



PERSONNEL COMMISSION

RULES AND REGULATIONS FOR THE CLASSIFIED SERVICE

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
710 Encinitas Boulevard
Encinitas, CA 92024

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CHAPTER 1

PRELIMINARY STATEMENT AND DEFINITIONS

1.1 Preliminary Statement

A. Statutory Authority for Personnel Commission Rules

The Rules contained herein are established pursuant to the authority of the Personnel Commission under the Education Code Article 6 (commencing with Section 45240) of Chapter 5 of Division 3, and other statutes applicable to school districts subject to the Act. It is recognized that certain of these rules venture into substantive matters within the prerogative of the Board of Trustees. For that reason, the initially adopted set of Rules and Regulations were approved by the Board of Trustees.

Thereafter, it shall be the policy of the Commission to submit all new rules or amendments or deletion of existing Rules to the Board of Trustees when:

1. The Rule requires Board approval in accordance with the Education Code.
2. It is difficult to define the Division of Commission and Board authority re the rules in question.

B. Interpretation and Application of Rules

In such cases the rule in question will not become effective until it is so approved.

The Education Code, Section 45260/88080, provides that: "The Commission shall prescribe, amend, and may interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service, and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding on the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code. **(EC 45260)**

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These Rules are to be applied with consideration of their intent; however, specific, applicable provisions of the Rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to amend the Rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability. All statutory provisions under a merit system shall govern and the omission of a specific reference to a particular statutory provision is in no way to make such provisions inapplicable.

C. Judicial Review

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

D. Additions, Deletions, or Amendments of Rules

1. All proposals, from any source, to amend, delete, or add to these Rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
2. At the "first reading" the Commission will set a date for Commission action on the proposal, which date will 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.
3. Insofar as possible, interested parties shall submit their reactions to the 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.

1.2 Definitions

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

ACCELERATED HIRING RATE: An initial hiring rate at other than the beginning of the range for the class, which rate must be specifically authorized by the Personnel Commission for the particular class. Such rates are based on anticipated or actual recruitment difficulty.

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California applying to the merit system for classified employees.

ADMINISTRATIVE CLASS: The class meeting the criteria outlined in the rule on overtime whose incumbents do not receive payment or compensating time off for overtime.

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

ANNIVERSARY DATE: The date on which an employee is granted an earned salary increment. This is the first day of the pay period closer to the completion of the required period of service.

APPEAL: A protest by an employee regarding an administrative action actually or potentially detrimental to him.

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

APPOINTING AUTHORITY or APPOINTING POWER FOR CLASSIFIED EMPLOYEES: The Board of Trustees, San Dieguito Union High School District.

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

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of a relative as defined.

BOARD: The Board of Trustees, San Dieguito Union High School District.

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

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

CERTIFICATED SERVICE: All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

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

CLASS: A category of positions with similar duties and responsibilities, to which the same title, salary, entrance qualifications, and tests of fitness apply.

CLASS SPECIFICATION (JOB DESCRIPTION): A formal statement, approved by the Commission, of the nature and level of duties and responsibilities of the positions in a class, and containing the qualification requirements of the positions in the class.

CLASSIFICATION: The art of placing a position in a class.

CLASSIFIED SERVICE: All positions and employees in the District's service to which the merit system provisions of the Education Code apply and which are not exempted by these provisions.

COMMISSION: The three-member Personnel Commission established pursuant to the merit system provisions of the Education Code for the San Dieguito Union High School District.

DAY: The period of time between any midnight and the midnight following.

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

DISCHARGE OR DISMISSAL: Separation from service for cause.

DISTRICT: The San Dieguito Union High School District.

DUAL CERTIFICATION: A procedure authorized by the Commission under specific conditions, which provides for simultaneous certification from an open eligibility list and a promotional eligibility list according to examination scores.

EARNED SALARY STATUS: For a permanent employee who has resigned, been laid off, or taken a voluntary demotion or reduction to limited-term status, the current flat rate of or the highest

step achieved in a class in which the employee had permanency and a regular assignment at the time of termination or reduction.

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in a merit system examination for the selection of classified employees for a specific class. In the event of tie scores, more than one name may hold the same rank.

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

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

EMPLOYEE: A person who is legally an incumbent of a position or 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, change location, demote, be reinstated after resignation, or be restored after voluntary demotion or reduction to limited-term or part-time status.

ENTRANCE QUALIFICATIONS: Mandatory and desirable experience and education qualifications prescribed for those who wish to compete in merit system examinations for a specific position or class.

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

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

FIELD OF COMPETITION: Those categories of persons (either from within or outside the District) authorized by the Personnel Commission to participate in a merit system examination for a specific class.

FISCAL YEAR: From July 1 to June 30 inclusive.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than 87.5 percent of the normal assigned time of the majority of employees in the qualified service.

GRIEVANCE: An employee complaint concerning conditions of employment, not including appeals of disciplinary actions or requests for classification study or salary review.

HEARING: Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER: A qualified person employed by the Personnel Commission to hear and make recommendations on appeals from disciplinary action for nonmedical reasons.

ILLNESS: Any pronounced deviation for a normal, healthy state which makes it disadvantageous to the District and/or detrimental for an employee to be at work.

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE: Absence because of injury or illness which arose out of and in the course of employment with the District.

INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating education, experience, and personal qualifications of the candidates. Also known as oral interview. Also the meeting between an eligible and the selecting department delegate to discuss a possible appointment to a specific vacancy.

INVESTIGATION: A fact-finding procedure related to an appeal, complaint, or grievance. An investigation is less formal than a hearing.

INVOLUNTARY DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate when the change is imposed as a disciplinary action for cause.

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

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

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

LIMITED-TERM EMPLOYEE: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited period of six months or less.

MERGING: The art of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores of eligibles. Each individual eligibility list within a merged list expires one year after its promulgation.

MERIT SYSTEM: A personnel system in which merit and fitness govern each individual's selection, progress, and retention in the service.

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

MULTIPLE ASSIGNMENT: A limited-term classified assignment in addition to a regular classified assignment.

NOTICE OF UNSATISFACTORY SERVICE: A form used as a written reprimand. Such notice may be used to lay a foundation for taking disciplinary action.

OPEN EXAMINATION: An examination which is not restricted to persons who are current permanent employees of the District, i.e., may be taken by any person otherwise qualified.

