting of a leave of absence without pay gives to the employee the right to return to his/her former position at the expiration of the leave, provided that employee is physically, mentally, and legally capable of performing the duties. The position may be filled only for the duration of the leave.
 - 3. If time is requested away from a position for a period of less than two (2) weeks, the employee need not apply for a leave of absence. Employee should make arrangements with the department supervisor and obtain prior approval.

60.500.11 Leave of Absence Without Pay (Cont'd)

- B. Additionally, employees who qualify are entitled to use Family Medical Leave Act (FMLA) leave or California Family Rights Act (CFRA) leave for a maximum of twelve weeks during a 12-month period, or 26 weeks in a 12-month period per section 5 below, for the birth or adoption of a child, for the employee's own disability, for family members of active-duty National Guard and Reservists per Section 6 below, to care for a family member who is an injured service member per section 5 below, or to care for a parent, spouse, or child with a serious health condition. As Applied in regard to CFRA and FMLA, "child" shall mean a son or daughter under the age of 18, or over if the child is incapable of self-care because of mental or physical disability.
1. To qualify an employee must have rendered on year of continuous service and have worked a minimum of 1250 hours in the twelve months immediately preceding the requested leave.
 2. Granting of this leave allows the qualified employee to return to the same or an equivalent position as the one held at the start of the leave, and to maintain health insurance under the District's policy during twelve weeks unpaid leave as long as the employee pays the employee's portion of the cost.
 3. CFRA and/or FMLA leave taken for the birth, adoption, or fostercare placement of a child must be completed within one year of the qualifying event. If both parents are eligible for CFRA leave but both are employed by the District, the leave will be limited to twelve weeks between the two parents.
 4. Employees are required to give thirty days notice in advance of the need to take this leave when the need is known in advance. When the need for leave is unforeseen, the employee must provide as much notice as is practicable.
 5. FMLA leave will be available for qualifying employees to care for a family member who is an injured service member and is undergoing medical treatment, recuperation, or therapy, is an outpatient of a military medical facility or care unit, for a serious injury or illness incurred in the line of duty during active duty. The qualifying employee may be the spouse, son, daughter, parent or next of kin of the service member of the Armed Forces, National Guard or Reserves. This leave is for as much as 26 weeks during a 12-month period.

60.500.11 Leave of Absence Without Pay (Cont'd)

6. FMLA leave will be available for qualifying employees who are family members of active-duty National Guard and Reserves members for any qualifying exigency arising out of the fact that the family member is on active duty or called to active duty status in support of a contingency operation. This 12-week leave in a 12-month period may be taken for qualifying exigencies which include: Short- notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in other categories but agree to by both the employer and employee.
7. CFRA and/or FMLA leave will commence after exhaustion of other paid sick leave benefits to which the employee is otherwise entitled assuming the employee meets the qualifying conditions noted above. CFRA and FMLA leave shall run concurrently, not consecutively.
8. CFRA and/or FMLA leave may be taken intermittently for medical treatment of the employee or employee's child, spouse, or parent. The employee must make a reasonable effort to schedule the treatment to avoid undue disruption to the District's operations.

60.500.12 Maternity Leave

- A. A female classified employee whose employment status with the District is termed permanent may be eligible to apply for maternity leave.
- B. The effective date of the maternity leave shall be determined by the employee and her supervisor. A statement from the physician verifying the pregnancy and estimating the expected date of birth must accompany the request for leave. Such request for leave must be submitted to the Personnel Office at least four (4) months prior to the expected date of confinement.
- C. A physician's statement recommending continued service without restrictions may be requested by Personnel if the employee's ability to perform normal duties becomes a concern to the District before the effective confinement date.

60.500 Leaves of Absence (Cont'd)

60.500.12 Maternity Leave (Cont'd)

- D. A physician's statement recommending the employee's return to service without restrictions shall be submitted to the Personnel Office prior to her returning to work.
- E. Maternity leave shall be limited to one (1) year.

60.500.13 Health Leave (Cont'd)

- A. A request may be made for a leave of absence for reason of recuperation from illness or injury provided the employee has permanent status with the District.
- B. The request should pertain to that amount of time required to be absent from the position beyond the sick leave earned and vacation time accrued.
- C. A "Change in Employment Status" form must be submitted by the employee to department supervisor for approval, after which the request is forwarded to the Personnel Department of Classified Services for processing.
- D. Written evidence of illness must be obtained from the attending physician, chiropractor, or surgeon and submitted together with the request.
- E. When returning from a leave of absence for health reasons, the employee will be required to obtain a health clearance for normal duties from the attending physician, chiropractor, or surgeon at least three (3) working days prior to returning to duty. The clearance must be submitted to the Personnel Department of Classified Services. If there is concern that the employee may not be fit for duty, the employee may be required to undergo an exam by a physician selected by the District at the District's expense. Should the two physicians disagree, a third physician, whose decision will be final and binding, will examine the employee at the District's expense.

60.500.14 Personal Business

- A. An employee who has successfully completed the probationary period of employment, may be eligible to apply for a leave of absence without pay for reason of personal business.

60.500.14 Personal Business (Cont'd)

- B. A "Change in Employment Status" form must be submitted by the employee to the department supervisor for approval, after which the request is forwarded to the Personnel Department of Classified Services for processing.

60.500.15 Paid Family Leave

Employees who participate in State Disability Insurance will be entitled to Paid Family Leave administered by the Employment Development Department's (EDD) Disability Insurance Branch.

