

Personnel Commission **BELLFLOWER** **Unified School District**

Classified Employees

Rules & Regulations

RULES AND REGULATIONS OF THE CLASSIFIED SERVICE

TO THE CLASSIFIED EMPLOYEES OF THE BELLFLOWER UNIFIED SCHOOL DISTRICT:

Contained herein are the rules and regulations for classified employees which have been adopted by the Personnel Commission and the Board of Education as a means of establishing a sound and equitable program within the District for the administration of the merit system. Each employee will be issued a copy of these rules and regulations, which they are expected to return to the Personnel Director's Office on the termination of their employment with the District.

Please read these rules carefully. They are published in order to provide you with information, knowledge, and understanding of your rights and privileges in the hope that you will be better able to function within the scope of your responsibilities in a manner that will bring credit and respect from our administrators, teachers, co-workers, and the people of the cities that we serve. You, as a classified employee, are a vital part of the educational program of the District; and, the caliber of the service you render has a significant effect on the quality of education provided for the young people of this community.

The Personnel Commission will make every effort to ensure that your rights are respected and that these rules and regulations are properly administered. It is your responsibility to perform your duties in a manner that will bring credit to yourself, members of the classified service, and the Bellflower Unified School District.

MEMBERS OF THE PERSONNEL COMMISSION

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PREFACE

These rules and regulations for the classified service of the Bellflower Unified School District are published to provide employees a source of reference to policies which affect them. In instances where the Education Code does not specifically delineate between certificated and classified, and it would reasonably apply to all employees, it has been determined that classified employees would be included under that section of the Education Code. The statements herein represent official actions of the Board of Education and the Personnel Commission and, as such, are as binding in the regulation of employee activity as is school law.

Changes, deletions, and additions to these rules and regulations will be accomplished only by approval of the Personnel Commission with the concurrence of the Board of Education and the Exclusive Representative. As changes occur, replacement pages will be typed and distributed.

All information contained herein is intended to comply with State and Federal laws and regulations and the policies of the Personnel Commission and Board of Education. Should there be a conflict between the information contained in this book and any policy established by these governing bodies, the State and Federal laws and regulations will take precedence.

PERSONNEL COMMISSION
RULES AND REGULATIONS

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DEFINITIONS

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

THE ACT: The Act shall mean those sections of the Education Code of the State of California applying to the merit system to classified employees in certain school districts.

ALLOCATION: The official placing of a position in a given class (assignment of a class title to a 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. It may change when an employee changes classifications.

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

APPOINTING AUTHORITY: The Board of Education of the Bellflower Unified School District.

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

BOARD: The Board of Education of the Bellflower Unified School District.

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

CAUSE: Those offenses enumerated in the State law or in the written rules and regulations of the Board of Education or the Personnel Commission justifying disciplinary actions against classified employees.

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

CERTIFICATION: The submission, by the Personnel Commission, 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 selects employees prior to the approval of the appointing authority.

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, skills, and abilities are demanded of incumbents; substantially the same tests of fitness may be used in choosing qualified appointees; and the same salary range may be applied with equity.

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

CLASSIFICATION PLAN: The design by which the positions created by the Board of Education are allocated to classes; the relationships between the classes are determined; and the procedures for periodical revision and updating of all classes is determined.

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 Bellflower 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 as the needs of the service require and there are sufficient applications on file for the class.

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

DIRECTOR OF CLASSIFIED PERSONNEL: The position established under the provisions of Education Code Sections 45240 and 45264.

DISCHARGE/DISMISSAL: Separation from service for cause.

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

DISTRICT: The Bellflower Unified School District.

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

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

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

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

EMERGENCY APPOINTMENT: An appointment for a period not exceeding 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, demote, be reinstated or 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.

EXEMPT EMPLOYEE: Employees paid on a salary wage rather than an hourly wage for a position being held; excluded from minimum wage and overtime regulations.

GOVERNING BOARD: The Board of Education of the Bellflower Unified School District.

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

HEARING: A formal meeting at which evidence is presented to the Personnel Commission or its designee by an employee or his/her designee concerning action or actions of the District affecting that employee, after which a final and binding decision is rendered by the Personnel Commission. Hearings may be held for any matter to which the Personnel Commission's authority extends.

HIRE DATE: The original, most recent or adjusted date of employment.

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

INVOLUNTARY LEAVE: Leaves of absence as a result of disciplinary action.

JOB DESCRIPTION: Refer to definition of class description.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds or because an employee has exhausted all leave privileges through illness or injury.

LEAVE OF ABSENCE: An approved absence from duty with or without pay for a prescribed period of time. Approval is required prior to the leave of absence.

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

LIMITED TERM EMPLOYEE: An employee who is serving as a substitute for an absent employee or in a position established for a period of six months or less.

MERIT SYSTEM: The order prescribed in these rules and regulations which govern all procedures and conditions of employment for applicants and for employees of the classified service of the Bellflower Unified School District.

NEGOTIATED CONTRACT: That contract between the District and the California School Employees Association (CSEA) covering wages, hours, and working conditions as signed and agreed to by both parties for a set period of time.

OPEN EXAMINATION: A competitive examination which is open to all persons, whether employed by this school district or not, who meet the specified qualifications and comply with the application procedures established by this school district. Unless the job requirements and the examination announcement provide otherwise, qualified applicants of either sex may be admitted to any open examination.

PART-TIME: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87.5% of the time normally assigned to the majority of the positions making up the classified service.

PERMANENT: As it applies to District employment status, an employee who has successfully completed an initial probationary period in the classified service. As it applies to employment status in a specific class, an employee who has completed the required probationary period for that class or who has entered that class by transfer, demotion, reinstatement, or reemployment, having previously served a probationary period in the same class or a higher class.

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

PERMANENT STATUS: A standing attained by a classified employee who has satisfactorily completed the probationary period prescribed by the merit system and who has been selected by the Board of Education as a permanent employee.

PERSONNEL COMMISSION: A body of three or five members appointed for alternating terms of three years whose responsibility it is to ensure the correct and equitable administration of the merit system within the Bellflower Unified School District.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person on a permanent or limited term basis. A position can only be established by action of the Board of Education.

PROBATIONARY EMPLOYEE: A classified employee who is serving the specified probationary period immediately following appointment to a permanent position from an eligibility list.

PROBATIONARY PERIOD: The six or twelve-month period of service immediately following 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 maximum 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 90 working days except in specified circumstances (see Government Code Section 21160.5 and Education Code Sections 45287-45289).

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

PUBLIC SCHOOL EMPLOYEE: Any person employed by any public school employer excepting those persons elected by popular vote or appointed by the Governor of the State of California.

PUBLIC SCHOOL EMPLOYER: A school district, a county board of education, a county superintendent of schools, or a personnel commission of a school district which has a merit system as provided by the Act.

RATIFICATION: Post approval of administrative action.

RECLASSIFICATION: A change in classification, after verification by investigation and study, resulting from a gradual accretion or diminishment of duties and responsibilities of a position.

REEMPLOYMENT: Reappointment to duty of an employee who has been laid off.

REEMPLOYMENT LIST: A list of names of those 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, or 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 following resignation or suspension, without examination, to a position in an employee's former class or in a related lower class in a regular or limited term status.

RELATIONSHIP: Those similarities or differences between positions and/or classes which are measured when the classification plan is administered: the way in which aspects or qualities of two or more positions and/or classes stand to one another.

RESIGNATION: A written statement expressing an employee's intention to voluntarily terminate employment with the Bellflower Unified School District.

RESTORATION: The reassignment to duty of an employee in the same class and status that he/she held when he/she resigned (includes reemployment). Also, the reassignment to the higher class of an employee who had demoted to a formerly held lower class or to a related class. Also, the reassignment of an employee to permanent status after reduction to limited term status.

RESTRICTED POSITION: Those positions which are specially funded and for which specific limitations on the field of competition have been required by the provisions of the special funding.

RULE OF THREE: The right of the appointing authority to select from the first three ranks of eligibles who are ready and willing to accept appointment.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range normally consists of five salary steps.

SALARY RATE: That amount of money authorized to be paid for a specific period of service for a particular classification, assignment, or contract.

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

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

SENIORITY: The total length of service as a regular classified employee from the first day of probationary employment with the District.

SEPARATION: Leaving a position. This 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.

STATUS: Standing which is acquired in a classification by reason of examination, certification from eligibility lists, election or appointment by the appointing authority, 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 the investigation of charges made against an employee.

TASK: A specific assignment given to an incumbent; work imposed by an employer or circumstance. This may be part of a duty or an entire duty.

TEMPORARY: Employment on a basis other than permanent or probationary.

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

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service (those exempted by law).

VOLUNTARY DEMOTION: Voluntary reassignment of a permanent employee to a lower related classification initiated by the employee's written request, stating the reasons, to the Personnel Commission. Upon approval by the appointing authority, the request may be granted by the Personnel Commission. The employee taking such a voluntary demotion shall be placed upon that same step of the salary schedule that he/she was in his/her previous classification.

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

WORK DAY: The period of time beginning each calendar day as the regular starting time of an employee's assigned shift and ending twenty-four hours later.

WORK WEEK: The period of time consisting of seven consecutive twenty-four hour days beginning each Monday at the regular starting time of an employee's assigned shift.

WORKDAY RATE: A special rate which allows the employee to retain their current compensation when their classification is downgraded, until the rate from the old class is included in their new salary range. The "Y" rating is then removed.

YEAR: Denotes a fiscal year beginning July 1 and ending June 30 unless specifically designated as a calendar year.

10.200 AUTHORITY OF PERSONNEL COMMISSION

10.200.1 STATUTORY AUTHORITY

- A. The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45261, and 45262 and other provisions governing the Merit System Act in the Education Code.
- B. It shall be the policy of the Personnel Commission to submit all new rules, changes, deletions, or additions to existing rules to the Board of Education and the Exclusive Representative for their concurrence.
- C. In such cases where the rule obviously requires Board of Education approval and/or it is difficult to define the division of Personnel Commission and Board of Education authority, the rule shall not become effective until it has been approved by the governing board.
- D. Notwithstanding the preceding, the Personnel Commission shall prescribe and amend, subject to Article VI of the Education Code (merit system), such rules as may be necessary to ensure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall be binding upon the Board of Education.

10.200.2 INTERPRETATION/APPLICATION OF RULES

The Personnel Commission recognizes that no set of rules can anticipate 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.

10.200.3 RULE AMENDMENT, DELETION, OR ADDITION

- A. The Personnel Commission is open to all responsible suggestions to amend the rules with prospective application; however, no rule, amendment, or new rule shall have retroactive applicability. So far as is possible, such proposals should be typewritten, refer specifically to the rule or section to be changed, and cite the reason for the proposed change. Proposals shall be presented to the Personnel Director for submission to the Personnel Commission for its consideration.

- B. Proposals for change shall be received by the Personnel Commission on a "first hearing" basis, and shall not be enacted at a first hearing unless an extreme emergency exists. The Personnel Commission shall refer the proposals to a second hearing and instruct the Personnel Director to refer the proposal to interested parties for comments and recommendations.
- C. Interested parties, including but not limited to the Board of Education and the Exclusive Representative of Classified Employees, shall be granted ample opportunity to present their ideas in regard to the proposal at the first hearing. When a proposal is determined by the Personnel Commission to be appropriate and required, it shall be enacted at the meeting following the second hearing, unless an emergency reason for earlier adoption can be shown. There shall be a majority action of the Personnel Commission to waive its rules and permit first reading adoption. If there are no significant changes, rules may be adopted at the second reading.

10.200.4 GENERIC TERMINOLOGY

As used in these rules, the term "his" refers to the feminine as well as the masculine. Singular terms shall be construed to include the plural and plural terms shall be construed to include the singular.

10.200.5 JUDICIAL REVIEW

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

10.200.6 EFFECT OF DATA CONTAINED IN ADDENDUM

Written materials contained in the addendum to these rules are to be interpreted as having the same force and effect as the Personnel Commission rules.

10.200.7 DISTRIBUTION OF RULES

Printed copies of these rules shall be given to each permanent employee at the time the employee is hired; revisions shall be distributed, following adoption, to job sites of classified employees in sufficient number to provide copies for all classified employees.

20.100 ORGANIZATION OF PERSONNEL COMMISSION

20.100.1 QUALIFICATIONS OF PERSONNEL COMMISSIONERS

To be eligible to serve and continue serving as a Personnel Commissioner, a person shall (a) be a registered voter and resident within the territorial jurisdiction of the Bellflower Unified School District and (b) be a known adherent of the merit system. No member of the Board of Education of any other school district or a county Board of Education shall be eligible to serve as a Personnel Commissioner. During his/her term of office, no member of the Personnel Commission shall be an employee of the District.

20.100.2 TERMS OF OFFICE

By law, the term of each Personnel Commissioner is for three years and expires at noon on December 1. By September 1 of each year, the Personnel Director shall notify the appropriate body of the name and home address of the Personnel Commissioner whose term will expire.

20.100.3 APPOINTMENT

- A. One member of the Personnel Commission shall be appointed by the Board of Education and one member, nominated by the classified employees of the District, shall be appointed by the Board of Education. These two members shall appoint the third member. Following selection, the name will be placed on the Board of Education agenda as an informational item. The Board of Education, by majority vote and with the agreement of the Personnel Commission, may elect to increase the number of Personnel Commissioners from three to five. Upon agreement for a five-member Personnel Commission, two members shall be appointed by the Board of Education and two members shall be nominated by the classified employees whom shall be appointed by the Board of Education. Those four members shall, in turn, appoint the fifth member of the Personnel Commission. As used in this section, "classified employees" shall mean the representative unit, specifically, the California School Employees Association, Chapter 32.

- B. When the Board appointee(s) is(are) completing a term, the Board shall announce, publicly and not later than September 30, the name(s) of the person(s) it intends to appoint or reappoint. At the Board meeting to be held at least 30 days and within 45 days following this announcement, the Board, in a public hearing, shall provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the Board. At that time, the Board may make its appointment, or a substitute appointment, without further notification or public hearing.
- C. When the classified employees' appointee(s) is(are) completing a term, the classified employees shall submit the name(s) of the person(s) it intends to appoint or reappoint to the Board of Education and to the Personnel Commission 30 days prior to the date in which the vacancy(ies) will occur. At the Board meeting to be held at least 30 days and within 45 days following this submission, the Board shall appoint that(those) nominee(s) unless the classified employees voluntarily withdraw the name(s) and submit a new nominee(s) who shall then be appointed following a public hearing at the next regular meeting of the Board of Education.
- D. When the third member of the Personnel Commission is completing a term, the two(four) seated Personnel Commissioners shall announce, publicly and not later than September 30, the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held at least 30 days and within 45 days following this announcement, the two(four) seated Personnel Commissioners, in a public hearing, shall provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the two(four) seated Personnel Commissioners. At that time, the two(four) seated Personnel Commissioners may make their appointment, or a substitute appointment, without further notification or public hearing and shall inform the Board of Education of the appointment.

(See Section 20.100.7 (c) to resolve impasse.)

20.100.4 OFFICERS

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

20.100.5 QUORUM AND MAJORITY

Two members shall constitute a quorum for any regular or special meeting of a three-member Personnel Commission. A minimum of three members shall constitute a quorum for any regular or special meeting of a five-member Personnel Commission. A simple majority vote shall be necessary for any action taken by the members of the Personnel Commission.

20.100.6 MEETING RULES

Roberts Rules of Order (latest edition) shall be used as a guide to the conduct of meetings. The Chair does not relinquish the right to participate in the meeting.

20.100.7 VACANCIES

- A. Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term following the procedures outlined in Education Code Sections 45245 and 45246 and Personnel Commission Rule Number 20.100.3 except the date of September 30 is suspended.
- B. In the event the resigning incumbent in the position nominated by the classified employees is unable to give a minimum of 30 days notice, the Personnel Director shall immediately notify the Board and the classified employees of the effective date of the vacancy. At its next meeting, the Board shall announce the vacancy and the name of the nominee, if known. The Board shall appoint the nominee at its first regular meeting in which the nominee is known.
- C. Should the vacancy be that of the appointee of the Commissioners appointed by the CSEA and the Board of Education, the remaining Commissioners shall announce the vacancy and their nominee, if known, at the next regular meeting. In the event there is an impasse in the selection of a nominee, the Executive Director of the State Personnel Board shall be notified. He/she shall be advised of the impasse and requested to take the required steps to name a nominee as the third Personnel Commissioner.