OVERTIME: Authorized time worked by an employee in excess of eight hours a day and/or 40 hours a week, or in excess of five consecutive days in a workweek for employees who work an average of four hours or more per day. An employee who works an average of less than four hours a day is paid overtime or provided with compensating time off for authorized time worked on the seventh day of his workweek.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87.5 percent of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: An evaluation of the work and conduct of an employee; the form used for this purpose.

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

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

PERSONNEL COMMISSION: The three members appointed in accordance with Education Code provisions and responsible for maintenance of the merit system or classified employees.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person.

PROBATIONARY PERIOD: The trial period of six months or 130 paid days of service immediately following an original or promotional appointment to a permanent position from an eligibility list.

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

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

PROMOTIONAL PROBATION: The trial period of six months or 130 paid days of service immediately following a promotional appointment to a permanent position from an eligibility list.

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 specific circumstances.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

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

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

REEMPLOYMENT: Reassignment to duty of an employee who has been laid off or reassignment of a former employee: to a lower class than that from which the employee had resigned; or to limited-term status.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment or reclassification of position, exhaustion of illness or industrial accident leave, or other reason specified in these Rules and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.

REGULAR APPOINTMENT: An appointment to a position of more than six months' duration made from an eligibility list or from some other list of persons who are legally qualified, e.g., reemployment or reinstatement.

REGULAR EMPLOYEE: A person who has probationary or permanent status in the classified service.

REINSTATEMENT: A reappointment (discretionary with the Board of Trustees) after resignation within 39 months after the last day of paid service, without examination, to a position in one of the employee's former classes, or a related lower class, or after reduction to a limited-term status, to permanent status. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

RESIGNATION: A voluntary statement, preferably in writing, from an employee to be terminated from one or all assignments.

RULE OF THREE RANKS: The scope of choice available to an appointment power in making a selection from an eligibility list; refers to selection from among those eligibles having any of the three highest scores who are ready and willing to be appointed to a specific position.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification. A current salary range consists of either four, five or six salary steps.

SALARY RATE: A specific amount of money paid for a specified period of service, e.g., dollars per hour or month.

SALARY SCHEDULE: A complete list of ranges, steps, and rates established for the Classified Service.

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

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

SENIORITY: Status secured by length of service counted in hours. Used for determining order of layoff as well as for certain informal purposes. May be used to calculate extra points for employees taking promotional examinations.

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

SHIFT DIFFERENTIAL: Additional pay for night work.

STATUS: Tenure which is acquired in a classification by reason of examination, certification from eligibility lists, election or appointment by the appointing power, and the successful completion of the probationary period.

STEP ADVANCEMENT: Movement to a higher step of the salary range or schedule for a class as a result of having served the require number of days in paid status.

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

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

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

TRANSFER: A change in the assignment of an employee from a position in one class to a different position in the same class, or to a position in a similar or related class with the same maximum salary rate.

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service, i.e., those exempted by law. Includes part-time playground positions where an employee is not otherwise employed in a classified position, full-time day students employed part-time, apprentices, part-time students employed part time in any college work-study program, and professional experts and community representatives employed in consulting or advisory capacities on a temporary basis for a specific project.

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

VETERANS' CREDIT: Five additional points added to a passing score in entrance examinations, for military or related service rendered during a time of war or national emergency. An additional five points are added for disabled veterans.

VOLUNTARY DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate when the change is requested by the employee and approved by the District.

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for a specific appointment from an employment list in one or more positions, locations, or for a specific or unlimited period of time.

WORKDAY: That part of a 24-hour period during which an employee is scheduled to work in accordance with the employee's specific assignment.

WORKING DAY: Any day for which an individual employee received compensation, regardless of the number of hours in a day for which the District's central office is open to the public for business purposes.

1. A work shift that begins in one calendar day and ends in the succeeding calendar day shall be considered one working day.
2. A calendar day for which only overtime compensation is received shall not be considered a working day.

WORKWEEK: Forty hours, usually served in five consecutive calendar days within a seven-day cycle, is the regular workweek for the majority of classified employees.

WORK YEAR: The portion of the year for which work is authorized.

CHAPTER 2

THE PERSONNEL COMMISSION

2.1 **Establishment of the Personnel Commission and Membership**

The Personnel Commission of San Dieguito Union High School District was established, under the Act, when the classified employees petitioned the Board of Trustees in September 1972, and the Board elected to become a merit system effective December 1, 1972.

2.2 **Appointment of Commissioner**

The Act provides for three commissioners. One commissioner is appointed by the Board of Trustees. A second commissioner is nominated by the classified employees and appointed by the Board of Trustees. A third commissioner is appointed by the other two commissioners. **(EC45245)**

A. Minimum qualifications for appointment as a Personnel Commissioner

The person appointed shall be:

1. A registered voter;
2. A resident within the territorial jurisdiction of the school district; and,
3. A known adherent to the principle(s) of the merit system.

No member of the governing board of the district, county board of education, or current employee of the district may serve on the commission. **(EC45244)**

B. The commissioner appointed by the other two commissioners shall be chosen after interviews of candidates and the decision has been made by the other two commissioners in closed session. If a stalemate occurs, the appointment will be made by the Superintendent of Public Instruction. **(EC45246)**

2.3 **Terms of Commissioners**

A. By law, the term of each commissioner is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Personnel Director shall notify the appointing authority of the name and home address of the commissioner whose term will expire and whether or not the commissioner will accept reappointment. Vacancies, whether for full or unexpired terms, shall be filled in accordance with Education Code Section 45245 and 45246.

B. Commissioners who fail to attend more than three meetings in a year may be removed by the appointing body in each case, on receipt of a letter from the other two commissioners after approval of the letter in an open meeting of the commission, and after written notification to the commissioner in question.

2.4 Officers of the Commission

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

B. The chairman approves the agendas and chairs the meetings. The vice chairman performs these duties in the absence of the chairman.

2.5 Quorum

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

2.6 Regular Meetings

A. At the first meeting in December the Commission shall adopt a meeting calendar for the ensuing year. Subject to cancellation or proper change, the Commission shall meet monthly. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting.