60.500.16 Paid Family Leave

- A. Paid Family Leave is available for care of a seriously ill child, spouse, parent, or domestic partner; to bond with a new child; or to bond with a minor child in connection with the adoption or foster care placement of that child.
- B. In the case of caring for a seriously ill family member, a medical certificate is required by the EDD.
- C. A claim for Paid Family Leave must be filed within 49 days of the first day of family leave to avoid losing benefits.
- D. The decision as to whether the employee is entitled to Paid Family Leave is entirely the responsibility of the EDD. Claims are to be submitted by mail to the address on the claim form, which may be secured through any California State Disability Insurance office, and in Classified Personnel.
- E. Paid Family Leave is for maximum of six weeks of benefits over a twelve-month period. Benefits may be used incrementally instead of all at once.
- F. For bonding, Paid Family Leave is limited to six weeks during the first year after the birth, adoption, or foster care placement of a child. A certification form must be completed for leave for this purpose.
- G. Benefits received while using Paid Family Leave will run concurrent with California Family Rights Act Leave and Federal Family Medical Leave Act leave.
- H. Individuals are not entitled to Paid Family Leave when another family member is able and available for the same period of time that the employee is providing care for a family member.

60.600 Layoff

60.600.1 Reason for Layoff

The layoff of classified employees shall only occur for a lack of work or a lack of funds, and only in accordance with the rules and regulations of the Personnel Commission. Any effects of layoff that may be negotiated by and between the District and any recognized exclusive representative shall be in addition to these rules and regulations. Any agreement between the District and a recognized exclusive representative may not provide for less than the mandated employee protections and procedures outlined in this chapter.

60.600.2 Advance Notification to Exclusive Representative

If any of the impacted positions are represented by a collective bargaining exclusive representative, the District and the exclusive bargaining representative shall meet in advance of layoff regarding effects of the proposed layoff. A copy of each layoff notice will be sent to the exclusive representative.

60.600.3 Action to be Taken by Board of Education

Before layoff notices can be issued, the Board of Education shall take action to abolish or reduce positions in assigned time, stating the reason for the abolishment(s) and/or reduction(s), giving the number of positions within each classification to be affected.

60.600.4 Notice of Layoff

The District shall notify the affected classified employees in writing a minimum of forty-five (45) calendar days prior to the date of any layoff for lack of work or funds. The notice to the affected employee shall specify the reason for the layoff and be given by personal delivery, or by certified mail and regular mail, to the last known home address of the employee on file in the Classified Personnel Office. Failure of the employee to notify Classified Personnel of a change of address shall not be grounds for voiding notification, or the staying of timelines outlined in these rules. For purposes of this rule, if a notice is mailed, the third working day following the postmark date of the notice shall be considered to be the official date of receipt.

60.600.4 Notice of Layoff (Cont'd)

Any notice of layoff shall include the following:

- a. reason for the layoff;
- b. employee's displacement rights, if any;
- c. employee's reemployment rights;
- d. right to an exit interview during Personnel Office working hours with the Director, Classified Personnel, and a representative of the exclusive bargaining representative, if desired;
- e. name and classification of the employee designated for layoff;
- f. statement that the employee may have a right to unemployment insurance.

60.600.5 Procedure Regarding Layoff

- A. The Personnel Commission shall establish and maintain a seniority list indicating an employee's hire date, and seniority within classification. Such roster shall be available to interested employees through the Classified Personnel Office.
- B. Length of service (seniority as prescribed herein) shall be the only criterion used to effect layoffs. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority, and, therefore, shall be laid off first. Reemployment shall be in the reverse order of layoff.
- C. Seniority within classification is to be computed by date employee enters the classification, minus unpaid breaks in employment (excluding summer, spring & winter breaks). Seniority within classification continues to accrue in lower classes held after employee promotes to higher classifications.

District seniority ("Length of Service) shall be calculated from employee's date of hire as a regular employee, minus unpaid breaks in service (excluding summer, spring & winter breaks).

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

60.600.5 Procedure Regarding Layoff (Cont'd)

- E. Classified employees laid off under this rule are eligible for reemployment for a period of thirty-nine (39) months and shall be reemployed in preference to new applicants.
- F. If two or more employees subject to layoff have equal class hire date and seniority, the employee with the least District seniority shall be laid off first. If District seniority is equal, the decision shall be made by lot.

60.600.6 Site Seniority

If a position in a classification is eliminated or reduced at a site or department which has multiple positions at that site or department with similar times, the least senior employee in that classification with those assigned hours will be bumped from the site before more senior employees in that classification and assigned hours are impacted.

EXAMPLE: A site has four Instructional Assistants that are each three (3) hours per day. If one three (3) hour position is eliminated at that site, the least senior of the four Instructional Assistants at that site will be bumped.

60.600.7 Bumping Rights

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

- 1st ... An employee whose position is eliminated or reduced shall first be placed in a vacant position with an equal assignment in the same class when compared with the employee's current position.
- 2nd ... If the previous option is unavailable, the employee shall be placed in a vacant position that has additional assigned time in the same class when compared with the employee's current position.

60.600.7 Bumping Rights (Cont'd)

- 3rd ... If the previous option is unavailable, the employee will be allowed to bump into a position providing an equal assignment in the same class when compared with the employee's current position, and which is occupied by a less senior employee.
- 4th ... If the previous option is unavailable, the employee will be allowed to bump into a position providing additional assigned time in the same class when compared with the employee's current position, and which is held by the least senior employee of those less senior employees holding positions with more assigned time.
- 5th... If the previous option is unavailable, the employee will be allowed to bump into a position in the class with less assigned time that is closest to the employee's current assigned time, and which is held by a less senior employee in the class. As an alternative, the employee shall also have the option of bumping into an equal (1st option) or lower class (2nd option) previously held as a regular classified employee that will provide at least the same assigned time as the employee's current position.
- 6th... If the employee is the least senior employee in the class, the employee shall have the option of bumping into an equal (1st option) or lower class (2nd option) previously held as a regular classified employee. The employee will repeat the sequence of options outlined in this rule for the equal class position first. If no alternative is available in the equal class, the employee will repeat the sequence of options outlined in this rule for the lower class.

60.600.8 Voluntary Demotion or Transfer

A classified employee who will suffer a layoff for lack of work or lack of funds may accept a voluntary demotion to a vacant position in a lower class or equal class, providing that the employee is deemed to be qualified to perform the duties thereof by the Personnel Commission, and provided further that the Board of Education approves the voluntary demotion or movement to an equal class.