20.100.8 EMERGENCY APPOINTMENT

- A. Notwithstanding Section 20.100.7, the governing board, at the request of the Personnel Director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy or vacancies to ensure the continuance of the functions of the Personnel Commission.
- B. An interim appointment shall terminate on the date notification of permanent appointment is received by the appointee. An interim appointment in no event shall be valid for more than 60 days. Interim appointees must meet the requirements of Section 20.100.1 and be free of the restrictions therein.

20.200 PERSONNEL COMMISSION MEETINGS

20.200.1 REGULAR MEETINGS

- A. Subject to cancellation or proper change, the Commission shall, before June 30, adopt a meeting schedule for the next fiscal year. Such schedule shall indicate the day of the month, the time, and the place of all regular meetings. At least 48 hours notice of regular meetings shall be given to all Commissioners, employees, administration representatives, representatives of the exclusive bargaining agent, each of the following who have made written request for such notice: each local newspaper of general circulation, radio or television station; and all others who regularly receive agendas as listed on a distribution list as may be amended from time to time.
- B. All notices of regular meetings shall be posted on the District's official bulletin board(s).

20.200.2 ADJOURNED REGULAR MEETINGS

The Personnel Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour designated for regular meetings. Adjourned meeting agendas are limited to the items of the previously announced regular meeting agenda from which the adjourned meeting occurred.

20.200.3 SPECIAL MEETINGS

Special meetings may be called at any time by the Chairman or upon the written or oral request of any two members. A written meeting notice shall be delivered personally or by mail to each member of the Personnel Commission and all others as listed in Personnel Commission Rule Number 20.200.1. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the District's official bulletin board(s). The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered or heard at such meeting by the Personnel Commission.

20.200.4 STUDY SESSIONS

From time to time the Personnel Commission may, in addition to its regular meetings, determine that a meeting should be held to consider a specific item for study. Notice shall be given of the study session in the same manner as provided for in Personnel Commission Rule Numbers 20.200.1 and 20.200.2. However, the Commission shall take no action at the meeting, may elect not to hear the public, and shall limit its consideration only of published items.

20.200.5 PUBLIC MEETINGS

- A. All regular and special meetings of the Personnel Commission shall be open and public and all persons shall be permitted to attend any meetings of the Commission except as provided for in Personnel Commission Rule Number 20.200.6. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.
- B. Individual employees, employee organizations, and interested residents of the Bellflower Unified School District may submit their views in writing or orally to the Commission. Those persons desiring to speak to the Commission on an item appearing on the agenda will fill out a card which will be provided. They will provide their name and address and list the item on which they wish to speak. They will be provided reasonable opportunity to speak on an item preceding action by the Commission. Each individual may speak only once on an individual item for a period of not more than three minutes.
- C. Time will be provided on each agenda, near the beginning of the meeting to allow members of the audience to address the Commission on items NOT appearing on the agenda which may be of concern to them. Speakers may speak one at a time for not more than three minutes. With the consent of a majority of the Commission, the Chairman may waive this rule for official employee organization representatives.
- D. The Chairman and the Personnel Commission reserve the right to limit discussion and retain control of the meeting as provided in the Government Code.

20.200.6 CLOSED (EXECUTIVE) SESSIONS

The Personnel Commission may hold closed sessions pursuant to the provisions of the pertinent Education and Government Codes. The Commission shall determine who shall attend the closed sessions except that the Personnel Director shall be included in all deliberations.

20.200.7 AGENDA AND SUPPORTING DATA

- A. At least 48 hours prior to every regular meeting and study session and 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 District's bulletin board(s) and distributed to the news media which have requested it.
- B. Staff shall provide the Personnel Commissioners with their agenda not later than 4:30 p.m. 72 hours in advance of the meeting. Staff may provide electronic notice to the Personnel Commissioners.

20.200.8 AMENDMENT, DELETION, OR ADDITION TO RULES

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless 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 not be less than two weeks later. It shall also instruct the Personnel Director to refer the proposal to interested persons or organizations for comment and recommendation.
- 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.

20.200.9 MINUTES

The Personnel Director shall cause to be recorded and transcribed all regular and special meetings. With Commission approval, a Commissioner's dissent or approval and his/her reasons shall be recorded and be made an addendum to the minutes. The minutes shall be written and presented for correction and approval at the next regular meeting. Approved minutes or a true copy thereof, shall be open to public inspection. Copies of the approved minutes shall be distributed in subsequent agendas to recognized employee organizations representatives who have requested them.

20.300 PERSONNEL COMMISSION EMPLOYEES

20.300.1 STATUS OF PERSONNEL COMMISSION EMPLOYEES

The Personnel Director and other persons required to carry out the responsibilities of the Personnel Commission shall be appointed by and be responsible to 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 Personnel Commission employees except as the Personnel Commission may specifically direct. Appointment shall be from an eligibility list as provided in Personnel Commission Rule Number 50.100.1.

20.300.2 GENERAL DUTIES OF THE PERSONNEL DIRECTOR

- A. The Personnel Director shall be responsible for all of the duties and functions imposed upon him/her by law and these rules. He/she shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. He/she shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and rules necessary to the proper functioning of the office and staff of the Commission.
- B. The Personnel Director shall cause to be conducted classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as he/she deems necessary to his/her responsibilities. He/she may be designated as a hearing officer in accordance with Education Code Section 45312.
- 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 Personnel Commission. Where there appears to be a conflict with the Education Code, the matter shall be presented to the District's or Commission's legal counsel. Decisions may be verbal or in writing.

20.300.3 STAFF EVALUATION

Employees of the Personnel Commission shall be evaluated no less often than annually. The Personnel Director will evaluate the performance of assigned staff members. The Personnel Commission shall evaluate the performance of the Personnel Director annually. The Superintendent of Schools may be asked to evaluate the Personnel Director and will submit the report to the Personnel Commission.

20.400 MISCELLANEOUS PROVISIONS

20.400.1 COMMUNICATIONS

- A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Personnel 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 Personnel Commission to take up proposals except at open meetings unless the item meets the requirements for a closed session.

20.400.2 BUDGET

- A. The Personnel Director shall prepare and submit to the Personnel Commission a proposed operating budget for the Personnel Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in March for first reading.
- B. The Commission shall designate its meeting in May at which a public hearing on the proposed budget will be held. At the time the Commission schedules the public hearing, it shall direct the Personnel Director to forward a copy of the proposed budget to the Board of Education and to notify the Board of Education 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 fully 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 the Board.
- D. When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools for approval. Following approval, the budget shall be included in the District budget.

30.100 CLASSIFICATION PLAN

30.100.1 POSITIONS INCLUDED

- A. All positions established by the governing board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- 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

- A. Positions required by law to have certification qualifications such as but not limited to: (1) part-time playground positions, (2) full-time day students employed part-time, (3) apprentices, (4) school building inspectors, and (5) professional experts employed on a temporary basis for a specific project by the governing board or by the Personnel Commission when so designated by the Commission, shall be exempt from the classified service.
- B. The governing board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempted from the provisions of these rules insofar as they relate to position classification, recruitment, employment, and salary setting.
- C. Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board member(s).
- D. If a permanent classified employee is appointed to serve in such an exempt position, he/she shall retain status as a permanent employee. If he/she is terminated from the exempt position, he/she shall have bumping rights in his/her former class in the same manner as if he/she had been laid off for lack of work or lack of funds.

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 a weekly basis, is less than 87 1/2 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, his name and data relative to his 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 his own profession. Evidence of professional qualifications must be presented to the Personnel Commission at the time the written request for temporary appointment is made. Authorization for service shall be subject to approval by the Personnel Commission.

30.100.6 RESTRICTED POSITIONS AND EMPLOYEES

- A. If positions properly a part of the classified service are specially funded and, as a result of special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas, or other criteria which precludes employment through the normal competitive process, the positions shall, in addition to the assigned title, be designated as "restricted".

- B. Persons employed in restricted positions shall be classified employees, unless prohibited by funding agency, for all purposes except (1) they may not attain permanent status, (2) they shall not be accorded seniority rights, (3) they may not be given provisional appointments concurrent with status in restricted position, and (4) they are not eligible to compete in promotional examinations in the regular classified service.
- C. Notwithstanding the above rule, employees serving in restricted positions may, after completion of six months of satisfactory service, take the next competitive examination that is given for the class in which they are serving. If an employee successfully completes the examination and attains placement on the eligibility list, as a result thereof and regardless of his/her numerical standing on the eligibility list, he/she shall be considered a part of the regular classified service even though he/she may continue to serve in a restricted position, and be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted as of the date of his/her initial appointment to the restricted position.

30.100.7 WEEKEND/HOLIDAY POSITIONS

- A. The governing board may create a position or class of positions which require and permit the holders of such position(s) to work only on weekends and holidays. If so created, the Personnel Commission shall, in classifying the position:
 - 1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required.
 - 2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday. The overtime exemption shall not apply to hours required to be worked in excess of eight on any Saturday, Sunday, or holiday unless the class is specifically exempted in accordance with Education Code 45127 (for example, recreation and security classes).
 - 3. Assure itself that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is(are) being created to avoid overtime payment, it shall refuse to classify the position(s) and will notify the governing board accordingly.

30.200 GENERAL CLASSIFICATION RULES

30.200.1 ASSIGNMENT OF DUTIES

The Board of Education shall prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to his/her position, the Personnel Director shall report the facts to the responsible administrator in order that the appropriate action may be taken.

30.200.2 GENERAL NATURE OF THE CLASSIFICATION PLAN

The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the class(es) in each series which are usually filled by open competitive examination. Those classes not so designated shall be considered as promotional classes provided that the Personnel Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof. The list of classes shall contain designation of the salary rate or range applicable to each class.

30.200.3 CLASS SPECIFICATIONS (JOB DESCRIPTIONS)

- A. For each class of positions, as initially established or subsequently approved by the Personnel Commission, there shall be established and maintained a class specification which shall include:
1. The official class title.
 2. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.
 3. A statement of typical tasks to be performed by persons holding positions allocated to the class.
 4. A statement of minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics.

5. A statement of distinguishing characteristics which differentiates the class from other related or similar classes.
6. License or other special requirements for employment or service in the class.
7. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his/her qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
8. Minimum qualifications may never require a teaching, administrative, or other credential, nor may they require work experience which essentially would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

30.200.4 INTERPRETATION OF CLASS SPECIFICATIONS

- A. The class specifications and their various parts are declared to have the following force and effect:
 1. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission or its designee.
 2. 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 from 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.

3. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition, freedom from disabling defects, citizenship (see Labor Code Section 1940 et seq. for exceptions), honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements.
4. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualifications of candidates seeking appointment to positions allocated to the class but does not require a particular form or content of test or testing procedure.
5. The class title shall always be used with the meaning set forth in the remainder of the specification.

30.200.5 ALLOCATION OF POSITIONS TO CLASSES

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

30.200.6 CHANGES IN DUTIES OF POSITIONS

Any substantial changes in the duties of existing positions shall be reported in writing from the immediate supervisor to the Personnel Director who shall cause them to be reviewed toward determining whether the positions should be allocated to different classes.

30.200.7 WORKING OUT OF CLASSIFICATIONS

- A. An employee is not expected to be required to work out of classification in a higher classification; but when he/she is required to do so, the fact shall be reported to the Personnel Director who shall investigate and determine (1) at what classification level the employee is being required to work, (2) the length of time the employee has been performing the higher classification duties, and (3) how long the employee will be required to perform the duties of the higher classification.

- B. Classified employees shall not be required to perform duties of a higher classification level for any period of time which exceeds five eight-hour working days within a fifteen calendar day period except as authorized herein. An employee may be required to perform duties of a higher level, inconsistent with those assigned to the position, for a period of not more than five working days provided that his/her salary is adjusted upward for the entire period he/she is required to work out of classification and to a step on the new range which is at least five percent above his/her current salary placement.
- C. In the case of a classified employee required to work out of classification in the absence of the regular incumbent of the position, the employee who is working out of classification shall not have higher salary adjusted higher than step 5 of the salary range of the classification that he/she is temporarily replacing.
- D. Supervisors, department heads, and principals who require employees to work out of classification at a higher level for more than five working days in a fifteen calendar day period shall file an evaluation form on the employee's performance during the entire period the employee was required to perform work in the higher classification. This evaluation form must be submitted to the Personnel Director within five working days after the employee has completed his/her temporary assignment.
- E. A memo must be submitted to the Personnel Director the first working day following the employee's completion of working out of classification stating (1) the date the employee first worked in the higher classification, and (2) the date the assignment was completed.

30.200.8 REVIEW OF POSITIONS

The Personnel Director or designee shall periodically review the duties and responsibilities of positions as necessary to determine their proper classification. If it is found that a position or positions should be reclassified, he/she shall advise the administration of his/her findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Personnel Director shall report his/her findings and recommendations to the Personnel Commission. He/she shall also report his/her findings in cases where his/her review indicates that no change in classification is necessary.

30.200.9 CREATION OF POSITIONS

- A. When the Board of Education creates a new position, it shall submit to the Personnel Director, in writing, the duties to be performed by the position. The Personnel Director shall present recommendations to the Personnel Commission which shall:
 - 1. Classify the position and determine whether the position should be allocated to an existing class or to a new class. Set the minimum educational and work experience requirements.
 - 2. Recommend the proper salary placement of a new class, if one is established.
 - 3. Notify the Board of Education of its actions.

30.200.10 POSITIONS WITH SPECIAL REQUIREMENTS

- A. The Board of Education may, with the approval of the Personnel Commission, designate positions within a class which require the holder of a position to speak, read, and write a language in addition to English or require that the incumbent be male or female. The Board of Education must clearly set forth valid reasons for placing special requirements on a position.
- B. An announcement calling for an examination for a class with position(s) containing special requirements will contain appropriate information and will indicate that successful candidates possessing the special requirements will be given preference over other successful candidates, as authorized in Rule 50.200.13, but only as to those specific positions.
- C. When a vacancy occurs in a position which has approved special requirements, the Board of Education will notify the Personnel Commission that the need for special requirements continues to be a part of the position.
- D. If a request from the Board of Education to designate a position for special requirements is challenged, the Personnel Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking action on the request.

30.200.11 MANDATORY TITLES

As required, teacher aide classes of positions shall be assigned a basic title of Instructional Assistant. The Personnel Commission, in classifying all such positions, shall determine sub-classes thereof, if any, and additions to the basic title as well as completing other classification requirements.

30.200.12 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.
- B. A thirty-day period shall elapse between the initial reorganizational proposal and the final action taken by the Board of Education for adoption.
- C. Classified employees affected by the reorganization shall be given a minimum of thirty days of notice. The employee shall be given detailed information as to the procedure they must follow should their position be abolished due to this reorganization.
- D. 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 Director together with a statement of the reasons for requesting study. Requests for study may be initiated by the administration, with the approval of the Superintendent, or by employees or employee organizations providing other prescribed channels have been used. Requests initiated by the administration 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 Personnel Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but not for more than three months.

30.300.3 EFFECTS ON INCUMBENTS

- A. For an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties and not by a sudden change resulting from reorganization or duty changes by the Board of Education. Determination of gradual accretion of duties 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. Period of time over which such changes occurred.
 - 3. Organizational changes affecting the position.
 - 4. Evidence of the employee's performance of added duties and responsibilities.
- B. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until at least three 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 that the incumbent has greater seniority in the class.
 2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he/she had greater seniority in that class.
 3. The right to be demoted or to transfer, to the class to which his/her position is reclassified.
- D. The employee may choose to transfer, demote, or exercise bumping rights at his/her option; and, his/her choice shall not affect his/her rights under Rule 30.300.4.

30.300.4 REEMPLOYMENT LIST

- A. Any displacement of a regular employee resulting from a reclassification of a position 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.
- B. This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.

30.300.5 NOTIFICATION OF PROPOSED CLASSIFICATIONS OR RECLASSIFICATIONS

No classification or reclassification plan shall be adopted by the Personnel Commission if such a plan would affect classified employees who are represented by the exclusive bargaining representative unless the exclusive bargaining representative has been given reasonable notice of the proposed classification or reclassification plan.