B. In case of emergency, the Commission may meet at some other time and/or place, provided that at least 24 hours' notice is given to all commissioners and to employee and administration representatives and posted on the Commission's website. If a situation exists which disrupts or threatens to disrupt public facilities, an emergency special meeting may be called without requiring the minimum 24 hour notice. The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour designated for regular meetings.

2.7 Special Meetings

Special meetings may be called at any time by the chairman and shall be called upon the written request of any two members. Written notice shall be delivered personally, by Email, or by mail to each member of the Commission. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organization. Such notice must be delivered personally or by Email at least 24 hours before the time of such meeting or specified in the notice. A copy of the notice shall be posted on the Commission's website. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission.

2.8 Public Meetings

All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

2.9 Closed Session

The Commission may hold closed sessions as permitted by Government Code Section 54950, et seq. The Commission shall not consider any matter in executive session relating to an employee unless the employee has been notified of the right to a public hearing and has declined the public hearing or properly filed to request same in writing. The Commission may hold closed sessions also to consider administrative matters relative to its own staff and to consider examination materials as provided in these Rules. Any minutes kept of closed sessions are not subject to public review. Personnel decisions made in closed session must be announced in public meeting and recorded in the minutes.

2.10 Prohibition of Commission Gathering Privately

Two or more commissioners may not meet for the purpose of transacting Personnel Commission business unless it is in one of the authorized and publicly announced meetings.

2.11 Commission Compensation

- A. Commissioners are compensated at a rate of \$50 per meeting. **(EC45250)**
- B. Commissioners are reimbursed for meals and travel expenses while attending meetings of the California School Personnel Commissioners Association, The San Diego County Personnel Commissioners Association, or other special meetings, workshops, or conferences approved by the commission.

2.12 Communication

A. Agenda and Supporting Data

Insofar as possible, at least 72 hours (excluding weekends and holidays) prior to every regular or at least 24 hours prior to every special commission meeting, the agenda shall be provided to the Commissioners, all classified employees and the representatives of all verified employee organizations representing District classified employees as well as the District administration. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's website and distributed to news media which have requested it.

B. Written and Oral Presentations

Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission or matters they wish the Commission to consider, and will be provided reasonable opportunity to present

their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

1. Individuals wishing to address the Commission on any subject within the jurisdiction of the Commission not listed elsewhere on the agenda may do so under the "Public Comments" item.

2. In accordance with the Brown Act, unless an item has been placed on the published agenda, there shall be no action taken. The Commission may acknowledge receipt of the information, refer it to staff for further study, or refer the matter to the next agenda.

3. Individuals or groups who seek interviews with particular Commissioners as to matters which may later be placed before the Personnel Commission for decision shall be referred to the Commission staff office with the explanation that it is against the policy of the Commission to take up such matters except at open meeting with the majority of the Commission present. The Commission may designate one of its members to investigate a specific subject. **(EC 45260)**

2.13 Commission Minutes

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

2.14 Status of Commission Employees

The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and 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 Commission employees, except as the Commission may specifically direct. **(EC45264)**

2.15 General Duties of the Personnel Director

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

- B. The Personnel Director shall conduct classification, salary, and rules studies and shall make other investigations as directed by the Commission or as the Director deems necessary.
- C. In cases where two or more rules appear to be in conflict, or when no rules provide a clear-cut answer to a problem, the matter shall be decided by the Personnel Director subject to appeal to the Commission. **(EC45266)**

2.16 Commission Budget

- A. The Personnel Director shall prepare a proposed budget for consideration by the Commission in sufficient time for the Commission to conduct public hearings prior to adoption no later than May 31 of each year.
- B. 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 Trustees and notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- C. Prior to the 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 Board.
- D. When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools in accordance with the Education Code. **(EC45253)**

2.17 Annual Report

- A. The Personnel Director shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees.
- B. The report shall be prepared for Commission approval as soon after each fiscal year (July 1-June 30) as possible, and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year. **(EC45266)**

2.18 Counsel for the Commission

The Commission may employ its own attorney, County counsel, or the counsel of the Board of Trustees, whichever is deemed appropriate by the Commission to aid and represent the Commission in all legal matters. The reasonable cost of employing counsel shall constitute a legal charge against the funds of the District. **(EC45313)**

2.19 Violations of Education Code

- A. No warrant shall be drawn by or on behalf of the Trustees of the District for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the personnel director that the person named in the

assignment has been employed and assigned pursuant to the Education Code Article 45310 and the Rules of the Commission. Whenever the Commission, after a public hearing, finds that any appointment has been made in violation of this article or the Rules of the commission as they apply to examination procedures, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order. Any violation of the Education Code Article or the Rules of the Commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees guilty of such violation.

- B. Any person who willfully or through culpable negligence violates any of the provisions of Education Code Article 45317 is guilty of a misdemeanor. It is also unlawful for any persons to:
1. Willfully by themselves or in cooperation with another person to defeat, deceive, or obstruct any persons with respect to their right of examination, application, or employment under this article or commission Rule.
 2. Willfully and falsely to mark, quote, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Commission Rule, or to aid in so doing or make any false representation concerning the same or the person examined.
 3. Willfully to furnish to any person any information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or Commission Rule.
- C. The Personnel Commission may file misdemeanor charges with the District attorney against any person suspected of violating these provisions of the Commission Rules. **(EC45317)**

CHAPTER 3

CLASSIFICATION

3.1 Positions Included in the Classified Service

All positions established by the Board of Trustees 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 known as the classified service. **(EC45256)**

3.2 Positions Excluded From the Classified Service

- A. General: Positions required by law to have certification qualifications, part-time playground positions where the employee is not otherwise employed in a classified position, full-time day students employed part-time, apprentices, and professional experts employed on a temporary basis for a specific project by the Board or by the Commission when so designated by the Commission shall be exempt from the classified service. **(EC45256)**
- B. With regard to persons employed under provisions of the Education Code **(EC45256)**, if a permanent classified employee is appointed to serve in such an exempt position, the employee shall retain status as a permanent employee. If the employee is terminated from the exempt position, bumping rights shall be granted in the former class in the same manner as if the employee had been laid off for lack of work or lack of funds.
- C. Special Categories: The Board of Trustees may create positions of staff assistants or field representatives to directly assist the Board or individual Board member. Such positions, if created, are exempted from the provisions of these Rules insofar as they relate to position classification, recruitment, employment, and salary setting. **(EC45112)**
- D. 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 except as provided by the Code. **(EC45112)**
- E. "Part-Time" Defined: A part-time position, for the purpose indicated in this Rule, is one for which the assigned time when computed on a monthly basis is less than 87.5 percent of the time normally assigned to the majority of the classified employees in the classified service for one month's pay period. For a 20-day work month this amount would be less than 140 hours for the month (an average of 7 hours per day, 35 hours per week). **(EC45256)**
- F. 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 Trustees.