60.600 Layoff (Cont'd)

60.600.9 Layoff Versus Temporary Positions

No regular classified employee shall be laid off from any position while employees serving temporary appointments are retained in positions of the same class, unless the regular employee refuses assignment to the temporary position.

60.600.10 Acceptance of Substitute or Temporary Employment

An employee who has been laid off for lack of funds or lack of work and who is on a reemployment list, may be employed as a substitute or temporary employee in his/her original class or any other class for which qualified (as determined by the Personnel Commission). Such employment shall in no way jeopardize or otherwise affect his/her status or eligibility for reemployment. This section is a negotiable issue for represented employees.

60.600.11 Refusal of Temporary Employment

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

60.600.12 Salary Placement After Demotion or Placement in an Equal Class

A classified employee who accepts a demotion in lieu of a layoff shall be placed on the salary range of the lower class, at the step closest to the employee's hourly salary rate in the higher classification, without being more than the previous hourly salary rate.

A classified employee who accepts placement in an equal classification shall be placed on the same salary range and step as in the previous position.

60.700 Reemployment Procedures

60.700.1 Laid Off Employees Placed on Reemployment List

The names of regular classified employees laid off pursuant to these rules shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in order of seniority as defined by these rules.

If two or more employees subject to rehire have equal class hire date seniority, then the rehire offer shall be made to the employee with the earliest regular hire date in the District. If regular hire date is equal, the rehire offer shall be made to the employee with the earliest District hire date. If District hire date is equal, the decision shall be made by lot.

60.700.2 Eligible for Reemployment for 39 Months

Laid off employees are eligible for reemployment in the class from which laid off for a thirty-nine (39) month period from the date of the actual layoff and shall be employed in the reverse order of layoff. Their reemployment shall take precedence over any other type of employment, defined or undefined, in these rules. In addition, they shall have the right to apply for promotional and transfer positions and use their seniority therein for a period of thirty-nine (39) months following layoff. Upon written request to the Personnel Commission Office, an employee on a reemployment list shall be notified of promotional and/or transfer opportunities.

60.700.3 Additional Eligibility

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

When an employee who took a voluntary demotion or voluntary reduction in assigned time in lieu of layoff separates from the District prior to being reemployment in the class from which laid off, the status of that employee reverts to placement on the reemployment list, with eligibility for reemployment for thirty-nine (39) months from the date of layoff.

60.700.4 P.E.R.S. Retirement In Lieu of Layoff and Reemployment

Regular employees who have at least five (5) years of service credit under the Public Employees Retirement System and are fifty (50) years of age or older, may elect to accept a service retirement in lieu of layoff, voluntary demotion, or reductions in assigned time. Such employees shall, prior to the effective date of the proposed layoff, complete and submit a form to the Public Employees Retirement System provided by the Classified Personnel Office for this purpose. The employee shall then be placed on a thirty-nine (39) month reemployment list in accordance with this regulation. If the District makes an offer of reemployment, and the Classified Personnel Office receives a written acceptance of the offer within five (5) working days, the retired person shall be allowed sufficient time to terminate his/her retired status with the Public Employees Retirement System.

60.700.5 Reemployment in Highest Class Available

Employees shall be reemployed in the highest available classification in which the employee has seniority in accordance with their length of service in the class from which they were laid off, equal classes, plus higher classes. Employees who accept a position upon reemployment which is lower than their former class, or is with less assigned time than their former position, shall retain their original thirty-nine (39) months rights to the higher position, and an additional twenty-four months as provided in Education Code section 45298.

60.700.6 Offer of Reemployment and Acceptance

An employee who is laid off and is subsequently determined by the Personnel Commission to be eligible for reemployment based upon his/her seniority shall be notified by the Classified Personnel Office by telephone, but if he/she cannot be reached by phone, will be notified in writing of an opening. Such notice shall be sent by certified mail and regular mail to the last known home address of the employee on file in the Classified Personnel Office. It shall be the responsibility of the employee to notify the Classified Personnel Office of any change of address. Failure of the employee to retrieve delivered mail, or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. For purposes of this rule, the third working day following the postmark date of the notice shall be considered to be the official date of receipt.

The laid off employee shall notify the Classified Personnel Office of his/her intent to accept or decline reemployment within five (5) working days following receipt of the reemployment notice. If the employee accepts reemployment, the employee must be available to report to work within ten

60.700 Reemployment Procedures (Cont'd)

60.700.6 Offer of Reemployment and Acceptance (Cont'd)

(10) working days of the offer, or at a date mutually agreed upon by District and employee.

If a laid off employee declines reemployment to an equal assignment in the classification the employee held when laid off, the employee will be removed from the reemployment list.

60.800 Resignation

60.800.1 Procedure for Submitting Resignation

- A. When an employee desires to resign from the classified service, the employee shall submit to the nominating authority, two (2) weeks in advance of the last day the employee intends to work, a formal resignation in writing. The nominating authority shall forward a copy of such resignation to the Personnel Director.

- B. The form entitled "Change of Employment Status" should be completed in duplicate. The following information should be indicated:
 - 1. Reason for resignation
 - 2. Last day of employment

- C. After the Department Supervisor has signed the termination form, it should be forwarded to the Personnel Department of Classified Services for processing to the Board of Education.

60.900 Disciplinary Action and Appeals

60.900.1 Disciplinary Action

A. When an employee in the classified service has failed or fails to perform the duties of the position in a satisfactory manner, or has committed any act or acts to the prejudice of the public service, or has failed to perform any act or acts the employee was hired to perform, or whose service rendered is below satisfactory standards, or who otherwise has become subject to disciplinary or other corrective measures, the Board of Education shall have the power, and it shall be its duty, to take action subject to the provisions of the Education Code and these rules. Except in extraordinary circumstances warranting a diversion from these procedures, the Board of Education will exercise progressive discipline as follows:

1. To reprimand the employee and record such reprimand in employee's personnel files;
2. to suspend the employee without pay;
3. to discharge the employee from the service of the District.