40.100 APPLICATION FOR EMPLOYMENT

40.100.1 FILING OF APPLICATIONS

- A. All applications for employment shall be made upon official forms furnished by the Personnel Commission, filled out as therein directed, and filed on or before the date and hour specified and in the office specified in the examination announcement.
- B. Applicants taking more than one examination must file a separate and complete original application for each such examination.

40.100.2 GENERAL QUALIFICATIONS OF APPLICANTS

Applicants must be citizens of the United States or have filed appropriate intention to become citizens as provided in the Labor Code, except as otherwise provided in law, and possess all other requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he/she applies.

40.100.3 ELIMINATION OF UNFIT APPLICANTS, CANDIDATES, AND ELIGIBLES

- A. An applicant or candidate may be refused examination and an eligible may be refused certification or appointment for any of the following reasons:
 - 1. Failure to meet the general qualifications of Rule 40.100.2.
 - 2. Membership in the Communist Party and/or failure to execute the oath of allegiance required by the State of California.
 - 3. Advocacy of overthrow of the Government of the United States or the State of California by force or other unlawful means.
 - 4. Conviction of or pleading guilty in court to a charge of moral turpitude, any sex offense, or mistreatment of children.
 - 5. Criminal, infamous, dishonest, immoral, or disgraceful conduct according to the standards approved by the Personnel Commission.

6. Making a false statement or omitting a statement as to any material fact on the application form.
7. Practicing any deception or fraud in connection with an examination to secure employment.
8. Use of drugs prohibited by law and/or use of intoxicating beverages to excess.
9. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
10. Previous dismissal from this District unless the District waives this subsection.
11. A record of unsatisfactory service with this District even though separation has not occurred; a record of unsatisfactory service verified through employment checks or frequent job changes.
12. Unsatisfactory health conditions.
13. Discharge other than honorable from the armed forces of the United States.
14. Failure to report for duty after an assignment has been offered and accepted.
15. Failure, after due notice, to report promptly for review of any of the above basis for rejection.
16. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or the 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. The notification shall state:
 1. The reason(s) for rejections.
 2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.

3. That, within seven calendar days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
- B. If there has been an administrative review as provided above and the rejection is sustained, the individual shall be:
1. Given a written notice outlining the reason(s) for sustaining the rejection.
 2. Informed of his/her right to make a written appeal of the rejection and/or the period of disqualification within seven calendar days to the Personnel Commission. The appeal may be based on any of the following reasons:
 - a. Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin, or ancestry.
 - b. Abuse of discretion.
 - c. Inconsistency in the reasons given for the rejection with the facts.
- C. Upon receipt of an appeal, the Personnel 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 ACTION WHEN REJECTION IS NOT SUSTAINED

If a rejection is not sustained by the Personnel Director or the Personnel Commission, the Personnel Director shall institute immediate action to ensure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

40.100.6 APPLICATIONS NOT TO BE RETURNED

All applications and examination papers are confidential records of the District and shall not be returned to the applicants (see Labor Code Section 432).

40.100.7 APPLICANTS' NAMES NOT MADE PUBLIC

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

40.100.8 VETERANS' PREFERENCE

- A. Veterans' preference points shall be added to passing scores in open examinations. Point values shall be 5 points for veterans and 10 points for disabled veterans (Ed Code 45296). At least thirty days of active service in the Army, Navy, Marines, Air Force, or Coast Guard, or as a nurse on active duty with the Red Cross.
- B. In order to obtain credit, the applicant shall furnish satisfactory proof (DD214) of qualifying military service prior to the establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.

40.200 EXAMINATIONS

40.200.1 EXAMINATIONS BARRED

No examination announcement may be made and no part of any examination may be held until the Board of Education has properly approved the position duties, if it is a reclassification or a new class, and the Personnel Commission has completed the position classification, including the establishment of minimum education and work experience requirements.

40.200.2 PROMOTIONAL EXAMINATIONS

Examinations above the entry level shall, where practicable and as determined by the Personnel Commission or its designee, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Personnel Commission or its designee may order an open examination or simultaneous dual certification examinations. Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class.

40.200.3 EXAMINATIONS FOR CERTAIN POSITIONS OR CLASSES

- A. Examinations for the position of Business Manager or any other single position class at or above the level of Business Manager shall be held on an open and promotional basis (dual certification).
- B. When such examinations are held, all permanent employees of the District (classified and certificated) who meet the minimum qualifications shall be allowed to compete in the promotional examination.
- C. A single eligibility list, using the rule of three ranks, will be developed from among the passing open and promotional candidates. Rating will be in accordance with the final score plus authorized credits.
- D. These examinations are not, by law, considered entrance examinations; and, military preference credits are, therefore, not to be included.

40.200.4 NOTICE OF EXAMINATION (PUBLIC)

- A. Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist, an examination shall be held to provide eligibles. At least fifteen working days advanced public notice of such examinations shall be given and shall be posted at all work locations a minimum of fifteen working days. The notice shall contain the following facts:
1. Description of the scope of duties and responsibilities of the position and the class.
 2. The minimum qualifications required.
 3. The salary and other forms of compensation.
 4. The last date for filing an application.
 5. The weights of the various parts of the examination.
 6. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.

40.200.5 WHO MAY COMPETE IN EXAMINATIONS

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 for in Rule 40.100.4, provided that examinations may be restricted to promotional candidates at the discretion of the Personnel Commission or its designee.

40.200.6 NOTICE OF EXAMINATION (APPLICANTS)

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

40.200.7 CHARACTER OF EXAMINATIONS

- A. Examinations shall be administered objectively and consist of test parts that relate to job performance.
- B. For entry level positions requiring an oral examination, the oral examination board may consist of a one-member panel. For classes of positions above entry level, the examination board shall consist of at least two members.
- C. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination board shall confine itself to evaluating general fitness for employment in the class. When so directed, at least two members of the board shall be technically qualified in the specific occupational area.
- D. Members of the governing board or Personnel Commission shall not serve on an oral examination board.
- E. A District employee may serve on an oral or practical demonstration board if he/she is not at the first or second level of supervision over a vacant position in the class for which the examination is held.
- F. The Personnel Commission shall provide for the proceedings of all oral examinations to be electronically recorded.
- G. Examination scores shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, within fifteen working days following the promulgation of the eligibility list, be made available to a candidate or his representative.

40.200.8 EXAMINATION PROCEDURES

- A. Competitors in any open examination must take the test on the prescribed date unless religious affiliation, military service, or other causes requiring reasonable accommodations have been approved by the Personnel Director.
- B. Promotional candidates must take the test on the prescribed dates unless extenuating circumstances warrant special arrangements. Reasons for deviating from the examination schedule shall be determined by the Personnel Commission or its designee.

- C. In the event test notices are received too late for the competitor(s) to take the examination at the prescribed time, either open or promotional, special arrangements shall be made to administer said test part, provided the applicant has sufficient evidence to prove that the notice was late.
- D. Copies of the questions in a test or other test materials shall not be made by competitors or other unauthorized persons.
- E. 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 have been marked and rated.
- F. Communication between competitors during examination is strictly forbidden; and, competitors are forbidden to receive aid from one another or to use unauthorized materials in any form. Before the commencement of the examination, competitors will be required to hand the examiner any printed or written matter in their possession that might serve to aid them in the examination. Evidence of copying or collusion by a competitor may result in the cancellation of his/her examination papers and the disbarment of the competitor from future examinations. Copies of the questions in the examination or other test parts shall not be made or taken from the examination room.
- G. 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 the 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.
- H. The Personnel Commission or its designee may designate examinations for specified classes as continuous examinations. When so designated, the examination shall be administered as applicants are available; and, applications shall be accepted on every working day. Procedures for the review of written tests shall be suspended.

40.200.9 EXAMINATION WEIGHING

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

40.200.10 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.

40.200.11 REVIEW OF WRITTEN TESTS

- A. When the written test papers of all competitors have been rated, each candidate will be notified of his/her grade and of the place, date, and time at which he/she may review his/her test paper. At the time of review, he/she will be provided a protest sheet and may protest any examination part, outlining the basis of the protest. No candidate may copy and remove from the review room any questions or answers.
- B. The protest sheets, if any, shall be filed with the Personnel Director within 24 hours of the last day of the revised period. The Personnel Director shall review and act upon all protests. He/she may allow more than one answer to a question or may disqualify a question if he/she finds the protest to be valid. If protests result in any change, the test papers of all applicants will be reviewed and re-rated accordingly.
- C. The Personnel Director shall inform the protestor of his/her decision. If he/she rules against the protest, the applicant may appeal to the Personnel Commission; but, the appeal shall not delay other parts of the examination process.

40.200.12 EXAMINATION PAPERS

All examination papers submitted by competitors are the property of the Bellflower Unified School District and are confidential records.

40.200.13 QUALIFICATIONS APPRAISAL INTERVIEW (ORAL EXAMINATION)

- A. If an examination includes a Qualifications Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).
- B. Refer to Rule Number 40.200.7.

- C. A competitor may appeal a QAI rating to the Personnel Director and, if rejected, he/she may appeal to the Personnel Commission at any time after notification of his/her final score but within ten days after the establishment of the eligibility list. The Personnel Commission may alter the QAI rating if it finds justification for the protest and order the competitor's examination score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointment was fraudulent.

40.200.14 PROMOTIONAL CREDIT

- A. Permanent classified employees of the district who meet the minimum qualifications for a classification, and who are competing in an examination for that classification, shall be awarded seniority credit according to the following schedule:

FULL YEARS OF SERVICE
TO THE DISTRICT SENIORITY CREDIT AWARDED

5	1 point
10	2 points
11-20	2 points plus 1/4 of a point for each year of service beyond 10 years of service to a maximum of 4 1/2 points.

- B. Seniority credit shall be added to the final passing scores of eligible candidates prior to ranking on the eligibility lists.

40.200.15 EXAMINATION SCORING

- A. When all tests administered have been scored, each candidate's score shall be rounded to the nearest whole number (e.g. 71.29=71, 75.49=75, 78.51=79, 79.87=80).
- B. Candidates receiving the same final score shall be placed at the same ranking level on the eligibility list.

40.200.16 NOTICE OF FINAL SCORE

Each successful competitor shall be notified of his/her score for each portion of the examination, additional veterans' or seniority credits, the total thereof, and his/her standing on the eligibility list, if qualified. Each successful competitor shall, in addition, receive a copy of the eligibility list.

40.200.17 NUMBERS ON ELIGIBILITY LISTS

The Personnel Commission or its designee shall determine the maximum number of eligibles to be included on the eligibility list.

50.100 ELIGIBILITY LISTS

50.100.1 ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS

- A. When a vacancy exists, prior to the approval of an eligibility list by the Personnel Commission, the Personnel Director may certify names from the list to the Board of Education and the Board of Education may hire personnel certified by the Personnel Director pending certification of the list by the Personnel Commission.
- B. After certification, an eligibility list shall be in effect for one year, unless exhausted, and may be extended in 90-day increments not to exceed one additional year at the discretion of the Personnel Commission.
- C. In examinations, 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.
- D. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position except under the following condition:
 - 1. Upon the request of a majority of the members of the Board of Education, the Personnel Commission may exempt one or more executive secretarial positions from the requirements of Section 45272 of the Education Code. Exemptions authorized under this section shall be limited to executive secretarial positions reporting directly to the members of the governing board, the district superintendent, or not more than four principal deputies of the district superintendent, or all of these positions.
 - 2. Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the District, except that he/she shall not attain permanent status in an executive secretarial position.
 - 3. Positions of executive secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as specified by the district superintendent and determined by the Personnel Commission.

4. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in these rules and regulations shall have the right to return to a position in a classification he/she previously occupied or, if that classification no longer exists, in a similar classification as determined by the Personnel Commission.

50.100.2 REEMPLOYMENT LISTS

- A. There shall be established for each class, as necessary, a reemployment list which shall take precedence over all other employment lists in appointments. This list shall contain the names of all regular classified service employees who have been laid off or demoted from any position because of lack of work or lack of funds. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the reemployment list in any given class (also see Rule Number 60.700.1 et seq.). The list shall also include classified service employees who have exhausted their military leave while being recalled to active duty.
- B. A former permanent employee may be reemployed without examination within 39 months in the same classification in which he/she attained permanency; in a classification having the same salary range with similar qualifications, duties, and responsibilities; or in a lower classification requiring similar types of qualifications, knowledge, and abilities.
- C. Reemployment to an appropriate classification may occur whenever a vacancy exists and regardless of whether or not there is an established eligibility list for the class.

50.100.3 TERMINATION OF ELIGIBILITY LISTS

- A. An eligibility list is automatically terminated one year from the date of its certification unless previously extended by the Personnel Commission.

- B. An eligibility list is automatically terminated at the expiration of the extension by the Personnel Commission and/or not later than two years after its certification unless previously terminated.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated by the Personnel Commission when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three eligibles remaining on the list.
- E. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established.

50.100.4 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 and scoring standards shall be sufficiently similar to the previous examinations 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 year after its establishment and the names of those eligibles shall be removed from the consolidated list.

50.100.5 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.

50.100.6 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

- A. The name of an eligible may be removed from an eligibility list by action of the Personnel Commission for any of the following reasons:

1. A written request by an eligible for removal.
 2. Failure to respond within three working days to an inquiry regarding availability for employment.
 3. Any of the causes listed in Rule Number 40.100.3.
 4. Termination of employment (for promotional eligibility lists).
 5. Failure to respond for an interview after certification.
- B. The name of an eligible may be removed from an eligibility list by the Personnel Director, subject to ratification of an appeal to the Personnel Commission for restoration under Rule Number 40.100.4, for any of the following reasons;
1. Three waivers of certification during the life of the eligibility list except that waivers relating to part-time or limited term appointments shall not be counted for the purpose of this rule.
 2. Refusing an employment offer after having been properly certified as eligible for appointment.

50.100.7 CERTIFICATION FROM A REEMPLOYMENT LIST

- A. Persons shall be certified from reemployment lists in the order of seniority in the classification, provided that the former employee is willing and able to report for duty on the effective date of the appointment or within fourteen calendar days after the offer of reemployment has been made, whichever is later. In cases of limited term appointments, the former employee must be willing and able to report for duty on the effective date of the appointment, or he/she will be considered unavailable for that appointment.
- B. A name may be removed from a reemployment list only for the following causes:
1. Conviction of crime or crimes which would be sufficient to support dismissal of a permanent employee.
 2. Conduct which would cause dismissal under the provisions of Section 45303 of the Education Code.

3. Failure to report for review of loyalty or criminal record as directed.
 4. Making a false statement or omitting a statement as to any material fact on an application form or health history form.
 5. Dismissal for causes from employment subsequent to layoff. Written notice of removal and the reason therefore shall be provided to the employee. He/she shall be afforded and notified of appeal rights identical to those provided in Rule Number 60.800.2.
- C. A person whose name appears on a reemployment list may be considered unable to report for duty and may be passed over in the order of certification if he/she cannot meet the legal requirements to perform the prescribed duties of the classification of reemployment.

50.200 CERTIFICATION FROM EMPLOYMENT LISTS

50.200.1 ORDER OF PRECEDENCE

- A. Names shall be certified for appointment from employment lists in the following sequence:
1. Reemployment list (one name).
 2. Promotional eligibility list (three ranks of names).
 3. Open eligibility list (three ranks of names).

50.200.2 DUAL CERTIFICATION

When the same examination is held on an open competitive and promotional basis to provide a list of eligibles for any class having fewer than three permanent positions or for which the most recent promotional eligibility list failed to provide sufficient available eligibles to fill all the vacancies occurring in permanent positions during the first year of the life of the eligibility list, the Personnel Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists. The three ranks of names certified shall be those of open and promotional eligibles who have the highest examination scores, without veterans' credit but including seniority credit for promotional eligibles. When all promotional eligibles have been removed from the list, through appointment or otherwise, veterans' credit shall be added to scores of remaining open eligibles and their ranks shall be adjusted accordingly (also see Rule Number 40.200.2).

50.200.3 PROCEDURE WHEN FEWER THAN THREE NAMES
REMAIN

- A. When fewer than three eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three eligibles.
- B. When fewer than three eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of the eligibles and may request a new examination.

50.200.4 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 for existence of eligibility lists.

50.200.5 WAIVERS OF CERTIFICATION

- A. An eligible may, without penalty, make himself/herself unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited term or permanent positions by filing a written notice in the Personnel Office.
- B. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability in writing.
- C. An available eligible may file a written notice to waive certification twice without penalty. At the time a third waiver is filed by an eligible, he/she will be informed that, upon signing the third waiver, his/her name will be removed from the eligibility list per Rule Number 50.100.6.
- E. At the time an eligibility list is established, each eligible shall be sent a copy of Rule Number 50.100.6 and Rule Number 50.200.5.