3.3 Employment of Professional Experts and Community Representatives

- A. When a professional expert is to be employed by the Board of Trustees, the Superintendent of Schools, or the Commission, there shall be submitted to the 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. **(EC45256, 45258)**
- B. When the person is known who is to be appointed as a professional expert, name and data relative to the person's qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service or professional expert, individuals must be recognized as such by reputable members of their profession.

3.4 Assignment of Duties

The Board of Trustees shall prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission Staff.

3.5 Classification Plan

- A. The Personnel Commission shall classify all employees and positions in the classified service, with due advance notice to all interested parties. To classify shall include, but not be limited to, allocating positions to appropriate classes, occupationally ranking classes, determining relationships, and preparing written class specifications. **(EC45256)**
- B. The classification plan shall consist of classes placed in groups according to general occupational nature and listed in a series by specific occupation and by salary range.
- C. The Commission may establish, redefine, merge or abolish classes.
- D. The Commission will consider recommendations from the District and the exclusive bargaining representative before taking final classification action on positions that belong to the bargaining unit.
- E. The Commission will ensure that the District and the exclusive bargaining representative have reasonable notice of proposed classification or reclassification. If the District and the exclusive representative have a mutually agreed joint forum, the Commission will use that avenue for communication. If such forum is not available, the Commission will communicate directly with the District and the exclusive bargaining representative.

3.6 Class Specifications

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

- A. The official class title;

- B. A definition of the class, including a summary of the duties;
- C. Examples of duties;
- D. Some of the required skills, knowledge, and abilities;
- E. The minimum qualifications for the class;
- F. Any special license or desirable skills (e.g., bilingual);
- G. Any special designations (e.g., supervisory, administrative, executive) and the length of the probationary period;
- H. The date the class specification was adopted. 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.

3.7 Interpretation of Class Specifications

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualifications, requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- B. In determining the class to which any position shall be allocated, the description 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.
- C. Each class specification should identify its proper relationship to other descriptions, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications commonly required of the incumbents of all or many offices or positions, such as freedom from disabling defects such that would render a candidate unable to perform the full range of duties and responsibilities of the position citizenship (see Labor Code), honesty, sobriety and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements. This section does not restrict the Board from employing the handicapped to meet affirmative action goals.

- E. The Qualification requirements, when considered with other parts of the specifications, are to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment to position allocated to the class, but do not require a particular form or content of test or testing procedure.
- F. The class title shall always be used with the meaning set forth in the remainder of the specification.

3.8 Classification of New Positions

- A. When a new position is established, the District shall submit a written statement to the Commission staff for review.
- B. The Personnel Director, subject to approval by the Commission, shall study the information and may classify the position to an existing class.
- C. If the Director finds that a new class is required, the Director shall prepare a report, a class description, and a recommendation to the Commission regarding occupational ranking and allocation of the new class to a salary range. **(EC45276)**
- D. The Personnel Commission shall communicate its action to the Board of Trustees.

3.9 Working Out of Classification

Employees are not expected to work out of classification, but when required to do so, the fact shall be reported to the Personnel Director who shall immediately investigate and report to the Personnel Commission. An employee may be required to perform duties out of classification when the duties relate to that classification, but not for a period of more than five working days within a 15-calendar-day period. The salary of an employee working more than five days within a 15-calendar-day period shall be adjusted upward for the entire period of required work out of classification. After review, the Commission shall take such action as necessary based upon the facts. This rule shall not be construed as permitting an employee to refuse to perform duties assigned by the employee's supervisor. **(EC45110)**

3.10 Changes in Duties of Positions

When the duties of a position are permanently changed, the District shall prepare a position description and submit such data to the Commission. The Personnel Director shall investigate the data and make a determination if the position should be reclassified. If the Director finds that a position should be reclassified to an existing class, such data shall be presented to the Commission for action including class description, proposed class salary, proposed occupational ranking and a determination regarding gradual assignment of duties.

3.11 Effect of Classification Changes on Incumbents

- A. If the duties have been assigned gradually (not a reorganization or sudden change of duties), an employee shall be reclassified along with the position if he or she has been

in one or more of the positions being reclassified for three or more years and the most recent performance evaluation was at least satisfactory. **(EC45285)**

- B. If a person is in a position which is being reclassified and has not been in the position for three or more years, he or she must compete in a new examination, and pass the examination and place on the eligibility list to be promoted. **(EC45285)**
- C. An examination will be given when there is a reorganization or sudden change in duties.
- D. When a position is reclassified downward, the incumbent shall be given the opportunity to be reassigned to an available vacant position in the present class.
- E. When a position is reclassified downward and the incumbent chooses to retain placement in the position rather than reassignment to a vacant position in the present class, he or she shall receive the salary in the salary range of the lower class closest to the former salary and shall not be granted reemployment rights.
- F. When an employee is reclassified upward with a position, he or she shall be ineligible to be reclassified upward again with the position for two years.
- G. When a position has been reclassified to another class which is at the same level, the incumbent of the position who has chosen to be reclassified shall be granted status in the new class without further examination.
- H. When a position or group of positions is reclassified to a class on the same salary schedule, the employee may elect to be reclassified with the same position or to exercise any applicable bumping rights. The reclassified employee shall not be required to qualify by examination for the new class or, if the current duties have been performed for 6 months, to complete a new probationary period.
- I. When two or more classes are merged because of change in the classification plan, the seniority in the new class of any continuing employee whose former class has been abolished shall include applicable service in the abolished class.
- J. Any displacement of a regular employee resulting from reclassification of a position, positions, or class of positions, shall be considered a layoff for lack of work, and an appropriate reemployment list shall be established; displaced employees shall be eligible for reemployment for a period of 39 months with regard to the period of eligibility. **(EC45298)**
- K. 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.