Other Disciplinary options available to the Board of Education are:

1. the demotion of the employee to a lower class;
2. reducing the employee in step within salary range;
3. extending the employee's anniversary date

60.900.2 Causes for Suspension, Demotion, Dismissal

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

1. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code or of rules, regulations, or procedure is adopted by the Board of Education or the Personnel Commission pursuant to it, provided that specific instances must be set forth as to any of the causes enumerated under this heading.

60.900 Disciplinary Action and Appeals (Cont'd)

60.900.2 Causes for Suspension, Demotion, Dismissal (Cont'd)

2. Dishonesty, immoral conduct, or conduct of such a nature that continued employment would be detrimental to the operations at the site, in the department, or of the district.
3. Political activities engaged in by an employee during assigned hours of employment, or any of the other reasons enumerated in rule 80.300.2 relating to political activity, which include:
 - A. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval;
 - B. the use of any District property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty;
 - C. engaging in active campaigning on behalf of any candidate for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during employee's assigned hours of employment;
 - D. attempting to gain any advancement or privilege under the Act or these rules through political activity.
4. Conviction of a serious or violent felony; conviction of a serious crime by a court of law; a record of one (1) or more convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading information on application forms or examination and employment records concerning material matters.
5. Frequent unexcused absence or tardiness.
6. Illness leave, when habitually taken.
7. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges.

60.900 Disciplinary Action and Appeals (Cont'd)

60.900.2 Causes for Suspension, Demotion, Dismissal (Cont'd)

8. Failure to report for review of criminal records or for health examination after due notice.
9. Advocacy of overthrow of the Government of the United States, or the State of California, by force, violence, or other unlawful means.
10. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which would have precluded acceptance as an eligible for assignment.
11. Failure to report to work without notification for a period of three (3) consecutive days.
12. Physical inability to perform the tasks assigned to employee's classification.
13. Possession of alcoholic beverage, drinking alcoholic beverages, being intoxicated while on the job, and/or unauthorized use of narcotics or habit-forming drugs.
14. Reporting to work, or being on duty, in a condition which due to alcohol or other substance causes the employee to be unable to perform assigned tasks, and/or at risk of harming him/herself or others.
15. Failure to be and remain insurable at the standard rate when driving district vehicle is a requirement of employee's position.
16. Ethnic, racial, religious, or sexual harassment of another individual. Sexual harassment is defined as unwelcome sexual advances, and/or verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace.
17. Making a verbal assault with or without the threat of battery, or physical attack on a pupil, a member of the public, another District employee, or a District official.
18. Defrauding the District by falsely marking, or having another falsely mark, the employee as present at work in order to collect pay, or collecting sick leave or industrial accident/illness leave pay while working elsewhere for pay during his/her normal scheduled work assignment with the District.

60.900.2 Causes for Suspension, Demotion, Dismissal (Cont'd)

19. Theft or willful misuse of public or private property, misappropriation of District funds, willful destruction or mishandling of public or private property, or acting as accomplice in any of the practices listed herein.
20. Failure to acquire within specified time, and/or maintain in force, license, registration, and/or certification required for position.
21. Failure to pass exams required for positions, ie., DMV, respirator fitness exam, DOT drug test, bus driver certification.
22. Any action or behavior on the part of the employee which presents a clear and present danger to the health or safety of the employee, students, fellow employees, or District property.

The following causes for Suspension, Demotion, and Dismissal shall apply only to employees performing safety-sensitive functions who are required to possess a commercial motor vehicle license....

23. Possession or use of alcohol on the job; use of alcohol in the four hours immediately preceding the work day resulting in a blood level of .02 or greater; and/or use of alcohol during the eight hours following a motor vehicle accident which occurred while on duty, or until a post-accident test has been administered.
24. Use of possession of a controlled substance except when prescribed by a licensed physician, osteopath, psychiatrist, dentist, or other medical professional licensed to prescribe controlled substances under California state law.
25. Failure of employee to immediately inform supervisor s/he is using a controlled substance prescribed by his/her physician which the employee's physician has stated will adversely affect the employee's ability to safely perform his/her duties.
26. Reporting for work while using a controlled substance which adversely affects the employee's ability to safely perform the duties of his/her position.
27. Refusing to submit to the following tests for alcohol or controlled substances: When given notice to do so due to reasonable suspicion of use and being under the influence; following an on-duty motor vehicle accident; for return-to-duty and follow-up testing; and, for random testing.

60.900 Disciplinary Action and Appeals (Cont'd)

60.900.2 Causes for Suspension, Demotion, Dismissal (Cont'd)

28. Purposefully adulterating, tampering, substituting, or otherwise modifying a urine sample collected under the District's drug and alcohol testing program.

60.900.3 Procedure for Disciplinary Action

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of Paragraph A.3, of Rule 60.900.2.
- B. When a permanent employee is to be suspended, demoted, reduced in range, or dismissed, except in the case of abandonment of position, specific written charges shall be prepared and presented for approval of the Board of Education. The stated charges must contain the specific acts and omissions on which disciplinary action is based and any rule or regulation violated so that the employee will know the exact complaints.
- C. Prior to the presentation of a suspension, dismissal, or demotion item for action to the governing Board, a permanent employee shall receive a written notice including the following information:
 1. The date the action will be effective;
 2. the charges on which the recommendation is based;
 3. any relevant written materials, reports, and documents;
 4. the date the action will be presented to the Governing Board;
 5. notification that the employee is entitled to respond to the charges at a Skelly hearing, either orally or in writing, within five (5) working days to the Skelly Hearing Officer.
- D. When formal disciplinary action has been approved by the Board of Education, the action and the stated charges shall be reported to the Personnel Director, who shall immediately notify the employee of the specific charge(s) in writing, by certified or registered mail, including a copy of the stated acts and omissions and a statement of employee's right to appeal, if any, together with a copy of Rule 60.900.4, and shall report the action to the Commission at its next regular meeting.
- E. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board of

60.900 Disciplinary Action and Appeals (Cont'd)

60.900.3 Procedure for Disciplinary Action (Cont'd)

E. (Cont'd)

Education. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.