50.200.6 PROCEDURE OF CERTIFICATION AND
APPOINTMENT FROM ELIGIBILITY LISTS

- A. When a position is to be filled, the appointing authority shall notify the Personnel Director in writing of that 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 Personnel Director.
- B. The Personnel Director shall ascertain the availability of eligibles and shall certify three ranks of names to the appointing authority in accordance with these rules.

- C. The appointing authority shall make its selection from the persons certified and shall notify the Personnel Director who shall cause the necessary employment procedures to be carried out. All offers of employment and salary placement shall be made by the Personnel Office.
- D. If a candidate who has been certified as eligible for appointment to a position fails to keep his/her interview appointment or at the interview declines the position, the appointing authority may fill the vacancy from the remaining certified eligibles or may request additional certification if only two ranks remain.

50.200.7 CERTIFICATION OF ADDITIONAL ELIGIBLES

- A. If after certification of eligibles the appointing authority desires certification of additional ranks of eligibles per Rule Number 50.200.6, a written request will be submitted to the Personnel Director which shall:
 - 1. Specify the number of additional ranks of eligibles required.
 - 2. Detail all pertinent data which requires the certification of additional ranks of eligibles including the names of the eligibles certified who refused appointment (and reasons given) or failed to respond for the interview.
- B. The Personnel Director, when the request is received, shall immediately investigate the matter to determine if the request is valid and, specifically, to determine that an appointment refusal was voluntary on the part of the concerned eligible(s). He/she shall:
 - 1. Certify additional ranks of eligibles as may be required.
 - 2. Remove from the eligibility list, at his/her discretion, the names of the eligibles who failed to report for interview or who refused appointment, and notify the eligibles of his/her action and their right of appeal to the Personnel Commission.
 - 3. Notify the Personnel Commission of the action he/she has taken.
- C. If he/she finds that a refusal of appointment was not voluntary and free of any type of duress, he/she shall:
 - 1. Notify the appointing authority of his/her findings and refuse to certify additional eligibles, citing the provisions of this rule.

2. Refer the matter to the Personnel Commission together with his/her findings and recommendation which may include suggested action under Education Code Section 45317.
3. Advise the appointing authority of the date of his/her report to the Personnel Commission in order to enable appropriate representation.

50.200.8 CERTIFICATION FROM LIST FOR ANOTHER CLASS

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

50.200.9 WITHHOLDING NAMES FROM CERTIFICATION

- A. The name of an eligible may be withheld from certification when:
1. He/she expressed unwillingness or inability to accept appointment.
 2. He/she fails to present himself/herself for duty at the time agreed upon after having accepted an appointment.
 3. He/she fails to respond within five business days next following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.
 4. He/she cannot be reached in time for appointment when immediate temporary employment is required. This provision shall apply only to such immediate temporary employment.
 5. He/she fails to present the license, registration, certificate, or any other credential required. The names of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met.
 6. For any reason listed in Rule Number 40.100.3.

50.200.10 RESTORATION TO CERTIFICATION

- A. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto by the Personnel Director, subject to ratification by the Personnel Commission at its next regular meeting, under the following circumstances:
 - 1. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his/her availability, to appear for interview, or to present himself/herself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he/she is now willing and able to accept appointment.
 - 2. When the withholding or removal was for a reason stated in Rule Number 40.100.3 and such action was improper or the defect has since been corrected.
- B. Revisions and withdrawals of voluntary waivers shall not require approval by the Personnel Commission.

50.200.11 DUTIES OF ELIGIBLE

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. The eligible shall respond within five calendar days after the date the notice was mailed.
- B. Failure of an eligible to respond within the above-stated timeline will be deemed an automatic waiver of certification, and the Personnel Director may certify an additional name in lieu of the name of such eligible.

- C. An eligible who has been certified shall be allowed two weeks (one month in the case of administrative and executive classes) to report for duty after an offer of appointment to a permanent position has been made. If he/she is unable or unwilling to report by the end of two weeks (one month in the case of administrative or executive classes), he/she may be considered to have refused appointment, and the appointing authority may request certification of another name from the eligibility list. In the case of extenuating circumstances, the Personnel Director may waive the provisions of this rule and establish a mutually agreed upon time for the eligible to report for duty.
1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of his/her selection.
 2. Notification may be made by telephone, regular, or registered or certified mail.
 3. The appointing authority may allow a period longer than two weeks at its discretion.
 4. When the appointment is to a limited term position, the eligible must be available on the date specified by the appointing authority.
- D. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing file with the Personnel Commission his/her correct mailing address and place of residence. This address shall be the place to which the Personnel Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, he/she shall promptly notify the office of the Personnel Commission, stating the list or lists upon which his/her name appears, together with his/her new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Personnel Commission, operate as a waiver of his/her order of certification and/or appointment from any such list or lists.

50.200.12 QUESTIONS WHICH SHALL NOT BE ASKED

No questions relating to political or religious opinions or affiliations, race, color, national origin, ancestry, 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.

50.200.13 LANGUAGE REQUIREMENT CERTIFICATION

- A. When the ability to speak, read, or write a language in addition to English is a requirement of a position to be filled, the Personnel Director shall certify the highest three candidates on the appropriate eligibility list who meet the language requirement(s) and who are ready and willing to accept the position.
- B. If there are insufficient candidates who meet the language requirements, the Personnel Director shall certify the top candidate plus those candidates who meet the language requirements, but not to exceed three names.

50.200.14 REDUCTION IN ELIGIBILITY

A reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall be placed at the bottom of the eligibility list for the lower class. When no eligibility list exists for the lower class, reduction in eligibility may be granted only in accordance with Rule Number 50.200.8.

50.300 PROVISIONAL APPOINTMENTS

50.300.1 RESTRICTIONS

- A. The appointing authority may make a provisional appointment when the Personnel Director certifies that:
 - 1. No eligibility list exists for the class; or
 - 2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e. less than three ranks and the appointing authority refuses to appoint from the ranks of eligibles available).
- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90 calendar day interval shall elapse during which he/she shall be ineligible to serve in any full-time provisional capacity.
- C. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any one fiscal year except that when no one is available on an appropriate eligibility list for a part-time position as defined in Education Code Section 45256. Successive 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.
- D. Unless otherwise authorized by the Personnel Director, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specifications.
- E. Notwithstanding the above statements, the Personnel Commission may extend the 90-working day provisional appointment for a period not to exceed 36 additional working days provided:
 - 1. An examination for the class was completed during the initial 90 work days of the employee's provisional assignment and a list of eligibles was not promulgated.
 - 2. Satisfactory evidence is presented indicating:

- a. Adequate recruitment effort has and is being made.
- b. Extension of this provisional assignment is necessary to carry on the vital functions of the District.
- c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.

50.300.2 TERMINATING PROVISIONAL APPOINTMENTS

- A. The services of provisional appointees who fail to establish eligibility for a position in their class after having taken an examination for such position shall be terminated within fifteen working days after the date on which an eligibility list has been established.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing authority.

50.300.3 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 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 with the names of the appointees, date of appointment, the nature of duties performed, and 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.

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 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 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.
- B. When a probationary employee has been absent in excess of six working days during his/her probationary period, the Personnel Director may extend the probationary period a sufficient number of days to total 130 working days of probation.
- C. The Personnel Director, with the concurrence of the employee's supervisor, may extend the probationary period for not more than two months for an employee who has received an unsatisfactory performance rating or ratings during his/her initial probationary period.
- D. For those classes designated by the Personnel Commission as executive or management, the probationary period shall consist of one year from the date of hire or appointment.

60.100.2 RIGHTS OF PROBATIONARY EMPLOYEES

- A. A new employee who is suspended or dismissed during his/her initial probationary period shall be notified in writing of the action taken and the reasons therefore. He/she shall not have the right of appeal.
- B. The Board of Education may dismiss an employee at any time during his/her probationary period. Such action shall be reported to the Personnel Commission within three days from the date of dismissal.

- C. An employee who has permanent status in the classified service and who has been promoted to a higher class may be demoted involuntarily during the probationary period to his/her former class. He/she shall be notified in writing of the action and the charges against him/her and shall have the right of appeal provided in Rule Number 60.1000.3.
- D. A permanent employee who is suspended or dismissed or demoted to other than his/her former class during a probationary period retains full rights of appeal.
- E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should he/she be laid off completed, his/her name shall be restored to the eligibility list and the time he/she has served shall be credited to him/her on his/her probationary period.

60.200 CHANGES IN POSITION AND CLASS

60.200.1 TRANSFER

A transfer is a privilege to change a position within the same classification or, if approved by the Personnel Commission, a related classification at the same salary level. A transfer request may be initiated by a permanent employee or by the District.

A. Employee-Initiated Transfers

1. Employees desiring to transfer shall file a written request in the Personnel Department stating the position and work site desired. The request shall automatically expire in one year unless renewed by the employee.
2. Seniority Candidate. If no transfer candidates exist, the employee shall be entitled to an increase in time based on seniority.
3. Transfer and Seniority Candidates. When transfer candidates exist, those candidates shall be interviewed along with the candidate entitled to a position by seniority. A selection shall be made from the interviewed candidates. If the seniority candidate is selected, the process is complete.
4. Transfer Candidates. When no candidates entitled by seniority to a position exist, and three or more transfer candidates exist, the District shall conduct an interview and select from the interviewed candidates. When less than three transfer candidates exist, a sufficient number of candidates from the appropriate eligibility list shall be included in the interview process and a selection shall be made from these candidates.
5. No Transfer Candidates. When no transfer candidates exist, the District shall select from the appropriate eligibility list.

B. Interviews

1. Interview Notice/Acceptance. An employee has 24 hours to accept an interview from the time he/she is notified of the opportunity. Failure to comply with the timeline shall, except in extenuating circumstances as agreed upon by the parties, eliminate the candidate from participating in the interview process.
2. Declining Interview. Seniority candidates may decline to interview for two job opportunities. If the candidate declines a third opportunity, he/she shall lose his/her right to interview for vacant positions as a seniority candidate.

C. District-Initiated Transfers

1. The District may, for the good of the service, transfer employees on a temporary or permanent basis to a position within the same class or, if approved by the Personnel Commission, to a related class at the same salary level. Reasons for any such transfer shall be discussed with the employee upon his/her request by his/her immediate supervisor or other administrator.

60.200.2 DEMOTIONS

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of his/her department head and that of the head of the department to which he/she is to be assigned. Upon approval, the employee will attain permanent status in the lower classification.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when he/she 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.

60.200.3 REEMPLOYMENT

- A. A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- B. A permanent classified employee who resigns in good standing may be reemployed within 39 months after his/her last day of paid service and without further competitive examination to a vacant position in his/her former classification as a permanent or limited term employee or in a related lower class or in a lower class in which the employee formerly had permanent status. Reinstatement is at the discretion of the Board of Education.
- C. An employee who has taken a voluntary demotion may be restored to a vacant position to his/her former class or in a vacant position in a related lower class, as determined by the Personnel Commission, within 39 months. Restoration is discretionary with the appointing authority.
- D. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his/her position, has the right to his/her former class within 39 months after demotion. Intervening assignments to other classes shall not abrogate that right. If he/she has not been reemployed in his/her former class within 39 months, he/she shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months.
- E. Reinstatement or reemployment of a former employee shall have the following effects:
 - 1. Restoration to his/her former step in the current salary range for the class or, if restored to a lower class, to the rate closest to that of the step to which he/she would be assigned if he/she were restored in his/her former class.
 - 2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.

3. Restoration of former anniversary date, but without step advancement credit for the off-duty period.
4. Restoration of all rights, benefits, and burdens of a permanent employee in the class to which restored.

60.200.4 CHANGES IN ASSIGNED TIME

- A. If an employee is required to work in excess of the normally assigned time for 30 minutes or longer per day for 20 consecutive work days, the assigned time of the position will be changed to reflect the longer hours.
- B. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the class.
- C. A seniority bid list or lists shall be maintained for the purpose of this rule. Employees on the seniority bid list shall accept or reject a vacant position, as defined by this rule, on the basis of placement on the list. Employees who are eligible to accept a vacant position but reject same shall not be permitted to withdraw the rejection once a proper assignment has been made.
- D. A permanent employee displaced by virtue of this rule shall be entitled to bumping rights in accordance with proper seniority.

Increases in Time in Excess of One Hour Per Day

- E. When an existing permanent position is assigned a permanent increase in time of more than one hour per day, the increased position shall be considered vacant, for the purpose of this rule, effective as of July 1 next following the date of the increase unless such increase has been effected in the first quarter of the school year, in which case it shall be considered vacant as of October 1 of that school year.
- F. Eligibility and acceptance of vacant positions shall be made in accordance with the provisions of this rule.

Increases in Time of One Hour or Less Per Day

- G. When an existing permanent position is assigned an increase of one hour or less per day, the employee in the same class working less than eight hours per day with the most seniority in the particular school where the adjustment is being made shall be entitled to the increase.
- H. If the employee with the most seniority in the school where the adjustment is being made wishes to remain at the same hours per day worked and wishes no increase in time, the adjustment will then be offered to the next employee in line with seniority within that particular school.

Decreases in Assigned Time

- I. When the regular hours of employment of a position or positions are to be reduced, the administration shall:
 - 1. Determine the class(es) and location(s) affected by the reduction.
 - 2. Notify the Personnel Director at least one month in advance of the effective date of the reduction.
 - 3. The Personnel Director shall notify the employee(s) thirty days in advance of the date of reduction in hours of employment.
 - 4. Work with the Personnel Director to alleviate the effect of reduction on employees.

- J. When a permanent position is to be reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his/her former position. If a vacant permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class provided that he/she has greater seniority. If no such option is available, he/she may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position provided that he/she has greater seniority. An employee so bumped shall have similar bumping rights.
- K. When an employee is faced with a reduction in assigned time, the rules on transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.
- L. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing contained in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increases in assigned time.

60.300 LIMITED TERM EMPLOYMENT

60.300.1 TYPES OF LIMITED TERM APPOINTMENTS

- A. A substitute assignment may be made not to exceed in duration of the authorized absence of the regular employee but it need not coincide with the dates of that absence. 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.
- B. The appointing authority may establish positions the duration of which is six months or less. Such positions shall be designated as limited term. Such positions are subject to classification by the Personnel Commission except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

60.300.2 ELIGIBILITY FOR LIMITED TERM EMPLOYMENT

- A. Limited term appointments shall be made in accordance with procedures for regular appointments except as provided below.
- B. If an eligible has been appointed from an eligibility list to a substitute assignment or limited term position, he/she shall continue to be eligible for limited term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited term appointment within 39 months after resignation. The names of such persons shall be ranked in order of seniority on a special list used for limited term appointments and shall be certified therefrom before the current eligibility list is used. Names may be removed from this list for any of the causes listed in Rule Number 40.100.3 or Rule Number 60.1000.1 subject to appeal to the Personnel Commission.
- C. Provisional appointments may be made to limited term positions and substitute assignments subject to the provisions of Rule Number 50.300.

- D. Regular 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 regular employees but ahead of all other candidates for limited term appointments. This rule shall specifically apply to summer school assignments.

60.300.3 COMPENSATION

- A. When a regular employee is given a limited term appointment in a second class in lieu of all or part of his/her regular appointment, his/her rate of pay in the second class shall be at least five percent above his/her regular rate but not more than the highest rate applicable to that class.
- B. Former regular employees who are reinstated as limited term employees within 39 months after resignation shall be paid in accordance with Rule Number 60.200.3. The salary step so determined shall be applicable to all future limited term appointments of that employee in that class until he/she loses eligibility for such appointments.
- C. All other limited term employees shall be paid at the hiring rate for regular appointments in the class.

60.300.4 RIGHTS AND BENEFITS

- A. Regular employees who are serving in limited term appointments while retaining regular status in another class 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 and these rules. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited term appointment except as provided in the above paragraph.

60.300.5 TERMINATIONS

- A. Limited term appointments shall be subject to termination at any time except during an assigned shift.
- B. Limited term employees may be dismissed for cause, which cause shall be made known to them and to the Personnel Director in writing. The Personnel Director may remove the employee's name from the special list for limited term appointments if his/her investigation supports such an action.