3.12 Review of Positions

- A. The Personnel Director shall study positions as necessary to determine proper classification and shall cause all positions to be reviewed periodically. If the Director finds that a position or positions should be reclassified, the Administration shall be

advised by these findings. If the Administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report these findings and recommendations to the Commission. Reports of findings shall also be made to the Commission in cases where the review indicates no change in classification is necessary.

- B. Requests for classification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting the study. Requests for study may be initiated by the administration with the approval of the Superintendent, or by employees or employee organizations. Requests initiated by the Administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes. **(EC45285)**
- C. The Personnel Commission shall authorize an overall classification study to be conducted as it may deem necessary and appropriate to maintain the integrity and internal alignment of the classification plan. However, individual positions may be reviewed, when needed, under the following conditions:
 - 1. The position has changed and the employee is performing new duties since the last time the position was studied (i.e. new technology or equipment, a new service being provided or a change in physical working conditions).
 - 2. The job description does not accurately reflect the duties presently being performed or the skills, knowledge and abilities required of the position.
 - 3. The position is performing a greater variety of tasks or higher level duties and not an increase in workload since the last classification study.
 - 4. The district has difficulty recruiting and retaining qualified employees.

Employees are asked to meet with the Personnel Director to determine whether or not their job description has been changed according to these guidelines. The Commission may authorize the study once the employee has met with the Director and reviewed the above conditions.

When an employee is reclassified upward, eligibility for further reclassification shall be in accordance with Rule 3.11(F).

For bargaining unit members, reclassification is subject to negotiations.

3.13 Effective Date of Reclassification

- A. Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates must be set sufficiently in the future to allow time for examinations to be completed, but not more than six months.
- B. When a group of positions, constituting one or more job families, are reclassified, the effective date of the reclassification may be determined by meet and negotiation

between the Board's Representative and the Representative of the recognized employee group(s).

3.14 Positions Requiring Multiple Languages

- A. The Board of Trustees may, with the approval of the Commission, designate positions which require the holder of the position to speak, read, and write a language in addition to English. The Commission shall then establish an appropriate class specific to the particular language requirement, if it does not already exist. **(EC45277)**
- B. The Board must clearly set forth valid reasons for placing language requirements on a position.
- C. When a vacancy occurs in a position which has approved language requirements, the Board will notify the Commission that the need for language requirements continues to be a part of the position.
- D. If a request from the Board to designate a position for language requirements is challenged, the Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

CHAPTER 4

RECRUITMENT BULLETINS AND APPLICATIONS

4.1 Policy Regarding Conducting Examinations

A. In order to maintain the Board of Trustees established staffing levels, the Commission shall, through the Personnel Director, give examinations and develop eligibility lists in anticipation of vacancies.

B. No examination announcement may be made and no part of any examination may be held until the Board of Trustees has approved the prescribed position duties and the Commission has completed the position classification including establishment of minimum education and work experience requirements. **(EC 45276)**

4.2 Pre-Examination Information

The Commission may request job analysis data as deemed necessary so that the Commission is assured that each examination is job related and properly tests the relative fitness of the candidates.

4.3 Competitive Basis for Examinations

A. The Personnel Director shall determine the field of competition (Open/Promotional) for every examination subject to approval by the Commission.

B. Continuous examinations will be authorized for selected classifications for which there is an ongoing need to fill positions and there are not enough candidates to meet such needs in one examination administration. **(EC 45292)**

C. The Commission may establish certain examinations as promotional or as open and promotional. Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class. **(EC 45272, 45284)**

D. Competitive examinations for positions in the classified service shall be open to all applicants, except for promotional-only examinations, who meet the minimum qualifications and who are not rejected as provided in Rule 4.8.

E. Age shall not be a factor in admitting applicants to examinations. **(EC 45134)**

4.4 Recruitment Bulletins and Notice of Examinations

Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist as determined by the Commission, the Commission shall direct the holding of an examination to provide eligibles. At least 15 working days advance public notice of such examinations shall be given. The recruitment bulletin (notice) shall contain the following data:

- A. Information regarding the location of employment, the expected number of vacancies, and other conditions of employment;
- B. Class Title;
- C. Salary range and any salary differentials;
- D. Description of the scope of duties and responsibilities of the position and class;
- E. Normal assignment for the majority of employees in the class expressed in hours per day and months per year;
- F. Minimum qualifications;
- G. General summary of the skills, knowledge, and abilities to be examined in each test and the relative weights of each test;
- H. Last date to file application and the place to file the application;
- I. Information regarding licenses and language skills;
- J. Veterans' points allowance, if entrance examination;
- K. Competitive basis for the examination;
- L. Appointment information such as finger-printing, TB tests, physical examinations, oath of allegiance, length of probationary period;
- M. 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. **(EC. 45278, 45272, 45280)**

4.5 Recruitment Programs

- A. A copy of each recruitment bulletin shall be sent to each District work location for posting.
- B. For open examinations there should be widespread distribution of recruitment materials as determined by the Personnel Director.
- C. Eligibles who have waived appointment shall be notified when a new examination for the class is to be held.

4.6 Filing of Applications

- A. All applications must be completed on official forms furnished by the Commission and received in the office specified after the recruitment bulletin is published and on or before the date filing is actually closed.

- B. Whenever application filing periods fall within time when employees will not be required to work, such as winter break or summer recesses, such notices will be mailed to employees. Employees on vacation or leave of absence shall keep the personnel office informed of their interest in future examinations. It is the responsibility of the employee to inform the personnel office of their interest in opportunities and change of address. **(EC 45278)**
- C. Applicants taking more than one examination must file a separate and complete application for each such examination.
- D. For equal employment opportunity purposes, questions regarding ethnic/sex data shall be placed on a separate or separable attachment to the application and the completion of such questions shall be voluntary.

4.7 General Qualifications of Applicants

- A. All applicants must be United States citizens or be legally authorized to work in the United States, possessing appropriate work permit cards.
- B. All applicants must meet the minimum qualifications and be mentally and physically able to perform the duties of the position for which they are applying. Handicapped persons shall be given equal employment opportunity and reasonable accommodation for employment shall be made.