- F. A regular employee charged with the commission of any sex offense as defined in Section 44010 of the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction, may be suspended as provided for in Section 45304 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in the Code section.
- G. Dismissal shall cause removal of the employee's name from all employment lists.
- H. Failure to appeal, as provided below, shall make the action of the Board of Education final and conclusive.

60.900.4 Appeals

- A. A permanent employee who has been suspended, demoted, reduced in range, or dismissed, may appeal to the Personnel Commission within fourteen (14) days after the action has been approved by the Board of Education by filing a written answer to such charges. Appeal can be made only on any of the following grounds:
 - 1. That the procedures set forth in these rules have not been followed;
 - 2. that the action was made because of affiliations, political or religious acts or opinions, race, color, sex, or marital status;
 - 3. that the action was arbitrary or capricious;
 - 4. that the action taken was not in accordance with the facts.
- B. A permanent employee who has not served the full probationary period for the class, and who is demoted to the class from which promoted, may request an investigation by the Commission within fourteen (14) days after the receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the four grounds provided above for appeals.

60.900.4 Appeals (Cont'd)

F. (Cont'd)

The Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for investigation, but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Board of Education and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall not be subject to review by the Board of Education.

60.900.5 Hearing Procedure

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representation.
- G. The Commission may, and shall if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

60.900.5 Hearing Procedure (Cont'd)

- I. Whether the hearing is held in a public or Closed Session, the Commission, after it concludes the hearing, may deliberate its decision in Closed Session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations.
- J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible.
- K. The Commission may sustain, modify, or reject any or all of the charges or the disciplinary action invoked against the employee. The Commission may not provide for discipline more stringent than that invoked by the Board. If the Commission sustains the employee, it may order paid all or part of employee's full compensation from the time of suspension, demotion, or dismissal, and it shall order employee's reinstatement upon such terms and conditions as it may determine appropriate.

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

- L. The Commission's order of judgment will be filed with the Board of Education and the charged employee setting forth its findings and decision. If a dismissal is involved and not sustained, its order shall set forth the effective date the employee is to be reinstated, which may be any time on or after the date of the disciplinary actions.
- M. Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision it shall so notify the Commission in writing.
- N. If either the district's representative or the employee and/or his/her representative are unable to appear at the noticed place and time of a Personnel Commission hearing due to extenuating circumstances, notice shall be given to the Director of Classified Personnel during regular business hours no later than 72 hour prior to the scheduled hearing. Verification of the extenuating circumstance must be submitted to the Director of Classified Personnel.

60.900 Disciplinary Action and Appeals (Cont'd)

60.900.5 Hearing Procedure (Cont'd)

- O. Costs associated with postponement or cancellation of a scheduled hearing, including related hearing officer fees, will be assessed the responsible party if the requisite notice is not given or verification of extenuating circumstances is not supplied.

Chapter 70

Wage and Salary Provisions

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Chapter 70

Wage and Salary Provisions

70.100 Work Periods and Overtime

70.100.1 Workday and Workweek

The maximum number of hours of regular employment of an employee is eight (8) hours per day, and forty (40) hours per week. However, the Board of Education may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight (8) hours in one day or forty (40) hours in one week.

70.100.2 Overtime Defined

Overtime is defined as being ordered and authorized working time in excess of eight (8) hours in one day or forty (40) hours in one week. No one shall order or authorize overtime unless it is compensable as provided below. Overtime of less than thirty (30) minutes shall not be credited. Shorter intervals of work time are not cumulative for purposes of computing overtime.

Paid holidays and days of leave will be considered as basic days worked for the purpose of computing overtime. Personal time off is not included in overtime computation.

70.100.3 Compensation for Overtime

- A. A non-exempt employee who works authorized overtime shall be paid or receive time off at a rate equal to one and one-half (1-1/2) times the amount of overtime worked. A regular employee must be compensated at a rate not less than one and one-half (1-1/2) times his/her regular rate of pay for all hours worked after forty (40) hours per week.
- B. Compensatory time may be taken as time off in units of one-half (1/2) hour or more with the approval of the responsible administrator within twelve (12) calendar months following the month in which the overtime was worked and without impairing the service rendered to the employing district.

70.100 Work Periods and Overtime (Cont'd)

70.100.4 Classification Exempt from Overtime Payment

The Board of Education may, with the approval of the Personnel Commission where applicable, exempt specific classes of positions from compensation for overtime in excess of eight (8) hours in one day, provided that hours worked in excess of forty (40) in a calendar week shall be compensated on an overtime basis. Such exemption shall be applied only to those classes which the Board of Education and Personnel Commission, where applicable, specifically find to be subject to fluctuations in daily workings hours not susceptible to administrative control, such as security patrol and recreation classes, but shall not include food service and transportation classes.

70.100.5 Critical Emergency

The Board may declare overtime for critical emergencies and provide for cash compensation or compensating time off at a rate less than the overtime rate. Critical emergency as used herein means a civil disaster or other major occurrence that requires the use of school employees to the detriment of the financial ability of the District to meet the requirements of this section.

70.200 Application of Salary Schedule

70.200.1 Appointments

All appointments, promotions, and salary increases, shall be recommended by the nominating authority, certified by the Classified Personnel Director, and approved by the Board.

70.200.2 Initial Placement

- A. All salary advancements within each class shall not be automatic, but shall be based upon merit and fitness. Any and all advancements shall be contingent on the availability of funds.
- B. In most cases new employees shall be appointed at the hiring rate for the class as approved by the Board.
- C. In Cases where a request is made in advance by the hiring authority to place an individual upon initial employment above the first step of the salary range, justification will be provided to the Classified Personnel Director by the hiring authority, who shall make a determination of the appropriateness of the advanced placement.
- D. Schedule of movement across salary steps after initial hire and/or promotion shall not be altered, but shall be in accordance with rule 70.200.3 A.