60.400 DISABLED EMPLOYEES AND APPLICANTS

60.400.1 This section applies to all aspects of the employment process such as application, testing, hiring assignments, evaluations, disciplinary actions, training, promotions, medical examinations, layoff/recall, termination, compensation, leave and benefits.

60.400.2 QUALIFIED DISABLED INDIVIDUAL

A. To be considered a qualified individual with a disability the individual must meet the skills, experience, education and other job related requirements of a position held or desired, and who, with or without “reasonable accommodation” can perform the essential function of a job. Specifically, a person with a disability is an individual who:

1. Has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. Has a record of such impairment;
3. Is regarded as having such impairment.

B. APPLICANT/EMPLOYEE RESPONSIBILITIES

It is the responsibility of an applicant or employee with a disability to inform the District that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.

The District is not required to provide an accommodation if unaware of the need.

60.400.3 ACCOMODATIONS

The District is obligated to make a reasonable accommodation only to the known limitations of an otherwise qualified individual with a disability. The District is responsible for informing job applicants and employees of its obligation to provide reasonable accommodations.

The District is not required to provide accommodations if it imposes an undue hardship in the operations of its business. An undue hardship is defined as an action that would:

1. be excessive in costs.
2. be Extensive.
3. be Substantial.
4. be Disruptive.
5. would fundamentally alter the nature of the operation of the business.

60.400.4 DETERMINING A REASONABLE ACCOMODATION

- A. When a request to accommodate has been made known, the respective management staff will report the circumstances to the Personnel Director, who will order an investigation.

The investigation will include but not be limited to:

1. A review of the job to determine its purpose and specific function.
 2. An interview with the disabled individual to determine the specific limitations.
 3. Determining if a reasonable accommodation is available that best serves the needs of the individual and the employer.
 4. Recommending appropriate reasonable accommodations and/or corrective actions if necessary.
- B. In determining undue hardship, factors to be considered include the nature and cost of the accommodation, the financial resources, the nature and structure of the operation, as well as the impact of the accommodation on the specific facility providing the accommodation.
- C. Each known ADA situation requiring action will handled on an individual case by case basis.

60.400.5 REASSIGNMENTS OF DISABLED EMPLOYEES

- A. A disabled employee may accept demotion or transfer to a less demanding class with the approval of the Personnel Commission.
- B. A disabled employee may be assigned to a position in a higher class with the approval of the Personnel Commission but shall not receive salary benefit from such assignment until he/she can be appointed to a higher class in accordance with the rules and procedures on eligibility and appointments.

60.400.6 REJECTION OF ASSIGNMENT BY DISABLED EMPLOYEES

A disabled employee may refuse assignments to other classes without affecting his/her rights under District sick leave provisions. There is no obligation for the District to renew offers of reassignment that have been refused or to make alternative offers.

60.500 EMPLOYMENT OF PERS RETIREES

60.500.1 GENERAL POLICY

- A. Any person receiving a retirement allowance from the Public Employees' Retirement System (PERS) may be employed for up to 960 hours in a calendar year whenever other eligibles are not available and the retiree's skill or knowledge is needed or during an actual emergency to prevent the stoppage of business.
- B. The retired person must certify that he/she understands he/she is restricted to 960 hours in any calendar year with the District and other employers subject to PERS and that his/her employment and continuance in employment is discretionary with the governing board.
- C. For the purposes of this rule, working day shall mean any day for which pay is received regardless of the number of hours worked.

60.500.2 COMPENSATION

- A. A retiree employed under authority of this rule shall be entitled only to the appropriate salary earned to include overtime compensation as provided for in Rule Number 70.300.3. He/she shall be entitled to all fringe benefits applicable to employees with limited term status only except retirement contributions.
- B. Retired personnel shall normally be paid on the first step of the hiring step of the salary schedule of the class to which assigned but may be paid on a higher step upon the approval of the Personnel Commission or its designee. In no case will the compensation be at a rate other than that payable to a regular employee in that class.

60.500.3 ASSIGNMENT

- A. A retired employee employed under this rule is not subject to reinstatement to PERS nor does the compensation paid provide for retirement allowance adjustment.

- B. The appointing authority will certify to the Personnel Director that a retiree employed under this rule meets the provisions thereof and his/her combined calendar year employment by all employees subject to PERS does not exceed 960 hours. It is suggested that the appointing authority secure an affidavit from the prospective employee as to his/her eligibility and/or the District certify eligibility through PERS. The employee will make this certification in writing to the appointing authority that will then forward it to the Personnel Director.

60.600 PERFORMANCE APPRAISALS

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

60.600.1 WHEN APPRAISALS ARE TO BE MADE

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

1. Probationary employees shall be evaluated after 45 days and after 5 1/2 months of service. In administrative and executive classes, probationary employees shall be evaluated after the fourth and eighth months of service and at the end of the twelfth month of service.
2. The Personnel Director, with the concurrence of the employee's supervisor, may extend the probationary period for not more than two months for an employee who has received an unsatisfactory performance rating or ratings during his/her probationary period.
3. Permanent employees--at least once each year, during April, and at any time more than 60 working days later when the employee leaves the control of that supervisor.
4. An employee may receive performance appraisals when such is necessary to show that performance is below an acceptable standard.

60.600.2 WHO MAKES APPRAISALS

- A. Performance appraisal reports shall be made on forms prescribed by the Personnel Commission and 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.
- B. The immediate supervisor shall present the performance appraisal report to the employee and shall discuss it with him/her. The evaluation form shall be signed by the employee to indicate acknowledgement and he/she shall receive a signed copy after processing by the Personnel Department. When the person preparing the evaluation no longer supervises the employee, it may be delivered by mail.
- C. Performance appraisal reports shall be filed in the employee's records and shall be available for review in connection with promotional examinations and disciplinary actions.

60.600.3 SPECIAL NOTICES

At any time, a supervisor may issue to an employee a notice of commendation or a notice of unsatisfactory service. Such notices shall be made on prescribed forms and shall set forth specific reasons for recognition of outstanding or unsatisfactory service by the employee. They shall be delivered to the employee personally by his/her immediate supervisor. A copy of such notice shall be placed in the employee's personnel record and shall be available for review in connection with promotional examinations. In the case of notices of unsatisfactory service, the Personnel Department shall inform the employee of his/her right to make a written response prior to the notice being placed in the employee's file.

60.600.4 APPEALS

- A. An employee may, within fourteen days of his/her notification of his/her rights under the provisions of these rules, file with the Personnel Commission an appeal only on the grounds that the rating procedures prescribed by the Personnel Commission have not been followed in the preparation of his/her rating.
- B. If the employee believes that the rating does not accurately report his/her work performance or is not satisfied with the process or procedures used, he/she may request a review through the adjustment procedure (Rule Number 80.100).

60.700 LEAVES OF ABSENCE

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

60.700.1 VACATION

- A. Every regular classified employee, permanent and probationary, shall earn vacation at the regular rate of pay earned at the time the vacation was earned. Employees shall earn such vacations for each month in which the employee is in a paid status for more than one-half the working days (eleven) in the month. Employees hired on or after the 18th of the month will receive no vacation credit for that month. Employees terminated before the 15th of the month will receive no vacation credit for that month. All vacation days will be computed on the basis of their employment anniversary date, adjusted as necessary for leaves of absence, breaks in service, etc. This date may be different from the salary anniversary date.
- B. Each full-time regular classified employee shall earn vacation days in accordance with the following:
 - 1. First day of employment through first year: 1 day per month.
 - 2. One through four years of completed service: 13 days per year (1.08 days per month).
 - 3. Five through nine years of completed service: 15 days per year (1.25 days per month).
 - 4. Ten through fourteen years of completed service: 17 days per year (1.41 days per month).
 - 5. Fifteen or more years of completed service: 20 days per year (1.66 days per month).
- C. Vacation time for regular employees hired for less than twelve months and those regular employees working less than a 40-hour week will accrue in direct proportion to the actual time worked.

- D. Personnel occupying positions designated by the Personnel Commission as supervisory, administrative, executive, or confidential shall receive two days of paid vacation for each month worked.
- E. Employees shall schedule their vacation at the convenience of the District and with the approval of the principal, supervisor, or department head concerned. It may be taken at any time during the school year. If the employee is not permitted to take his/her full annual vacation computed from the employment anniversary date, the amount not taken shall accumulate for use in the next year or may, by mutual consent, be paid for in cash.
- F. Vacation earned in any one fiscal year shall be taken by December 31 of the following year or accumulated for use in the next year. The Superintendent or his designee in the department in which the employee works shall approve extensions for use of vacation days. Only one extension per employee may be made in any one fiscal year.
- G. Classified management and confidential employees may accumulate a maximum of 48 days of unused paid vacation. Multi-year contracted employees shall abide by the conditions of their contracts, which may modify this provision. Any unused paid vacation beyond 48 days may be forfeited. The Superintendent or his designee in the department in which the employee works shall approve extensions.
- H. Probationary employees shall earn six days of vacation time after completion of six months of continuous service plus one day for each month thereafter for the next six months of service. A probationary employee working less than six continuous months for the District shall earn no vacation time. Vacations should not normally be taken by a new employee until after completion of nine months of continuous service computed from the employment anniversary date. Requests to use vacation shall be forwarded to the Personnel Director for concurrence.
- I. Employees of the District who have served their initial probationary period and then accept another position in the District for which they must again serve a probationary period shall be authorized, with the consent of their supervisor, to

take accrued vacation during their second probationary period. Classified employees occupying administrative, supervisory, executive, or confidential positions may, with the consent of their supervisor, take accrued vacation after their initial six months of employment.

- J. An employee shall not take vacation time that has not been earned.
- K. Upon separation from the District, the employee shall be entitled to lump sum compensation for all earned and unused vacation except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.
- L. Substitute, provisional, or limited term employees shall not earn vacation credits except that limited term regular employees shall receive full vacation credit for which they are entitled.

Interruption of Vacation to Begin Another Type of Paid Leave

- M. All permanent classified employees may interrupt their vacation or terminate their vacation to begin another type of paid leave without a return to active service provided the following provisions are met:
 - 1. The employee, whenever possible, shall give his/her immediate supervisor notice that a break in vacation leave is necessary.
 - 2. The employee shall be required to sign on a prescribed form a statement giving the reasons that an interruption or termination of vacation leave is necessary. Subject to final approval of such interruption or termination of vacation leave by the Personnel Director, the administrator or supervisor shall take whatever steps are necessary to be assured that adequate and reasonable problems existed which required the interruption or termination of vacation for another type of paid leave.
 - 3. This rule shall not apply to limited term, provisional, or probationary employees unless such employees have permanent status in other classifications.

- N. When all or part of an employee's vacation is to be converted to illness or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned vacation balance. If possible, he/she shall be granted an opportunity to use this vacation credit in order not to exceed the limit on accrued vacation.

60.700.2 PAID SICK LEAVE

When provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

- 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. Unused sick leave may be accumulated without limit.
- 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, which he/she would normally earn in the ensuing fiscal year.
- D. Sick leave may be taken at any time provided that new employees with probationary status may only use six days of paid sick leave during their initial probationary periods.
- E. Pay for any day of sick leave shall be the same pay the employee would have received if he/she worked that day, except as provided by Education Code Section 45137 for part-time personnel.
- F. In order to receive compensation while absent on sick leave, the employee must notify his/her supervisor of his/her 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 day prior to his/her expected return to work, the employee shall notify his/her supervisor in order that any substitute employee may be terminated. If the employee fails to notify his/her 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. A statement by a licensed physician stating the nature and duration of an illness or injury may be required when:
 - 1. An employee is absent for three or more consecutive working days.
 - 2. When the district has reason to question an employee's absence from duty, regardless of the duration of such illness.

60.700.3 ADDITIONAL SICK LEAVE

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

- A. When a permanent employee is absent from work due to illness or accident, whether or not the absence arises out of or in the course of District employment, the employee shall be paid as follows:
 - 1. First, full salary (or full hourly rate for hourly employees) for that period of his/her current and accumulated sick leave.
 - 2. Second, statutory leave, which will be 100 days at fifty percent of the employee's daily rate.
 - a. The 100-working day period shall begin after the expiration of the current year's allotment of sick leave and accumulated sick leave, if any. At the employee's option, he/she may use accumulated vacation prior to the commencement of or after the exhaustion of the 100-day statutory leave.
 - b. Five school months shall be considered as 100 working days.

60.700.4 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 that he/she is able to resume the assigned duties and if the leave has been for more than twenty working days, provided that he/she has notified the District of his/her return at least three working days in advance.
- 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 the duties of his/her position, he/she will be placed on a reemployment list for a period of 39 months in the same manner as if he/she were laid off for lack of work or lack of funds.

60.700.5 INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

- 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.
- 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 the 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 that:

1. Allowable leave shall be for a maximum of sixty days during the period the employee would normally otherwise have been performing his/her duties.
 2. This industrial accident and illness leave shall be governed by the same rules and regulations which govern worker's compensation indemnity and shall be awarded only if worker's compensation is awarded.
 3. The employee must remain in the state under this leave unless otherwise authorized by the governing board of the District.
- C. Paid industrial accident or illness leave 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 leave granted under this rule shall not be for more than sixty days.
- D. Paid industrial accident or illness leave shall be reduced by one 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. Allowable leave shall not be cumulative from one fiscal year to the next.
- F. When this leave overlaps into the next fiscal year, the employee shall only be entitled to the amount of the unused leave due him/her for the same illness or injury.
- G. If the employee is still unable to return to duty after exhausting paid industrial leave, the employee shall be placed on paid illness leave if he/she is eligible. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wage or salary, as indicated in the employee's assignment.

- H. After all paid illness leave has been exhausted following a paid industrial accident or illness leave, an employee may choose to receive pay from accrued vacation to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties. After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident or illness leave without pay. The total time of all leave benefits provided under this rule, including unpaid industrial accident leave, shall not exceed 36 months for any one industrial accident or industrial illness.
- I. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his/her former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his/her former class, he/she may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.
- J. 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 he/she was on leave for a period not to exceed 39 months.
- K. 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 his/her former status and time basis, and in assignment areas in which the employee has made himself/herself available. Employee's removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.
- L. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal temporary disability allowance award without penalties granted by the employee under State law, exceed the employee's regular salary. A permanent employee's regular salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not permanent shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

- M. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions.
- N. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule.

60.700.6 BEREAVEMENT LEAVE

- A. Probationary, permanent, and provisional employees in the classified service shall be allowed regular pay for not more than three working days when absent on account of the death of any member of his/her immediate family. Bereavement leave with pay shall be extended to a maximum of five days when out of state travel is necessary in connection with the bereavement.
- B. Member of the immediate family means mother, father, grandmother, grandfather or grandchild of the employee or of the spouse or domestic partner of the employee, and the spouse, son, son-in-law, brother, brother-in-law, daughter, daughter-in-law, sister, sister-in-law, aunt, uncle, niece, nephew, and any relative of the immediate household of the employee.

60.700.7 PERSONAL NECESSITY

- A. A classified employee may elect to use, not to exceed seven days in any one fiscal year, sick leave which has been earned pursuant to Education Code Section 45191 for personal necessities which fall in the following categories:

1. Bereavement leave which may be necessary beyond that authorized in these rules and laws.
 2. Accident, involving his/her person or property, or the person or property of a member of his/her immediate family.
 3. Appearance in court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction and for which no other leave is provided for in these rules.
- B. Immediate family as used in this section shall have the same meaning as provided for in Section 45194 of the Education Code.
- C. Personal necessity leave may be utilized when additional leave beyond that in the paragraphs above is required.

60.700.8 JURY DUTY AND WITNESS LEAVE

When the provisions of these rules and regulations area in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

- A. Leave of absence for jury service shall be granted to any classified employee who has 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 is filed with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the Personnel Director.
- B. The jury service fee referred to in the above paragraph does not include reimbursement for transportation expenses.
- C. An employee who has received leave of absence under this rule shall make himself/herself available for work during hours when his/her presence is not required in court.

60.700.9 ABSENCE FOR EXAMINATION AND/OR INTERVIEW

Every employee in the classified service shall be permitted to be absent from his duties during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty provided that he/she gives one day of notice to his/her immediate supervisor. The same provisions shall hold true for an employee who is to be interviewed for a transfer, promotion, or other interview to be held in connection with his/her employment.