4.8 Disqualification of Unfit Applicants, Candidates, and Eligibles

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

- A. Failure to meet the general qualifications of Rule 4.7;
- B. Failure to execute the oath of allegiance required by the State of California;
- C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means;
- D. Conviction of or pleading guilty in court to a narcotics offense or a conviction of a crime involving moral turpitude, or any sex offense, or mistreatment of children, various felonies and misdemeanors of a serious nature **(EC 45122.1, 45123, 45124)**;
- E. Making a false statement or omitting a statement as to any material fact on the application form;
- F. Practicing any deception or fraud in connection with an examination or to secure employment;
- G. Behaving in a manner during any phase of the recruitment or selection process which could pose a threat to the safety of the individual or others, is disruptive or inappropriate, or could be destructive to property.

- H. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District;
- I. Previous dismissal for cause from the District unless the District waives this subsection;
- J. Physical or mental health condition which cannot be reasonably accommodated in a manner which would enable the individual to perform the essential functions of the classification **(EC 45122)**;
- K. Discharge other than honorable from the armed forces of the United States;
- L. Failure to report for duty after a previous assignment had been offered and accepted;
- M. Failure, after due notice, to report promptly for review of any of the above bases for rejection;
- N. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees;
- O. Unsuccessfully competed in the same examination within the past three months.
- P. Unprofessional conduct, unacceptable attendance, or any other reason outlined in Rule 13.1, while working as a limited-term or substitute employee with the District unless the District waives this subsection.

4.9 Rejection and Appeal of Rejection

- A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 4.8 shall be notified in writing by the Personnel Director. The notification shall state:
 - 1. The reason(s) for rejection;
 - 2. The length of time the person shall be ineligible to be considered for an examination or appointment to a position in the District; and
 - 3. That, within seven calendar days, the individual may appeal (through the Personnel Director) for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
- B. Applicants who have appealed the disqualification shall provisionally be permitted to take the examination pending the final decision except in cases in which the Director has determined that the disqualification is based on a conviction in accordance with Rule 4.8(D) or when the disqualification is due to a concern for the safety of the applicant, other individuals, or property.
- C. Upon receipt of the appeal, the Director shall hear all of the evidence as presented by the applicant. Evidence may be presented by email, over the phone or in person. The

applicant making the appeal shall be notified of the Director's decision not more than 30 days after filing the appeal.

- D. 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 the right to make a written appeal of the rejection and/or period of disqualification, within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:
 - a. Discrimination based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, religious beliefs or customs, sexual orientation, parental, pregnancy, family or marital status, military status or association with a person or a group with one or more of these actual or perceived characteristics;
 - b. Abuse of discretion; or
 - c. Inconsistency of the reasons given for the rejection and the facts.
- E. Upon receipt of the appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final. **(EC 45274)**

4.10 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.

4.11 Confidentiality of Information

All applications and examination papers are confidential records of the District and shall not be returned to the applicants. Examination records and names of applicants 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 reasonable time limits (not to exceed 90 days) be made available to candidates or their representatives. **(EC 45274)**

4.12 Veterans' Preferences

- A. Veterans' and disabled veterans' preference points shall be added to passing scores in open examinations in the amount prescribed by the Education Code. Veterans shall receive five (5) points; disabled veterans shall receive ten (10) points. A veteran, for the purpose of this rule, includes any person who has served a minimum of 30 days of active service in the United States armed forces in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable. Armed forces includes the Army, Navy Marines, Air Force, Coast Guard, Merchant Marine or

National Guard or service as a nurse on active duty with the Red Cross. A disabled veteran is an individual classified by the U.S. Veteran's Administration to be ten percent (10%) or more disabled as a result of service in the armed forces of the United States. **(EC 45294, 45295, and 45296)**

- B. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service (usually the DD214 Form) at the time of the examination prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.

CHAPTER 5

EXAMINATION

5.1 Purpose and Character of Examinations

- A. The purpose of an examination is to provide equal opportunity for all qualified candidates to demonstrate their relative fitness in relationship to the skills, knowledge, and abilities required for the class.
- B. Examinations may be written, oral, or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity, and test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the Personnel Commission serves this end, may be employed. **(EC 45273)**

5.2 Examination Procedures

- A. Competitors in any exam component must take the required exams on the prescribed date unless an alternate date is approved by the Director, Classified Personnel. Alternate exam dates shall not delay the certification process for current vacancies.
- B. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.
- C. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated.
- D. Any competitor in any examination who places any identifying mark on the test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of the papers prior to completion of the examination shall be disqualified.
- E. Any attempt by a candidate to influence or induce any employee or examining assistant who has access to confidential materials to give said candidate an advantage or to obtain a special rating shall be grounds for disqualification and filing misdemeanor charges with the County Attorney, District Attorney, or an equivalent official. **(EC 45317)**
- F. If an employee or Commission staff member provides any candidate prior to an examination with questions or answers pertaining to an examination, that person shall be subject to disciplinary action. This, too, may be the subject of misdemeanor charges filed. **(EC 45317)**
- G. Handicapped persons shall be given equal employment opportunity when competing in examinations.

5.3 Examination Values

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

5.4 Rating Required

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

5.5 Notice of Examinations

- A. Employees of the District shall be given time off to participate in exams, provided the supervisor is given reasonable notice. In case of a work emergency preventing release of the employee for examination purposes, late test administration shall be arranged.
- B. Applicants shall be sent written notification of the date, time, and place of a test; and said notification shall be mailed in time to provide adequate notice in advance.
- C. Candidates may be required to possess and present proper identification that contains their picture (e.g. driver's license) in order to enter the examination.

5.6 Review of Examination

- A. When the written test papers of all competitors have been rated, all candidates will be notified of their scores. If candidates file requests to review their test papers within five working days after test results have been mailed, they shall be notified of the place, date, and time of the review. At the time of the review, a protest sheet will be provided for the protest of any question. The purpose of the protest is for developing accurate testing and grading systems, and protests will not be accepted merely because a candidate disagrees with the answer. Protests shall only be accepted when the candidate has made a written statement noting: the specific question, criterion, etc., being questioned; the proper answer as perceived by the candidate; and substantive evidence justifying that proper answer citing names of experts, texts, etc. No candidate may copy or remove from the review room any questions or answers. **(EC 45274)**
- B. The protest sheets, if any, shall be filed with the Personnel Director within 24 hours. The Personnel Director shall review and act upon all requests. More than one answer may be allowed to a question, or a question may be disqualified. 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 protesting candidate of the decision. If the decision is against the protest, the candidate may appeal to the Personnel Commission, but the appeal shall not delay other parts of the examination process.