70.200.3 Step Advancement

- A. Employees placed on Step 1 of a range may be eligible to advance to Step 2 on the first of the month following completion of six (6) months in the class, and from Step 2 to Step 3 on the first of the month following completion of another six (6) months in the class. Each succeeding step may be granted one (1) year from the preceding step. New employees placed above Step 2 of any range may advance on one (1) year intervals until the maximum step has been achieved.
- B. For the purpose of this rule, an appointment made between the first and fifteenth day of the month shall be considered as effective on the first day. Later appointments shall be considered as effective at the beginning of the next month.

70.200 Application of Salary Schedule (Cont'd)

70.200.4 Promotions

An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the first step of the salary range that is next above the rate the employee received in the previous class, but must be a minimum increase of 5%, provided it can be accomplished within the class range. For the purpose of this rule, appointment of an employee to a class with a salary range equal to or below employee's current range shall not be considered a promotion and shall not warrant a salary increase.

70.200.5 Placement After Leave of Absence

Unless the leave taken under these rules or law provides that the break in service will be disregarded, the employee upon return from a leave of absence, will resume step placement and advancement with leave time not being counted for step advancement purposes.

70.200.6 Placement When Demoted

- A. An employee who accepts a voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate earned in the higher class, provided that employee shall not receive a salary increase thereby. The employee shall retain the anniversary date established in the higher class.
- B. Should an employee's position be abolished and a new position with a lower salary range established in its place, the following procedure will apply. The employee may request a voluntary demotion to the new position and be "Y" rated at employee's current salary, provided employee has been with the District three (3) years or more.

70.200.7 Salary Placement - Summer School Employment

Employees assigned to work summer session who are not regularly assigned during this time shall be paid at the step of the salary range for the classification in which they are serving that is nearest their regular rate of pay, but shall not be paid less than their regular rate of pay unless the summer session assignment is in a classification with a lesser rate of pay.

70.300 Holiday Pay

70.300.1 Eligibility

- A. All classified employees will be entitled to payment for authorized holidays, provided they were in a paid status during any portion of the day immediately preceding or succeeding the holiday.
- B. Regular employees of the District who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.
- C. Earned vacation time, and bona fide sick leave for which the employee furnishes a doctor's certificate, if required, are considered as days worked for this purpose.
- D. If the supervisor requests that an employee perform authorized work on a holiday which falls during the work week, the employee will be paid overtime rate in addition to the basic pay.

70.300.2 Designated Holidays

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

Independence Day
Labor Day
Admission Day
Veteran's Day
Thanksgiving Day and the following Friday
Christmas Day
New Year's Day
Lincoln's Day
Washington's Day
Memorial Day

In addition to the above holidays, every day appointed by the President, or the Governor of this State, as provided for a public fast, thanksgiving, or holiday, or any day declared a holiday covered by Code in which the Board of Education specified it shall be a holiday for classified employees.

70.400 Payrolls

70.400.1 Official Roster

The Personnel Director shall maintain, in the Personnel Office, an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Act.

70.400.2 Payroll Audit

The Personnel Director shall audit all initial assignments and changes of assignment for all classified personnel, and if found to be in accordance with existing law and rules, shall certify the assignment for payment. All changes of assignment, including transfer, change of hours, etc., shall be reported for certification by the Personnel Director. Each payroll time report shall be not only a certification of days and/or hours worked, but also a certification by the employee authorized to sign the time report that all payments thereon authorized are in accordance with the original certification by the Personnel Director. The Personnel Director shall make periodic audits of all payrolls, if assignments are not in accordance with law and rules, the Personnel Director shall withdraw his certification and order payment stopped in accordance with the following procedure:

If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report. Such notice shall serve as official notification of the Board of Education and the County offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for payment of salary or compensation to such person is unlawful.

Chapter 80

Miscellaneous Provisions

- 80.100 Procedure for the Adjustment of Complaint of Classified Personnel
- 80.100.1 Purpose of the Complaint Procedure
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Chapter 80

Miscellaneous Provisions

80.100 Procedure for the Adjustment of Complaint of Classified Personnel

80.100.1 Purpose of the Complaint Procedure

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

Because complaints should be adjusted as promptly as possible, various time limits have been established to minimize delays in the various steps that have been provided. There is an obligation on the part of an aggrieved employee to make known the existence of a complaint and the facts pertaining to the complaint within thirty (30) working days of any specific or documented incident, or at the earliest possible date after the recognition of a nonspecific occurrence, so that efforts can be made through the complaint procedure to resolve differences and to promote harmonious relationships.

80.100.2 Matters Excluded From the Complaint Procedure Shall Be:

- A. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Board of Education in Closed Session.
- B. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the complaint occurred. Such matters shall be processed through normal channels by the Personnel Commission.

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

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

80.100 Procedure for the Adjustment of Complaint of Classified Personnel (Cont'd)

80.100.2 Matters Excluded From the Complaint Procedure Shall Be: (Cont'd)

- D. All items covered by grievance procedures in master agreements between the Board of Education and organized employees.

80.100.3 Steps in the Complaint Procedure

- A. Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place to attempt to resolve the problem. The conference shall be confined to the parties immediately concerned. A prompt and courteous examination of the facts to reach a satisfactory adjustment shall be attempted within five (5) working days. The supervisor shall promptly communicate the decision and supporting reasons to the employee(s).
- B. Review
1. If the problem has not been resolved by the immediate supervisor, the employee may request in writing that a review be made by the next higher level supervisor.
 2. The supervisor shall attempt to hold a conference within five (5) working days after receiving the employee's request for review.
 3. The employee must be in attendance; employees may present their own case or may present the problem through a representative of their own choosing at the review and at any subsequent stage of the complaint procedure. The supervisor and the respondent may each have a representative at the review and at any subsequent stage of the complaint procedure. Any employee of the District may serve as a representative without prejudice or loss of salary, provided that notification is given to the employee's supervisor in advance.
 4. Following the written presentation of the complaint to the supervisor, if the complaint has not been resolved to the satisfaction of all concerned, the employee or representative shall present the complaint in writing to the Department Head or Principal with a copy to the Personnel Director, Classified, within five (5) working days. The respondent, if other than the supervisor, shall prepare a similar statement of his/her position and submit it to the supervisor, with a copy to the appellant and the Personnel Director, Classified.