60.700.10 LEAVE OF ABSENCE FOR RETRAINING

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

- A. In the event that the Board of Education contemplates the abolition of positions in the classified service and creation of new positions because of automation, technology advances, or for any other reason, it may provide for retraining of displaced employees in accordance with this rule.
- B. To be eligible for retraining leave, an employee must:
 - 1. Have served at least two years in the District.
 - 2. Be serving in a position which the District contemplates abolishing, or
 - 3. Show that the retraining will clearly benefit the District.
 - 4. Indicate a willingness to undergo the prescribed training program.
 - 5. Indicate a willingness to serve the District for at least two years after successful completion of the retraining program.
- C. The Board of Education shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.

- D. The employee shall be considered a permanent employee for all purposes during the period of the retraining program and shall receive his/her normal compensation and benefits. The Board of Education may prescribe duties, if any, to be performed by the employee on behalf of the District during the retraining leave.
- E. The Board shall provide for reasonable expenses necessary for the prescribed retraining but may recover costs from the employee if he/she fails to complete the prescribed retraining program.
- F. The Board may establish retraining programs other than outlined in this rule and grant leaves of absence for retraining, except a three-year service requirement shall be required. Such programs must be endorsed by the Personnel Commission and must be available to all qualified employees of the District, except that approval for such leave shall be discretionary with the Board of Education.

60.700.11 LEAVE TO SERVE IN AN EXEMPT, TEMPORARY, OR
LIMITED TERM POSITION

- A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited term position shall, during such assignment, be considered for status purposes as serving in his/her regular position, and such assignment shall not be considered separation from service.
- B. The employee may, with the approval of the appointing authority, voluntarily return to his/her position or a position in the class of his/her permanent status prior to the completion of service in an exempt, temporary, or limited term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

60.700.12 APPLICATION FOR A LEAVE OF ABSENCE

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

Maternity Leave

- A. A leave of absence for maternity shall be for a period of not more than one year. As soon as pregnancy is known, the employee is required to place a doctor's certification on file with the Personnel Director certifying the fact that the employee is in good health and able to continue to work.
- B. An employee who wishes to continue working during the last three months of pregnancy must submit a doctor's certificate to the Personnel Director certifying that the employee is able to perform the duties of the position and clearly stating any restrictions to employment activities and the length of time regular employment may be continued without endangering the health of the employee or the infant.
- C. Prior to returning from such leave, the employee must file a doctor's certificate with the Personnel Director verifying the employee's good health and ability to resume the duties of the position.

Infant Care Leave

- A. An unpaid infant care leave of absence may be granted for the purpose of providing care to his/her child (including an adopted child) who is less than one year old.
- B. A written request for such leave must be submitted to the immediate supervisor at least 45 calendar days in advance of the starting date. This request shall state starting and ending dates and may be for the period from the date of birth or adoption to the child's first birthday. In the case of an adoption, the request shall be supported by a licensed adoption agency's certificate of adoption and the birth date of the child. The length of leave to be approved shall be determined by the District so as to minimize disruption of the District's programs.

Family Care and Medical Leave

Statement of Policy. In accordance with the Federal Family and Medical Leave Act and the California Family Rights Act, the District will provide family care and medical leave for eligible employees, as defined.

Health Leave

Upon presentation of a doctor's certificate, an employee may request a leave of absence for health reasons. If the leave is granted, it will be no longer in duration than six calendar months. If, at the expiration of the six calendar months the employee is still unable to return to the full unrestricted duties of his/her position, he/she may be granted an additional six months of leave. If at the end of this period of time the employee is still not able to return to his/her full duties, he/she will be placed on a re-employment list for a 39-month period.

Military Leave

A leave of absence for military service shall be granted as provided in the Military and Veteran's Code and the Education Code.

Personal Leave

A permanent classified employee may, in the sole discretion of the District, be granted an unpaid leave of absence for reasons satisfactory to the District, including but not limited to ill health, home responsibilities, personal business, study, Peace Corps service, and travel. If granted, the leave shall be for a period of not less than one semester and not more than one school year. A leave granted under these provisions shall not extend from one school year into another.

60.700.13 RETURN FROM LEAVES OF ABSENCE

An employee must give notification of at least thirty-five calendar days prior to the expiration of the leave that he/she is returning to active service.

60.700.14 ASSIGNMENT

- A. On return from a short term leave (one month or less), the employee shall be returned to his/her previous assignment, unless transfer procedures were begun prior to the start of the leave.

- B. On return from a long-term leave (more than one month), the employee shall be returned to his/her previous assignment if the position has been filled by a substitute (limited term/provisional/temporary) employee. If the position was filled by a regular employee, the returning employee may or may not be returned to his/her former assignment.
- C. An employee returning from a leave of absence who has not met the provisions of the first paragraph of this rule will be assigned to a vacant position in the class in which he/she holds status. If no vacant position is available, the employee may exercise his/her bumping rights, if any, or will be placed on the reemployment list for the class for a period of 39 months. He/she may return to a vacant position in a class at the same or lower salary level provided that he/she is qualified.
- D. If the position or classification has been abolished during the employee's absence and the employee has no bumping rights, he/she shall be laid off for lack of work or lack of funds and placed on the reemployment list for the class, effective the date of the termination of the leave. He/she may be returned to a vacant position in a class at the same or lower salary level provided he/she is qualified.

60.700.15 LIABILITY

The District shall be free of any liability pertaining to the employee for the death or injury of the employee of the District when the death or injury occurs while the employee is on a leave of absence without pay.

60.700.16 EMPLOYMENT WHILE ON LEAVE

An employee on a leave of absence shall not accept other gainful employment with another employer (except ordered military service) unless previously approved by the Personnel Commission and the Board of Education.

60.700.17 LEAVE CANCELLATION AND APPEAL

- A. The Board of Education may, for good cause, cancel any leave of absence by giving the absent employee due notification. The employee may appeal the cancellation to the Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Board of Education until action by the Personnel Commission, which shall be final and binding.

- B. Failure of an employee to report for duty within five working days after his/her leave has been cancelled or expires shall be considered abandonment of position and the employee may be terminated by the Board of Education. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.

60.700.18 TRANSFER OF EARNED SICK LEAVE

- A. Classified employees who have been in paid status in any California public school district for a period of one calendar year or more shall have their accumulated earned illness leave transferred with them to the Bellflower Unified School District provided that the following criterion are met:
1. The employee terminates his/her employment in the previous district for the sole purpose of accepting employment with the Bellflower Unified School District.
 2. The employee accepts, within one year of termination of his/her former employment, employment with the Bellflower Unified School District.
 3. The employee requests his/her former district to verify length of employment, type of employment, accumulated earned leave of absence for illness or injury, and the date of termination of employment with his/her former district. Requests for verification shall be made on a form prescribed by the Personnel Commission.
 4. Verification shall be mailed by the former employing district directly to the Personnel Commission office.

60.800 LAYOFF AND REEMPLOYMENT

60.800.1 DEFINITION OF LAYOFF AND REEMPLOYMENT

- A. For purposes of this rule, the word "class" as used in this rule only will be defined as a grouping of classifications as indicated in Rule 10.100 under "Group".
- B. For purposes of this rule, the word "classification" will be defined as a group of similar duties assigned to a specific job title as indicated in Rule 10.100 under "Class".
- C. For the purpose of this rule, effective January 1, 2012, classifications shall not be defined by assigned hours and/or percent of time. Notwithstanding the above, no employee shall benefit in hours, percent of time or any other manner as the result of a layoff.

60.800.2 PROCEDURE REGARDING LAYOFF

- A. When permanent classified employees are laid off for lack of work or lack of funds, layoff shall be made in reverse order of seniority in the present classification in which the layoff occurs. The employee who has been employed the shortest time in the present classification, plus higher classifications, shall be considered to have the least seniority and, therefore, shall be laid off first.
- B. The names of permanent and probationary employees thus laid off shall be placed upon the reemployment list for the classification from which they were laid off. Names on the reemployment list shall be in the relative order of seniority.
- C. Employees whose positions are abolished shall be assigned to vacant positions in the same classification prior to instituting bumping procedures. No permanent employee shall be permitted to increase his/her hours of employment as a result of layoff unless vacancies exist in the job family where he/she holds permanency or has held permanency. Notwithstanding these procedural rules, no permanent employee shall be laid off for lack of work or lack of funds until he/she has been permitted to elect to bump the least senior incumbent in the group (job family) where his/her permanency is held or where he/she has held permanency. This provision shall be at the election of the employee; and, failure to elect this option shall not affect reemployment rights.

- D. The following procedures shall also be applied to persons laid off for lack of work or lack of funds:
1. The District shall continue medical and dental fringe benefits for a period to be specified by the insurance contract.
 2. During the 45-day notice period preceding layoff, the employee shall be provided five hours per week, mutually agreed upon, to seek other employment.
 3. Personnel previously laid off for lack of work or lack of funds shall be offered an assignment as a substitute, limited term, or provisional employee in any class in which he/she meets the minimum requirements when vacancies exist, before such employment is offered to the public, for a period of one year.
 4. Laid off personnel shall notify the District, in writing, of changes in their address and/or telephone number with ten (10) days of the change. Failure to do so shall result in loss of reemployment rights.

60.800.3 COMPUTATION OF SENIORITY

Credit For All Service Commencing On Or After July 1, 1971

- A. Credit for service on or after July 1, 1971 shall include all hours in a paid status as a regular employee in the classification, plus higher classifications in the line of promotion, or as a regular employee serving temporarily in a limited term assignment in the same classification or higher classification except as provided elsewhere in this rule.
- B. Credit for service on or after July 1, 1971 shall also include time on military leave, unpaid illness leave, and unpaid leaves resulting from an industrial accident or industrial illness in accordance with Rule Number 60.700.5. Time spent in the armed forces, in accordance with Rule Number 60.700.12, shall also be counted towards seniority.

- C. No other unpaid time or status in the classification shall be credited toward seniority.
- D. Employees who have been laid off shall not accumulate seniority credit while on a reemployment list except for tie-breaking purposes.
- E. Time served prior to a break in service shall not be counted towards seniority except for tie-breaking purposes. A break in service is disregarded and seniority credit granted when an employee is reinstated, reemployed in a regular status, or appointed to a regular position from an open or promotional eligibility list within 39 months following a layoff or while his/her name remains on a valid reemployment list.
- F. When a reclassification results in either the separation of a classification into two or more classifications or the merger of two or more classifications, seniority rights of the regular classified employees who are reclassified with their positions and whose former classification(s) have been abolished or separated shall be computed from the date of their earliest entrance into regular service in such classifications.
- G. Problems involving reclassification and/or seniority status shall be resolved by the Personnel Director in accordance with these rules. Appeals from decisions of the Personnel Director may be made to the Personnel Commission.
- H. Problems which involve precedent setting or of a policy-making nature shall be referred to the Personnel Commission for determination.

60.800.4 DISPLACEMENT RIGHTS

- A. Permanent classified employees who are laid off may exercise displacement rights in their class or in any class with same or lower maximum salary in which they hold seniority credit greater than the incumbent. The employee ultimately displaced shall be the one with the least seniority in the class plus equal and higher classes. In determining displacement rights, the following rules shall apply:
1. To be considered for demotion in lieu of layoff, an employee must notify the office of the Director of Classified Personnel of his/her request in writing not later than seven working days after receiving his/her notice of layoff and displacement rights.
 2. In cases of reclassification, reorganization, or abolishment of position, or in cases where the employee is promoted and subsequently terminated during probation, an incumbent's seniority in the class plus equal and higher classes shall be computed as stated in Rule Number 60.800.3.
 3. An employee may displace that employee within his/her classification who has the least seniority in the class plus equal and higher classes.
 4. When an employee displaces in a classification having full-time and/or part-time positions, he/she will be placed in a position within that classification which will be nearest but not exceeding his/her current assignment based on his/her seniority as it relates to the seniority of other employees within such classification.
 5. An employee who has voluntarily accepted a demotion will retain his/her seniority in the higher class and can count that seniority from the higher class in the lower class but shall not have displacement rights in the higher class.

6. Any employee replaced by demotion of another employee who is exercising displacement rights because of layoff shall have the same option of demotion afforded by this rule as if his/her position had been abolished or discontinued.
7. If an employee waives the opportunity to displace within his/her classification following layoff, he/she may follow these procedures in any equal or lower classifications in which he/she holds seniority credit or be placed on a reemployment list.
8. An employee who is laid off may request demotion to a lower classification in which he/she had not served in a permanent or probationary status if there is a vacant position in the lower classification and he/she is qualified to fill it.
9. Displacement to a lower classification shall be considered a voluntary demotion.
10. Employees have the option of taking retirement in lieu of layoff. Should they elect to do this, they would still be placed on the reemployment list for the classification for which layoff would have occurred for a period of 39 months.
11. If an employee displaces in a position in which he/she held seniority and the position qualifications have changed in the interim, the employee displacing must meet the current qualifications.

60.800.5 LAYOFF OF SUBSTITUTE EMPLOYEES WITH
PERMANENT STATUS

An employee with permanent status who acquires status in a higher classification while serving as a substitute in lieu of an absent employee, shall be returned to his/her former position or a position in that classification upon the return of the absent employee and the substitute's name shall be placed on the reemployment list for the higher classification for a period of 39 months, and furthermore, the time served as a substitute in the higher classification shall be considered as having been served in the lower classification for purposes of compensation, sick leave, vacation, and computation of seniority.

60.800.6 LAYOFF OF EMERGENCY, PROVISIONAL, OR
LIMITED TERM EMPLOYEES

No permanent or probationary employee shall be laid off from any position while employees serving under emergency, provisional, or limited term employment are retained in positions in the same classification.

60.800.7 LAYOFF OF SUBSTITUTE OR LIMITED TERM
EMPLOYEES

A substitute or limited term employee may be laid off at the completion of his/her assignment or at any time during the assignment without regard to the procedures set forth in this rule.

60.800.8 EMPLOYEE RIGHTS AND PRIVILEGES

- A. The reemployment list for a classification shall be used before any other means of filling vacancies for that classification.

- B. An employee who has been laid off from a classification or who is subject to reclassification may accept a transfer, a voluntary demotion, or a voluntary reduction in status or assigned time in lieu of reclassification, change of location, or layoff from the district and shall be granted the same rights as persons laid off.
- C. An employee on a reemployment list may decline three offers of reemployment in his/her former classification and status. After the third refusal, the employee's name shall be removed from the reemployment list and he/she shall forfeit all rights to which he/she would otherwise be entitled under this rule.
- D. Refusal of an offer of part-time or limited term employment shall not affect the standing of any employee on a reemployment list.
- E. If an employee is on an eligibility list and is laid off, he/she shall retain his/her place on the eligibility list for the life of the list.
- F. Laid off employees shall hold reemployment rights for a period not to exceed 39 months.
- G. If at the end of the 39-month reemployment period the employee has not been reemployed in his/her former classification, he/she may be considered for reinstatement to his/her former classification with an additional period of up to 24 months on approval by the Personnel Commission on a classification-by-classification basis.
- H. A person reemployed from a layoff list within 39 months shall be fully reinstated to his/her former position with all prior rights to permanent status and cumulative sick leave.
- I. Any employee who takes a demotion pursuant to this rule shall be placed on the lower salary rate nearest the salary rate received in the higher classification at the time of demotion not to exceed the maximum of the lower salary range to which demoted.

- J. After receipt of a notice of layoff, employees will have ten working days in which to file an appeal of the layoff procedures. The appeal shall be in writing and be submitted to the Personnel Director. The Director shall respond within five working days. Appeals of the Director's decision shall be made in writing to the Personnel Commission within five working days. The Commission's decision shall be final and binding.
- K. The District shall notify employees at least 45 days prior to the effective date of their layoff.
- L. A person employed in a specially funded position which will not be funded beyond the current school year shall be notified of the layoff within fifteen days of the date the district knew or reasonably shall have known of the cessation of funds.
- M. Employees who have accepted a voluntary demotion to a vacant position continue to accrue seniority in their former class.

60.800.9 INCREASES IN ASSIGNED TIME

- A. When a classification contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the classification. When an existing position is assigned increased hours, the increased position shall be considered "vacant" for the purpose of this rule.
- B. A seniority bid list shall be maintained for the purpose of this rule. Employees may waive their opportunities for increased hours of work; however, once proper assignment is made, it shall not be revoked or revised because of withdrawal of waivers.