5.7 Examination Papers

All examination papers and applications submitted by competitors are the property of the Personnel Commission and are confidential records.

5.8 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. A QAI panel will consist of two or more persons. The oral examination may be designed to evaluate candidates' technical knowledge and skills or directed toward evaluating general fitness for employment in the class. When the oral examination is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupational area. **(EC 45273)**
- C. The proceedings shall be electronically recorded and the recordings shall be maintained for 90 days after the establishment of an eligibility list. These records are confidential and shall not be available to the public but shall be available to a candidate or his representative in the event a protest is filed. **(EC 45273)**
- D. Members of the Board of Trustees and of the Personnel Commission shall not serve on an oral panel. Under no circumstances shall a supervisory employee, under which a successful competitor may serve, be designated as an oral examiner. **(EC 45273)**
- E. A candidate may review a QAI rating with the Personnel Director, and, if rejected, may appeal to the Commission at any time after notification of the final score, but within 5 days after the results have been mailed. The 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. **(EC 45274)**

5.9 Computing Final Scores

- A. When computing grades, scores shall be computed to the third decimal and rounded to the nearest whole percent.
- B. All scores shall be computed, properly weighted, and added, resulting in a final score.
- C. Any person who fails to meet the minimum pass point score shall be considered to have failed the examination.

5.10 Seniority Credit - Promotional Examinations

In promotional examinations only, seniority credit shall be added to the final passing scores of candidates in the amount of one quarter of one point for each year of service, not to exceed a total of five points: (e.g., 1 year=.25 points; 5 years=1.25 points; 10 years=2.5 points; 20 years=5.0 points). Credit shall be granted for time spent in regular status (see definition) in the classified service and on leave from the classified service while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis. Credit shall be calculated for units of not less than a half year. **(EC 45280)**

5.11 Notice of Final Score

All competitors shall be notified of their final scores for each portion of the examination, additional veterans' or seniority credits, the total score, and standing on the eligibility list, if qualified.

CHAPTER 6

EMPLOYMENT LISTS

6.1 **Establishment and Life of Eligibility Lists**

- A. After an examination, the names of successful competitors shall be arranged on a list in the order of examination score plus additional points where applicable. In order to maintain confidentiality, the posted list will identify eligible by their applicant identification number. The list shall be presented for approval of the Personnel Commission.
- B. Eligibility lists may be established by the Personnel Commission for 6 months or 1 year upon the recommendation of the Personnel Director. Eligibility lists may be extended for an additional period of one year or less. The Commission may, after due notice to eligibles, terminate an eligibility list before the list has expired. **(EC 45300)**

6.2 **Reemployment Lists**

There shall be established for each class, as necessary, a reemployment list which shall take precedence over all other employment lists in appointment. 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. **(EC 45298)**

6.3 **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 employment to a position designated as less than 8 hours per day and/or less than 12 months per year shall continue to be eligible for employment to positions with more hours, days, or months, and an eligible who accepts limited-term employment shall continue to be eligible for regular appointment, for the life of the eligibility list.

6.4 **Removal of Names from Eligibility Lists**

The name of an eligible candidate may be removed from an eligibility list by action of the Personnel Director for any one of the following reasons:

- A. A written request by the eligible for removal;
- B. Failure to respond within 5 working days after an inquiry regarding availability for employment has been mailed;

- C. Failure to respond for an interview after certification;
- D. Two waivers of an offer of regular, full-time employment; or
- E. Acceptance of a 12 month, 8 hour position in the classification.
- F. Three waivers of certification (Rule 6.10).
- G. Any of the causes listed in Rule 4.8.

6.5 Order of Precedence in Certification from Eligibility Lists

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

1. Reemployment list
2. Promotional eligibility list
3. Open eligibility list

In the case of dual certification (see Rule 6.6), the Commission may certify eligibles from promotional and open eligibility lists simultaneously. **(EC 45280, 45284)**

6.6 Dual Certification

When the same examination is held on an open competitive and promotional basis, the Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists. The three ranks certified shall be those of the open and promotional eligibles who have the highest examination scores, without veterans' credit but including seniority credit for promotional eligibles, and their ranks shall be adjusted accordingly. Certification shall be made of the three highest ranks. (See Rule 4.3 (C)). **(EC 45295, 45296, 45280, 45284)**

6.7 Other Sources of Eligibility

In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement, restoration to former class after voluntary demotion, or other means as provided in Chapter 9 or other applicable sections of the Rules, without regard for the existence of eligibility lists. **(EC 45272)**

6.8 Procedure When Fewer Than Three Ranks Remain

When fewer than three ranks are available for certification, the available ranks shall be certified; however, the appointing authority may choose not to appoint any of them and may request that a new eligibility list be established. **(EC 45272)**

6.9 Procedure of Certification and Appointment from Eligibility Lists

- A. When a position is to be filled, the appointing power shall notify the Personnel Director of the vacancy and of the date of the anticipated need. The request for certification

shall state the class title, hours, location of employment, and other pertinent information as required by the Director.

- B. The Personnel Director shall ascertain the availability of eligibles and shall certify the three highest ranks to the appointing power in accordance with these Rules. **(EC 45272)**
- C. The appointing power shall make a selection from the persons certified and shall notify the Director, who shall see that the necessary employment procedures are carried out. **(EC 45272)**

6.10 Waivers of Certification

- A. An eligible may waive certification to specific locations or shifts, to part-time or full-time positions, and to limited-term or permanent positions by filling a prescribed form at the Personnel Office.
- B. Eligibles may revise or withdraw their unavailability in writing, and then shall be certified.
- C. Eligibles may waive certification twice and upon the third instance shall be removed from the eligibility list (see Rule 6.4).

6.11 Certification from the List for another Class

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or higher salary level if the duties and qualifications 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.