80.100.3 Steps in the Complaint Procedure (Cont'd)

B. Review (Cont'd)

5. The Department Head or Principal shall communicate in writing his/her decision to all parties involved within five (5) working days.

C. Superintendent's Review

1. If the employee remains dissatisfied with the decision rendered, the employee may submit a written complaint within ten (10) working days after receipt of the decision, requesting a formal review by the Superintendent or the Superintendent's designee.
2. The Superintendent or the Superintendent's designee shall review the complaint and documentation submitted. The Superintendent or the Superintendent's designee shall notify the employee and all parties involved of the decision within ten (10) working days after receipt of the request.

D. Board of Education Review

1. If the employee is not satisfied with the decision submitted by the Superintendent, a written appeal may be made to the Board of Education within ten (10) working days after receipt of the findings, conclusions, and recommendations.
2. The Board of Education may review the records of the complaint, including the findings, conclusions, and recommendations, or conduct its own hearing or investigation of the appeal.
3. When the Board of Education has reached a decision, the Clerk of the Board of Education shall notify the Superintendent and the individuals involved as soon as possible after the completion of the review of the appeal. The Superintendent shall implement the decision.
4. The decision of the Board of Education on an appeal shall be final and conclusive.

80.200.1 Employee Organization

Recognition of Employee Organization

- (1) The procedure for verifying that an organization does in fact represent employees of the District shall be in accordance with the District rules and regulations herein.
- (2) Each organization claiming to represent employees of the District shall file with the District Superintendent a statement setting forth:
 - (a) The name and mailing address of the organization;
 - (b) if the organization is incorporated, the State in which it is incorporated;
 - (c) the name and mailing address of each area, state, or national association, or organization with which it is directly affiliated;
 - (d) the number of employees of the Downey Unified School District who are members in good standing of the local organization on the date of filing this statement;
 - (e) true and complete copies of the Articles of Incorporation or constitution, the by-laws, and any other written rules and regulations governing the organization.
- (3) Each statement shall be signed and verified by the President and Secretary of the organization.
- (4) Copies of any intervening amendments to any of these aforementioned instruments shall be attached to the first annual statement filed after the effective date of such amendment.
- (5) An annual statement shall be filed by the organization to include:
 - (a) The name, title, and mailing address of each officer of the organization;
 - (b) the name of each officer, committee chairperson, or official representative authorized to represent the organization and its members in appearances or discussions or conferences with the Superintendent, and appearances before the Board of Education;
 - (c) any limitation in the authority of an officer, committee chairperson, or official representative shall be so stated.
- (6) Within ten (10) working days after any change in the information submitted under subsection (5) of this rule, a written notice of such change shall be filed with the District Superintendent and shall be signed and verified by either the President or the Secretary of the organization, or by both of these officers.

80.200.1 Employee Organization (Cont'd)

- (7) The District Superintendent, upon receiving all signed and verified information, shall certify to the Board of Education that the information has been received in accordance with the approved policy and rules and regulations, and shall recommend that the organization be officially recognized.

Operating Procedures

- (1) The District Superintendent, as Secretary to the Board of Education, and/or Superintendent's designated representative, shall represent the Board of Education in all discussions in matters of concern to employee organizations. The submitting organizations shall present the matter(s) to the Board at the designated time and place.

Nothing in this policy shall be construed to be a condition of bargaining or an arbitration procedure for employee complaint.

- (2) All correspondence and inquires from employee organizations shall be directed to the District Superintendent.
- (3) The District Superintendent shall send official replies to all requests and/or reports made by officially recognized organizations.
- (4) Following discussion of policy decisions necessitating Board action, the District Superintendent shall present recommendations to the Board of Education for consideration and shall call upon official representatives of the employee organization concerned to make a presentation or statement prior to Board action, if the official organization representative requests such opportunity.
- (5) Employee organization reaction shall be submitted in writing to the District Superintendent for forwarding to the Board of Education, but the interested employee organization will be responsible for orally presenting its own reaction to the Board at the appropriate Board meeting.

Information Provided to Employee Organizations

- (1) The District Superintendent, or his designated representative, shall share any non-confidential information which may be deemed helpful in connection with discussions or a review of problem or policy changes under consideration.

80.200 Employer-Employee Relations (Cont'd)

80.200.1 Employee Organization (Cont'd)

- (2) The District Superintendent shall furnish to the principle officer of each employee organization the following information:
 - (a) a copy of the budget work sheet as presented to the Board of Education and a copy of the tentative budget for the ensuing year at the time these are under consideration by the Board;
 - (b) a copy of amendments of or additions to administrative and/or Board policies affecting employer-employee relationships, in line with section (5) under Operating Procedures of these rules and regulations;
 - (c) any other non-confidential information pertaining to employment conditions for employer-employee relationships as requested by the principle officer of the organization.

Organization Communication With Employees

- (1) Employee organizations shall be entitled to the use of official bulletin boards and other means of communication to employees subject to the rules and regulations listed herein.
- (2) If the school or building has designated one (1) or more bulletin boards as staff bulletin boards, communications to employees shall be posted only on bulletin boards so designated.
- (3) Prior to posting, a copy of the communication shall be furnished to the Principal and/or to the person having direct supervision of the bulletin boards. The manner and duration of postings shall be approved by such person. All postings must be in compliance with Board of Education policies and these rules and regulations.
- (4) It shall be the policy of the Board of Education to permit the use of the school district distribution service (school mail) by employee organizations under the following conditions:
 - (a) The matter or material to be distributed shall relate to employer-employee relations;
 - (b) matter or material must be designated for members of the organization by name or to the organization's school representative by name;