60.800.10 SCHEMATIC LIST OF CLASSES

A schematic list of classes, to be used in determining lines of promotion and layoffs, shall be established and maintained by the Personnel Commission.

60.900 RESIGNATION

- A. When an employee desires to resign from his/her position, he/she shall present his/her resignation in writing to the immediate supervisor and/or, a copy of such resignation shall immediately be filed with the Personnel Director.
- B. Upon resignation, the employee's name shall be removed from all promotional eligibility lists and placed on the appropriate ranks of the open lists.

60.950 REPRIMANDS, WARNING NOTICES, AND EVALUATIONS

60.950.1 EMPLOYEE EVALUATION

- A. Classified employees shall be notified at the time of employment as to who will be conducting their performance evaluations. When a classified employee works under more than one supervisor, the district shall designate one as a primary evaluator.
- B. When the evaluation of a classified employee assigned to more than one supervisor varies significantly between the supervisors, the other supervisor shall attach his/her comments to the evaluation.
- C. The primary evaluator shall be the supervisor for whom the classified employee works the most hours, unless the employee is notified within 30 days of the district's decision to make an exception to this rule.

60.950.2 UNSATISFACTORY PERFORMANCE EVALUATIONS

When a classified employee has received an unsatisfactory evaluation, a follow-up evaluation shall be conducted in 60 calendar days. Unless recommendations for termination are advised, the unsatisfactory performance evaluation shall contain specific recommendations for improvement.

60.950.3 SPECIAL EVALUATIONS

A special evaluation may be initiated by the evaluator when the evaluator judges that some factor is below average. The evaluator shall conduct an appraisal of the employee's performance along with appropriate recommendations or specific directions where improvement is required.

60.950.4 EMPLOYEE'S RIGHT TO RESPOND

Classified employees shall receive an unofficial copy of the evaluation at the close of the evaluation conference. The Personnel Department shall forward an official copy of the evaluation to the employee after its review. A classified employee may provide written comments to be attached to the evaluation within 10 working days after receipt of the official written evaluation by the Personnel Department.

60.950.5 APPEAL OF PERFORMANCE EVALUATIONS

Should the classified employee disagree with the substance of the evaluator's judgement, the employee may appeal that judgement within 10 working days to the evaluator's administrator. The judgement of the evaluator's administrator shall be final and not subject to the provisions of Personnel Commission Rule Section 80.100.

60.950.6 SIGNATURES

Evaluations must be signed by both the evaluator and the classified employee being evaluated. The classified employee's signature on his/her evaluation shall only indicate acknowledgement of the evaluation and does not imply agreement with the rating(s).

60.950.7 REPRIMANDS AND WARNINGS

- A. When a supervisor issues a written reprimand or a warning notice, the supervisor shall counsel with the classified employee and shall provide the classified employee with specific directions for improvement. Such action shall, except in extraordinary circumstances, occur within 10 working days after the supervisor knew of the conduct giving rise to the reprimand or warning.
- B. The classified employee may attach a written response to the document within 10 working days after notification by the Personnel Department.
- C. Conduct which has not been formally written up shall not be used in an unsatisfactory annual evaluation unless the conduct occurred within 10 working days of the annual evaluation.
- D. Written responses to the evaluation, reprimand, or warning notice shall be prepared on the classified employee's own time.

60.950.8 PLACEMENT IN PERMANENT PERSONNEL FILE

All evaluations, reprimands, and warning notices shall become part of the permanent record of the classified employee's personnel file.

60.950.9 PERFORMANCE RATING FORMS

All performance evaluations, including reprimands and warnings, must be conducted on official district forms.

60.1000 DISCIPLINARY ACTION AND APPEAL

60.1000.1 Causes for Suspension, Demotion, Dismissal

- A. Overall unsatisfactory performance evaluation.
- B. Inability to perform assigned duties due to failure to meet job qualifications, including but not limited to failure to possess required licenses, failure to pass required tests, or failure to meet standard risk insurability requirements.
- C. Insubordination, including but not limited to, refusal to do assigned work.
- D. Carelessness or negligence in the performance of duty, or in the care or use of district property.
- E. Discourteous, offensive, or abusive conduct or language toward other employees, students, or the public.
- F. Dishonesty, including the unauthorized use or taking of district property.
- G. The uses of alcoholic beverages or the illegal use of controlled substances during the work day, or reporting to work while under the influence of alcoholic beverages or the illegal use of controlled substances.
- H. Addiction to the use of narcotics or a restricted substance, use of narcotics or restricted substances while on the job, reporting to work while under the influence of a narcotic or restricted substance, or conviction of narcotics offense as defined in Education Code Section 44011.
- I. Personal conduct which reflects unfavorably on the district or tends to injure the public service during assigned hours of employment.
- J. Engaging in commercial activities for personal gain or benefit during assigned hours of employment.

- K. Conviction of any crime involving moral turpitude or a felony, incarceration and subsequent unavailability for work, or a conviction of a crime which is adversely related to ability to perform assigned duties.
- L. Repeated, unreported, and/or unauthorized absence or tardiness.
- M. Abuse of leave privileges, including, but not limited to, sick leave; including repeated instances of absence for ordinarily excusable reasons after sick leave benefits have been exhausted.
- N. Falsifying any information supplied to the district, including but not limited to, information supplied on application forms, employment records, or other school district records, including payroll records, subject to enforcement within thirty (30) days following discovery.
- O. Persistent violation or refusal to obey safety rules or regulations of the district or of any appropriate state or local governmental agency.
- P. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- Q. Willful or persistent violation of the Education Code, or rules or policies of the district or the Personnel Commission.
- R. Abandonment of position, including failure upon being medically released to return to duty from disability status, failure to return to duty upon expiration of any authorized leave of absence, or failure to report to duty for three (3) or more work days without prior notification and authorization of such absence.
- S. Advocacy of overthrow of federal, state, or local government by force, violence, or other unlawful means.
- T. Failure to submit to physical examination upon direction to do so.

- U. Arrest for sex or narcotics offense as defined in the Education Code. (Arrest for these offenses may be grounds for suspension only).

References: Education Code Sections 44010, 44011, 45124, 45260, 45261, 45302, 45303, and 45304.

60.1000.2

PROCEDURE FOR DISCIPLINARY ACTION

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of P.C. Rule Number 60.1000.1.
- B. When a regular employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented for approval of the governing board. The charges must be so clear that the employee will know the exact complaints and may be expected to respond to them.
- C. When formal disciplinary action has been approved by the governing board, the action and the charges shall be reported to the personnel director, who shall immediately notify the employee and shall report the action to the Personnel Commission at its next meeting.
- D. Notice to the employee shall include a copy of the charges and a statement of his/her right of appeal, if any, together with a copy of P.C. Rule Number 60.1000.3, and must be delivered to the employee within fifteen days.
- E. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board of Education approval at the discretion of the superintendent, subject to later ratification by the Board of Education within fifteen (15) working days. Requirements in regard to charges and notification must be met when the Board of Education 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 Education Code. Such suspension shall be reviewed by the Personnel Commission every 90 calendar days.
- G. Dismissal shall cause removal of the employee's name from all employment lists.
- H. Failure to appeal, as provided below, shall make the action of the governing board final and conclusive.

References: Education Code Sections 44010, 45260, 45261, 45303, and 45304.

60.1000.3

APPEAL

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 working days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made only on the following grounds:
 - 1. That the procedures set forth in these rules have not been followed.
 - 2. That the removal was made because of affiliations, political or religious acts or opinions, race, color, sex, or marital status.
 - 3. That there has been abuse of discretion.
 - 4. That the action taken was not in accord with the facts.

- B. A permanent employee who has not served the full probationary period for the class and who is demoted to the class from which he/she was promoted may request an investigation by the Personnel Commission within 10 working days after receipt of the copy of the written charges. The request for the investigation shall be based only on one or more of the four grounds provided above for appeals. The Personnel Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Personnel Commission shall notify the governing board and the employee in writing of its findings. If the Personnel Commission's investigation and findings, however, indicate any discriminating action, the Personnel Commission may order a formal hearing. The decision of the Personnel Commission shall be binding on the governing board.

References: Education Code Sections 45260, 45261, 45303, 45304, and 45305.

60.1000.4

HEARING PROCEDURE

- A. The Personnel Commission may conduct hearings of appeal or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Personnel Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Personnel Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Personnel 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 of Education shall first present its witnesses and evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board of Education and the employee will be allowed to be represented by legal counsel or other designated representation. Each is obligated to notify the other of intent to use counsel.
- G. The Personnel Commission may, and shall if requested by the Board of Education or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- H. The Personnel Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- I. Whether the hearing is held in a public or closed session, the Personnel Commission, after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Personnel Commission, its counsel, and its staff shall be permitted to participate in the deliberations.
- J. The Personnel Commission shall render its judgement as soon after the conclusion of the hearing as possible and in no event later than 10 working days. Its decision shall set forth which charges, if any, are sustained and the reasons therefor.
- K. The Personnel Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Board of Education.

- L. The Personnel Commission order of judgement will be filed with the governing board and the charged employee and will set forth its findings and decision. If a dismissal is 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 disciplinary action.

References: Education Code Sections 45260, 45261, 45303, 45304, 45305, 45307, 45311, 45312, and 45313.

60.1100

SUMMER EMPLOYMENT

- A. Vacancies due to summer vacation and other short-term summer positions shall be filled, so far as practicable, by those regularly employed but on a less than twelve-month basis provided:
1. That the appointments shall be made from appropriate special employment lists of those eligible employees who make specific application each year by May 15, for positions for which they are qualified.
 2. That the following priority in appointment is followed:
 - a. The order of seniority within the classification wherein the vacancy exists;
 - b. The order of seniority in the next highest classification in a series;
 - c. The order of seniority in the next lower classification in a series;
 - d. Where no employee in the occupational field is ready and willing to accept short-term summer employment, qualified employees regularly employed in other occupational fields may be appointed based upon total seniority in the district;
 - e. That where priorities a through d, inclusive, cannot be met, employment from outside the classified service may be considered;
 - f. That seniority shall be computed as outlined in P.C. Rule number 60.800.3 (Computation of Seniority);
 - g. That no person whose last service rating is unsatisfactory shall be placed on the list for summer employment;

- h. That applicants for positions involving manual labor may be required to submit a fit for service examination;
 - i. Appointments to one or more positions in which the combined service equals a minimum of ten working days, shall be deemed a summer assignment.
 - j. An employee who receives an unsatisfactory performance rating during summer employment shall not be eligible for the following summer.
- B. A permanent employee with less than a 12-month assignment who is employed pursuant to this section shall be compensated as follows:
 - 1. If the summer employment is in a classification at the same salary range, the employee shall receive his/her current regular rate of pay. If the employment is at a lower salary range in which the employee's current regular rate appears, he/she will be paid at the lower rate. If the summer assignment is to a lower classification at a salary range which does not include his/her regular salary rate, the employee shall be placed at the closest rate in the range for the classification which is lower than his/her regular rate of pay.
 - 2. If the summer assignment is in a higher classification, the employee shall receive the rate in the salary range for the higher classification that is next above the rate received in the employee's regular classification.
 - 3. No additional rights or benefits shall accrue to any employee because of additional summer employment, except as mandated by law.

70.100 WAGE AND SALARY PROVISIONS

When the provisions of these rules and regulations are in conflict with a negotiated contract, the contract shall prevail for employees covered by the contract.

70.100.1 DETERMINATION OF SALARY SCHEDULES

70.100.2 FACTORS IN SALARY DETERMINATION

- A. The Personnel Director shall prepare recommendations for the allocation of classes to salary schedules for approval by the Personnel Commission. These recommendations shall take into account the following factors:
1. Wages and salaries paid for similar work in similar work in the recruitment area.
 2. Wages and salaries paid by other governmental agencies which may be in competition with the district in the labor market.
 3. The principle of like pay for like work within the classified service.
 4. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.
 5. Such other information as the Personnel Commission may require.

70.100.3 SALARY STUDIES

- A. A salary study shall be made:
1. Whenever a new class is created;
 2. Every 3 to 5 years (of all classes in the classified service);
 3. When directed by the Personnel Commission.
- B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Personnel Commission and setting forth the reasons for the study.
- C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives.

70.200 APPLICATION OF SALARY SCHEDULES

70.200.1 INITIAL PLACEMENT

- A. New employees may be given credit for qualified experience or education on the basis of one year credit on the salary schedule for each one year of qualified experience or education exceeding the entrance qualifications of the classification. Initial placement on the second or third step of the salary schedule shall be determined by the governing board upon recommendation by the Personnel Commission or its designee.
- B. Classified managers shall be placed on the initial (probationary) salary level recommended by the Personnel Director to the appointing authority pursuant to the rules and procedures prescribed by the Board of Education and adopted by the Personnel Commission.
- C. Classified managers' salary placement shall be reported to the Personnel Commission at its first meeting following the employee's selection.

70.200.2 STEP ADVANCEMENT

- A. Classified management step advancement shall be in the manner prescribed by the Board of Education and adopted by the Personnel Commission.
- B. Satisfactory service is the prerequisite to advancement on all classified salary schedules.
- C. Special salary schedules, which may be adopted as needs arise, shall contain specific rules for step advancement.
- D. Based on performance appraisal recommendations, step advancement on the regular salary schedule shall be as follows:
 - 1. Advancement to Step 2 from Step 1 shall take place six months after placement on Step 1.
 - 2. Advancement to Step 3 from Step 2 shall take place one year after placement on Step 2.

3. Advancement to Step 4 from Step 3 shall take place one year after placement on Step 3.
4. Advancement to Step 5 from Step 4 shall take place one year after placement on Step 4.
5. Newly hired unit members will advance to the next step of the salary schedule on the first of the month following six months of employment provided he/she has successfully completed the prescribed probationary period. Each succeeding step will be attained one year from the preceding step. For the purpose of this rule, when the first day of service falls between the first and 15th day of the month, the appointment shall be considered as effective on the first day of that month. If the first day of service occurs after the 15th calendar day of the month, the appointment shall be considered as effective at the beginning of the next month. Credit for step advancement shall accrue during leaves of absence for military service or to serve in limited-term positions in the District and during any paid leave of absence, such as industrial accident or industrial illness leave. When a unit member is restored after leave of absence, to his previous salary step, he/she shall receive credit toward step advancement for service on that step prior to the leave. His/her anniversary date shall be adjusted accordingly in order that he/she shall be granted step advancement after having completed the amount of service required.
6. The first of the month shall be the anniversary date for all regular classified employees. The anniversary date for employees who commence employment on the first through the fifteenth day of the month shall be the first day of that month. The anniversary date for all regular classified employees commencing employment on the sixteenth through the last day of the month shall be the first day of the month following the month of employment in the classification.

70.200.3 PROMOTIONS

An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the step of the salary range that is at least 5 percent above the rate the employee received in the previous class. Additional advancement will be at the one-year intervals thereafter until the maximum is achieved. For the purpose of this rule, appointment of an employee to a class with a salary range equal to or below his/her current range shall not be considered a promotion and shall not warrant a salary increase. In such cases, placement will be made on the same rate formerly earned by the employee, not to exceed the maximum of the range of the class to which he/she is appointed.

70.200.4 PLACEMENT AFTER LEAVE OF ABSENCE

- A. Upon returning from an authorized leave of absence, an employee shall be placed on the same step of the range for the class which he/she had achieved prior to the leave, regardless of changes in rate or range applicable to the class, except that step advancement within range shall be granted when:
 - 1. The time period required for step advancement has elapsed and the employee had served at least 75 percent of the working days in his/her assignment in the required time period prior to the leave, or
 - 2. The law and/or these rules provide that credit for step advancement shall accrue during the authorized leave of absence.
- B. Credit for step advancement shall accrue during leaves of absence for military service or to serve in limited term assignments in the district and during any paid absence, industrial accident, and industrial illness leaves.
- C. When an employee is restored to his/her previous salary step upon return from an authorized leave of absence, he/she shall receive credit for step advancement for service prior to the leave. His/her anniversary date shall be adjusted accordingly in order that he/she shall be granted step advancement after having completed the amount of service required by Rule 70.200.2.

70.200.5 PLACEMENT WHEN DEMOTED

- A. An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate he/she earned in the higher class provided that he/she shall not receive a salary increase thereby. He/she shall retain the anniversary date established in the higher class.