80.200 Employer-Employee Relations (Cont'd)

80.200.1 Employee Organization (Cont'd)

- (c) the matter or material shall be distributed only to members in good standing of the organization distributing the material. If addressed to individuals it shall be distributed in the same manner as any other material. If addressed to the representative it shall be delivered to the named person. The named representative may distribute the material only to members of the organization.
- (5) Employee organizations may use the District mail to direct communications or announcements for public posting. Such communications shall be dated, must contain the name of the originating organization, and be signed or identified by the name of the officer or the organization responsible for the communication.
- (6) Faculty and/or department meeting time and regular work time may not be taken for organizational business, but short announcements may be made if approved by the Principal or department supervisor. Employee organization meetings shall be held separately from staff meetings allowing at least a five (5) minute interval between such meetings. All meetings shall be held allowing at least a thirty (30) minute interval after students are dismissed from class.
- (7) School facilities may be used for meetings if there is no conflict with other official school use and upon proper notification. Any and all such official meetings of the organization held on District premises shall be cleared and approved with the Civic Center (Use of School Facilities) permit.
- (8) Representatives of organizations shall not contact employees during the normal work day in which they are performing their duties in the operation of the school district, except where prior approval has been extended by the District Superintendent or his designated representative. Official representatives of employee organizations shall report to the school or department office before visiting an employee on the premises of the school or District building.
- (9) Each organization shall be fairly and equally described in all official bulletins and directories of the District when such recognized organizations are listed.
- (10) Payroll deductions shall be permitted for dues for employees organizations, for medical plans, and for other benefits in accordance with the provisions of the Education Code and the policies of the Board of Education.

Unlawful to Strike or Engage in Other Concerted Labor Activities

- A. Any employee, or group of employees, either by their own initiative or through an employee organization, leaving their duty assignment or refusing to perform or failing to report to duty as a result of a strike or other concerted labor activity may be considered as having abandoned their positions, and, if dismissed, shall not be eligible for reinstatement or subsequent employment with the District. The Board may bring charges against an employee or employees for abandonment of position under this rule.
- B. Any classified employee who is absent from duty, for any reason, during the period of unlawful strike, sit-down, slowdown, or other concerted activity shall be required to provide proper evidence that the employee's absence was lawful and in no way an effort on the employee's part to further the strike or concerted activity.
- C. Any rule prescribed in this Act which permits personal or illness absences without evidence of necessity is suspended and void during any attempted strike or other concerted labor activity against the District.

80.300 Political Activity

80.300.1 Political Activity Freedom

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

80.300.2 Cause for Disciplinary Action

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

- A. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval;
- B. the use of any District property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty;
- C. engaging in active campaigning on behalf of any candidate for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during employee's assigned hours of employment;
- D. attempting to gain any advancement or privilege under the Act or these rules through political activity.

80.300.3 Personal Candidacy

Any employee may be a candidate for any political office for which employee may file without suffering any loss of employment status in the District unless employee violates the provisions of Rule 80.300.2.

80.300.4 Leave of Absence to Campaign and Serve in Political Office

An employee who files for a political office may request, and shall be granted, an unpaid leave of absence which shall commence not earlier than one (1) month prior to the concerned election and continue until the election processes have been completed insofar as employee's candidacy is concerned.

80.300 Political Activity (Cont'd)

80.300.4 Leave of Absence to Campaign and Serve in Political Office (Cont'd)

An employee who is elected to a political office, other than as member of the District's Board of Education, the duties of which will clearly conflict with employee's normal duty hours and assignment with the District, may request, and shall be granted, an unpaid leave of absence, which shall commence on the date employee assumes the office and shall terminate not later than thirty (30) days after employee's last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave. Such leave shall not exceed eight (8) years.

An employee may not be sworn into office as an elected or appointed member of the District's Board of Education until he/she resigns as an employee. If an employee does not resign, the employment will automatically terminate upon being sworn into office in accordance with California education code section 35107.

80.300.5 Intent

It is the Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The District has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights, but, at the same time, to insure that its employees do not wrongfully use their duty hours or District facilities for political purposes.

80.400.1 Physical Examinations

A. Initial Employment

1. Every person being initially employed by the District in a regular position shall be required to comply with the provisions of Education Code Section 49406 (Examination for Tuberculosis).
2. Within thirty (30) days of initial employment, each person is required to submit adequate proof that employee has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within a sixty (60) day period preceding the date of employment.
3. Before appointment to a regular position in the classified service, the person selected by the nominating authority must pass a physical examination given by a licensed medical practitioner designated by the Board of Education.

B. After Employment

1. Every employee is required to undergo an examination to determine freedom from active tuberculosis at least once every four (4) years after employment.
2. The District shall maintain adequate records on each employee which indicate compliance with these rules and the law.
3. The District maintains the right to require physical/psychological examination(s) of employees at the District's expense by a licensed physician designated by the District, when it is deemed necessary for the safety and well-being of the employee and/or other employees.

C. School Bus Drivers

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

80.400 New Employee Clearances (Cont'd)

80.400.2 Criminal Records Check

A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place prior to employment.

B. Review of Criminal Records

1. All criminal records reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them, who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the Board of Education shall decide whether or not the person should be employed or retained in employment.

If the record discloses no information beyond that supplied by the person on the application form, and was accepted for examination and/or appointment, applicant shall be considered employable.

3. It is the responsibility of the employee to notify the Personnel Director, Classified Service, within ten (10) days of any arrest for a charge other than a minor traffic violation. Failure to comply with this regulation makes the employee subject to dismissal.

80.400.3 Employee Status Change

Notice of any change in employee's mailing address, place of residence, or phone number shall be given to the Classified Personnel Office within ten (10) days of such change. Failure or neglect to notify Classified Personnel of any such change waives the employee's right to timely notice in disciplinary proceedings, and may jeopardize prompt notification of employment information.

80.500 Violations of These Rules

80.500.1 Violations of These Rules

Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Section 45100) is guilty of a misdemeanor. It is also unlawful for any person to:

- A. Willfully, independently, or in cooperation with another person, defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under this article. . . .or Commission rule;
- B. willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article. . . .or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined;
- C. willfully furnish to any person any special or secret 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 this article. . . .or Commission rule.

80.600 Amendment of Rules

80.600.1 Authority

The Personnel Commission shall have authority to adopt, amend, or repeal these rules and regulations as provided under Education Code 45261, and shall notify the Board of Education prior to making such changes.

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