- B. The order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 70.200.2.

70.300 WORK PERIODS AND WORKWEEK

70.300.1 WORKDAY AND WORKWEEK

The maximum number of hours of regular employment of an employee is eight hours a day and 40 hours a week. However, the governing board may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight hours in one day or 40 hours in one week.

70.300.2 OVERTIME DEFINED

- A. Overtime is ordered and authorized working time in excess of eight hours in one day or 40 hours in one week. No one shall order or authorize overtime unless it is compensable as provided below.
- B. In determining the eligibility of an employee to receive the prescribed overtime rate, the number of hours worked by an employee shall include, in addition to actual hours worked, time during which the employee is excused from (and is paid for) holidays, sick leave, vacation, compensating time off, or any other paid leave of absence.

70.300.3 COMPENSATION FOR OVERTIME

- A. An employee who works authorized overtime shall be paid at a rate equal to one and one-half times his/her regular rate of pay for the overtime worked. Shift and special assignment differentials regularly received by the employee shall be included in determining his/her regular rate of pay.
- B. Compensatory time off for overtime worked shall be at a rate equal to time and one-half the regular rate of pay of the employee designated and authorized to perform the overtime. Compensatory time shall be used within thirty (30) working days following the month in which the overtime was worked. Maintenance and Operations employees may defer taking compensatory time-off for up to twelve calendar months. Any compensatory time which is not used within the specified time periods shall be paid to the employee at time and one-half of his/her regular rate of pay.

70.300.4 CLASSIFICATIONS EXEMPT FROM OVERTIME

- A. The following supervisory, administrative, or executive classes are exempt from the overtime provisions as authorized by Section 45130 of the Education Code:

Accountant/Auditor
Administrative Assistant
Assistant Superintendent, Business Services
Associate Superintendent, Business/Personnel Services
Campus Security Officers
Chief Business Officer
Child Welfare/Attendance Officer
Classified Personnel Manager (Personnel Commission)
Custodial/Security Manager
Custodial Supervisor
Director of Food Services
Director of Maintenance and Operations
Director, Technology
Disbursement and Purchasing Director
Executive Secretary (to Superintendent)
Executive Secretary (to Assistant Superintendent)
Food Services Manager III
Food Services Supervisor II
Grounds Supervisor
Guidance Interns
Maintenance/Operations Manager
Network Administrator
Painting Supervisor
Plant Manager
Plumber/HVAC Mechanic Supervisor
Project APPLE/REACH Site Coordinator
Risk/Safety Officer
Telecommunications/Electronics Manager
Transportation Supervisor
Warehouse Supervisor

Notwithstanding this exemption, if an incumbent thereof is required to work on a holiday, he/she shall be paid, in addition to his/her regular pay, straight time for hours required to work.

Weekend/Holiday Positions

- B. A minimum of two hours pay shall be guaranteed whenever an employee is called to perform emergency work or other work to be performed outside of regular working hours.
- C. Time and one-half of his/her regular rate shall be paid to any employee designated and authorized to work overtime on the sixth or seventh day after commencement of his/her work week.

70.300.5 WORK ASSIGNMENTS IN ADDITION TO REGULAR ASSIGNMENTS

- A. Overtime work and other work begun outside of regular working hours shall be offered to employees in the appropriate job class on the basis of the seniority of the employees in the organizational unit (school, office, etc.) in which the work is performed. Seniority shall be determined by the length of time the employee has held regular status in the appropriate job class plus higher classes.
- B. Assignment rosters shall be kept by the various organizational units (school, office, etc.). Such rosters shall list the affected employees by seniority. As overtime work and other extra work begun outside of regular working hours becomes available, it shall be offered to the first employee on the roster. The nature of all such work shall be made known at the time. The first employee may accept or reject the assignment. Whether he/she accepts or rejects the assignment, his/her name shall be rotated to the bottom of the roster and the other names rotated upward. If an assignment is rejected by all of the employees on the roster, it may then be offered to an employee in a related job class who is qualified to perform the work or the supervisor in charge may require an employee to perform the work.
- C. Such overtime and extra assignments shall be offered at least 24 hours prior to the time the work is to be performed when possible. All such known assignments for any given work day shall be chosen before such assignments for succeeding work days are chosen.

70.400 HOLIDAY PAY

70.400.1 ELIGIBILITY

- A. All permanent and probationary classified employees shall be entitled to payment for authorized holidays provided that they were in paid status during any portion of the working day immediately preceding or succeeding the holiday.
- B. Holidays shall be those listed in the Education Code, the day after Thanksgiving, and those approved, yearly, by the Board of Education. In addition, every day appointed by the President or the Governor of this state as provided for in Subdivision (B) and (C) of Section 37220, for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 37222 which the Board of Education specifies shall be a holiday for classified or certificated employees.
- C. When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any said holidays, he/she shall be paid compensating time off, for such work, at the rate of two and one-half times the regular rate of pay of the employee designated and authorized to perform the overtime.
- D. Any classified employee required to work a workweek other than Monday through Friday and, as a result thereof, the employee loses a holiday to which he/she would otherwise be entitled shall be given a substitute holiday or provided compensation in the amount to which the employee would have been entitled had the holiday fallen within his/her normal work schedule.
- E. The holidays indicated in Rule 70.400.1 (B) are guaranteed holidays for all members of the classified service who establish eligibility for the same under Rule 70.400.1 (A) except that employees serving in positions created under Rule 30.100.7 are exempt from guaranteed holidays.
- F. Pay for a holiday shall be the same that the employee would have received had the day not been a holiday. Exception: See Rule 70.600 regarding benefits for part-time employees.
- G. Classified employees required to work on holidays shall be paid for such work as prescribed in Rule 70.300.2 or 70.300.4 as it relates to positions lawfully exempted from overtime.

- H. An employee who has accumulated an excess of 50 days of sick leave as of June 30 shall receive a floating holiday for the subsequent fiscal year. To be eligible for a floating holiday in years thereafter, an employee must maintain at least 75% of each year's allotment of sick leave days.

70.500 PAYROLLS

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.

70.600 BENEFITS FOR PART-TIME EMPLOYEES

- A. Benefits for persons employed less than full time are to be provided in accordance with Section 45136 of the Education Code. Employees who work twenty (20) hours or less, will be eligible for benefits and the district will pay for fifty percent (50%) of their benefits. Employees who work thirty (30) hours or more, will receive eligible for full benefits and/or the option to opt-out of benefits.
- B. Sick leave and all other codified or negotiated benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to eight hours per day, 40 hours per week, number of weeks per month, or number of months to a calendar year.
- C. If an employee works 30 minutes or more for 20 consecutive workdays in excess of the assigned time, the assigned time will be adjusted to reflect the actual work time and becomes "assigned time" (see Rule 60.200.4).
- D. If a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate of at least equal to time and one-half, exceeds his/her average assigned time by 50 minutes or more per working day in any quarter, the hours paid per day for compensable leaves of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime.
- E. Unless vacation pay is provided on the basis of actual hours of paid regular service, rather than on an assigned time basis, vacation pay shall be granted on the basis of the average number of hours worked in a school year by the part-time employee.

80.100 PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES OF CLASSIFIED PERSONNEL

80.100.1 PURPOSE OF THE ADJUSTMENT PROCEDURE

- A. The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies or administrative procedures, working conditions, or job relations, 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 his/her complaint within 10 working days of his/her notification of his/her rights under the provisions of these rules following any specific or documented incident or at the earliest possible date after the recognition of a non-specific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships.
- B. Matters excluded from the adjustment procedure shall be:
 - 1. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Board of Education.
 - 2. Matters specifically reserved for action or review by the Personnel Commission under the Personnel Commission rules and regulations in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission.
 - 3. Complaints about the subject matter of a Board of Education rule or policy or administrative procedures rather than the administration of the Board rule or policy or procedure. An employee with such a complaint should direct his/her suggestions for change through administrative channels to the Board of Education or to the administrator who established it.

80.100.2 STEPS IN THE ADJUSTMENT PROCEDUREA. Informational Discussion

1. Informal discussion between an employee 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 one working day. The supervisor shall promptly communicate his/her decision and supporting reasons to the employee(s). Every effort shall be made to resolve grievances at the lowest possible level.

B. Informal Review

1. If the problem has not been resolved by the immediate supervisor, the employee may request, either orally or in writing, that an informal review be made by the next higher-level supervisor in whom authority exists to take corrective action. In the case of school-assigned personnel, this supervisor would be the site administrator unless the informal discussion was between the site administrator and the employee.
2. The supervisor shall attempt to hold a conference within five working days after he/she has received the employee's request for an informal review.
3. The employee must be in attendance. He/she may present his/her own case or may present the problem through a representative of his/her own choosing at the informal review and at any subsequent stage of the adjustment procedure. The supervisor and the respondent may each have a representative at the informal review and at any subsequent stage of the adjustment procedures. Any employee of the district may serve as a representative without prejudice or loss of salary, provided that he/she notifies his/her supervisor in advance.
4. Following the oral presentation of the complaint to the supervisor, if the complaint has not been resolved to the satisfaction of all concerned, the employee or his/her representative shall prepare and present the complaint in writing to the supervisor and 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.

5. The supervisor shall communicate in writing his/her decision and supporting reasons to the appellant, the appellant's immediate supervisor (if other than the supervisor), and the concerned division heads within five working days.

C. Administrative Review

1. If the appellant remains dissatisfied following the informal review, he/she may submit a written complaint within seven working days after receipt of the decision, requesting a formal administrative review.
2. The written request shall include:
 - a. A clear, concise statement of the complaint;
 - b. The act or condition on which the complaint is based;
 - c. The remedy desired;
 - d. The persons involved;
 - e. The course of action that has been followed. This is to include the decision rendered in the informal review, the reasons why the decision is being appealed, and the name of the appellant's representative, if any.
3. The appellant may obtain assistance from the Personnel Director, Classified Services, throughout the course of the adjustment procedure.
4. The appellant shall submit the complaint directly to his/her department head (or equivalent level) and route one copy of the complaint through the appellant's administrative chain of command, one to his/her division head for information purposes only, and one to the respondent.
5. The department head or his/her designee shall hold a conference with all interested parties on the complaint within five working days of receipt, unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved.

6. The department head or his/her designee shall submit written notice to the appellant and the appellant's supervisors of the decision in the matter within five working days after the conclusion of the conference. One copy shall be forwarded through the administrative chain of command, one to the division head for information, and one to the respondent, if other than the supervisor. The department head shall implement the decision.

D. Formal Hearing

1. If the appellant is dissatisfied with the decision of the administrative review, he/she may send to the superintendent, within five working days after receipt of the decision, a written request for a hearing before a hearing officer. A copy shall be sent to the respondent.
2. The superintendent or his/her designee shall make arrangements for the selection of the hearing officer. The hearing officer may be selected jointly by the appellant or his/her representative and the respondent. He/she may be a district employee or a hearing officer not employed by the district. If a hearing officer is not selected jointly within five working days after the request for a hearing officer was filed with the superintendent, the services of a hearing officer shall be requested by the superintendent or his/her designee for the American Arbitration Association, the State of California's Office of Administrative Procedure, or any other agency approved by the Board of Education.
3. All fees for the services of an outside hearing officer shall be paid from the appropriate funds of the district.
4. The district shall provide the hearing officer with all necessary technical and clerical staff assistance in preparing for and conducting the hearing and in preparing the findings.
5. The hearing officer shall convene a hearing at the earliest practicable date after his/her selection. He/she shall review the written statements submitted by the parties to the grievance. The appellant and the respondent may request the presence of witnesses. The hearing officer shall be empowered to direct the attendance of any district employee at the hearing without loss of salary to the employee.

6. The hearing shall be conducted in an informal manner with only those having legitimate interest in the problems at issue, as determined by the hearing officer, admitted. The appellant and the respondent shall each be limited to two days to present their respective positions. The hearing officer may admit evidence and testimony regarding incidents and occurrences that antedate the event giving rise to the grievance if he/she concludes that they have sufficient relevance as background information. He/she may also take such additional time as necessary to take such further testimony as he/she deems necessary. The hearing shall be conducted in accordance with the fundamental rules of fairness and due process.
7. The hearing officer shall render written findings, conclusions, and the recommendation within 10 working days of the termination of the hearing. The findings, conclusions, and recommendations shall be sent to the parties concerned and to the superintendent for implementation.

E. Board of Education Review

1. If the appellant, the respondent, or the concerned division heads are not satisfied with the recommendations submitted by the hearing officer, a written appeal may be made to the Board of Education within 5 working days after receipt of the findings, conclusions, and recommendations. A copy of the appeal shall be submitted to the superintendent.
2. A copy of the appeal shall be provided to the responding party, and he/she shall be required to submit his/her written reply to the points made in the appeal within 5 working days of receipt thereof.
3. The Board of Education may review the records of the hearing, including the findings, conclusions, and recommendations, or conduct its own hearing or investigation of the appeal.
4. 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 their review of the appeal. The superintendent shall implement the decision.

80.200 POLITICAL ACTIVITY

80.200.1 POLITICAL ACTIVITY FREEDOM

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code, Section 13004.

80.200.2 CAUSE FOR DISCIPLINARY ACTION

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

1. 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.
2. 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.
3. Engaging in active campaigning on behalf of any candidate, including himself/herself, for public office, whether by speaking, soliciting funds or support, distributing hand bills or otherwise, during his/her assigned hours of employment.
4. Attempting to gain any advancement or privilege through political activity.

80.200.3 PERSONAL CANDIDACY

Any employee may be a candidate for any political office for which he/she may file without suffering any loss of employment status in the district unless he/she violates the provisions of Rule Number 80.300.2 and except as provided for in Rule Number 80.300.4(B).

80.200.4 LEAVE OF ABSENCE

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

- B. Such leave is required if the employee is a candidate for election to the governing board.

80.200.5 ELECTION TO A POLITICAL OFFICE

- A. An employee who is elected to a political office, the duties of which will clearly conflict with his/her 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 he/she assumes the office and shall terminate not later than 30 days after his/her last day in the elected office. Re-election to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.
- B. An employee who is granted a leave under this rule may be used as a substitute employee during the period of the leave. He/she will be placed on an appropriate employment list(s) and notified that he/she may be offered limited term employment.

80.200.6 PERSONNEL COMMISSION'S INTENT

It is the Personnel Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity but to also ensure 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, ensure that its employees do not wrongfully use their duty hours or district facilities for political purposes.

80.300 NEW EMPLOYEE CLEARANCES

80.300.1 PHYSICAL EXAMINATIONS

A. Initial Employment

1. Applicants for employment may be required to take a physical examination prior to final acceptance as an employee. The district or the Personnel Commission may designate certain classifications where a physical examination shall be required. These examinations shall be at district expense.
2. Prior to employment, each person is required to submit adequate proof that he/she has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within a 60-day period preceding the date of employment.
3. The district shall designate the agency or physician who will conduct the test.

B. After Employment

1. Every employee is required to undergo an examination to determine that he/she is free from active tuberculosis at least once every 4 years after employment. The district shall provide the required examination.
2. The district shall maintain adequate records on each employee which indicate compliance with these rules and the law.

C. Fitness for Duty Examinations

1. Fitness for duty examinations shall be required, at district discretion, when the health of an employee may affect his/her working ability. These examinations shall be paid by the district at a district-selected facility.

80.300.2 CRIMINAL RECORDS CHECK

A. Fingerprinting

1. All new potential employees shall be fingerprinted prior to employment or shall forfeit eligibility for employment. Any new potential employees shall, on district-provided forms, list all criminal convictions.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
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 personnel director shall decide, subject to adopted rules, whether or not the person should be employed or retained in employment.
3. If it approves the recommendation, the Personnel Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefor. The Personnel Commission shall provide the person with an opportunity to appeal the decision in writing within 10 days of notification and may hold a hearing at its discretion. The decision of the Personnel Commission shall be final.

80.300.3 Availability of Personnel File

- A. Any member, or members designee, of the classified service may, by his/her request, inspect his/her personnel file whether maintained by the Personnel Commission, in the district office, or at a school or other district location.
- B. The employee's request for inspection shall be during a time when he/she is not required to render service to the district unless it is impossible to arrange for such service during his/her off-duty hours and he/she has the written permission of his/her immediate supervisor to be absent from work for a specified period of time and proper arrangements have been made for him/her to inspect his/her file.