6.12 Withholding Names from Certification

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

- A. The eligible expresses unwillingness or inability to accept appointment;
- B. The eligible fails to respond within five working days next following the mailing of written inquiry regarding availability for permanent employment or request to appear for an interview regarding such employment;
- C. The eligible fails to appear for duty at the time agreed upon after having previously accepted an appointment;
- D. The eligible cannot be reached in time for appointment when immediate temporary employment is required (this provision shall apply only to such immediate temporary employment);

- E. The eligible fails to present the license, registration, certification, or any other credential required without a valid reason beyond the eligible's own control (the name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met); or
- F. For any reason listed in Rule 4.8.

6.13 Restoration to Certification

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

- A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to an inquiry as to availability, or failure to appear for an interview, or to report for duty, and the eligible presents a good and valid reason and certifies to the Personnel Commission of the willingness and ability to accept appointment; or
- B. When the withholding or removal was for a reason stated in Rule 4.8 and such action was improper or the defect has since been corrected.

6.14 Duties of Eligibles

- A. Notification that the eligible has been selected for employment shall be made by telephone, letter, or certified mail, and acceptance shall be received by the Personnel Director within five working days.
- B. An eligible who has been certified shall be allowed two weeks to report for duty after an offer of permanent employment has been made. If unable or unwilling to report by the end of two weeks, the eligible may be considered to have refused appointment and the appointing power may request certification of another name from the eligibility or reemployment list.
 - 1. The date of the offer of appointment shall be the date on which the eligible is notified of selection by the Personnel Director.
 - 2. The appointing power may allow a period longer than two weeks at its discretion.
 - 3. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- C. Every person who has been placed on an eligibility list or reemployment list shall promptly and in writing file with the Commission a correct telephone number, mailing address, and place of residence. This mailing address shall be the place to which the Commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these Rules. Each such person shall promptly notify the office of the Commission of any change in mailing address or place of residence, stating the list or lists on which the person's name appears, together with the new corrected information. Failure or neglect on the part of any such person to file such

information may, at the discretion of the Commission, operate as a waiver of the person's order of certification and/or appointment from any such list or lists.

6.15 Subjects Regarding Which No Questions Shall Be Asked

No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, pregnancy, marital status, or illness or disability shall be asked of any applicant, or any eligible whose name has been certified for appointment, nor shall any discrimination be exercised therefore. **(EC 45293)**

6.16 Transfer of Exam Scores

Candidates competing for placement on an eligibility list may, at their option, transfer their written and/or performance exam score(s) from one recruitment to another provided the exam is sufficiently similar, as determined by the Director, Classified Personnel, and the exam was administered within the last two years. Requests must be submitted in writing prior to the application filing deadline.

CHAPTER 7

ASSIGNMENTS

7.1 Limited Term Employment

- A. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee. Also, 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 fix duties of a position the duration of which is six months or less; such positions shall be designated "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.

7.2 Eligibility for Limited Term Employment

Limited term appointments shall be made in accordance with procedures for regular appointments, except as provided below:

- A. If an eligible has been appointed from an eligibility list to a limited term position, that person's eligibility for limited term or permanent appointments in the same or related lower class shall continue 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 used for limited term appointments and shall be certified there from before the current eligibility list is used.
- B. Refusal to accept a limited term assignment shall not affect the person's eligibility for regular openings.
- C. Persons on a reemployment list shall be offered opportunities to accept limited term assignments.
- D. If a permanent employee serves in a higher or equal classification on a temporary or limited term basis, that employee will be placed on a separate eligibility list for that classification. The employee must serve for a minimum of six months continuous service in the assignment and have a record of satisfactory performance on the probationary employee performance schedule. This separate eligibility list will be valid for 39 months from the date of its establishment.
- E. When it is known in advance that a vacancy will occur that is to be staffed as limited term for longer than 90 days (such as staffing a vacancy for an employee granted a leave of absence), the Personnel Commission shall take steps to circulate the opportunity among permanent employees to determine their interests. Preference will be given to those district employees on an existing eligibility list. In the event that an

eligibility list does not exist and qualified employees submit their names in response to a vacancy notice, the appointing authority (the supervisor) will select from those employees showing interest. Should fewer than three employees show an interest, the supervisory has the option to consider outside applicants as well. The Personnel Commission may choose to waive this rule for higher level technical positions. If performance in a temporary position is not satisfactory, the employee shall be returned to his/her former position without regard to appeal under Chapter 13 of these rules.

7.3 Compensation for Limited Term Employment

- A. When a regular employee is given a limited term appointment in a class at a salary range higher than the employee's regular class, in lieu of all or part of the regular employment, the employee's rate of pay in the limited term appointment shall be set in the same manner as for a promotion (Rule 14.5).
- B. Former regular employees who are reinstated as limited term employees within 39 months after resignation shall be paid in accordance with Rule 9.4 on reinstatement. The salary step so determined shall be applicable to all future limited term appointments of that employee in that class until the employee loses eligibility for such appointments.
- C. All other limited term employees shall be paid at the hiring rate for regular appointments in that class.

7.4 Rights and Benefits during Limited Term Employment

- 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. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited term appointment, except as provided under Paragraph A of this Rule. Limited term employees who are appointed to regular assignment shall be given credit for the most recent unbroken service for the purpose of establishing the anniversary date for salary placement, but such service shall not count for the required probationary period.
- C. Limited term employees working three months of continuous service are provided benefits as outlined in Chapter 14.14, Section I.

7.5 Terminations of Limited Term Employment

- A. Limited term appointments shall be subject to termination at any time except during the 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 the Director's investigation supports such an action.

7.6 Provisional Appointments: Restrictions

- A. When the Personnel Director certifies that no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to service in any full-time provisional capacity. **(EC 45287)**
- B. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position, successive 90-working-day provisional appointments may be made to the part-time position for a total of not more than 126 working days in a fiscal year. **(EC 45287, 45288)**

7.7 Terminating Provisional Appointments

- A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90-working-day provisional assignment, or the additional 36 working days, if authorized.
- B. A provisional appointment may be terminated at any time at the discretion of the appointing power.

7.8 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 Trustees, through its authorized department heads, may make emergency appointments without reference to eligibility lists for a period not to exceed 15 working days. **(EC 45290)**
- B. When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

7.9 Assignments of Disabled Employees

- A. When a permanent employee becomes unable to perform the duties of the classification because of illness or injury as determined by the appointing authority, after confirmation by medical authority, effort shall be made to place the employee in a position the duties of which are within that employee's capabilities. Reassignment, if any, shall be at the discretion of the appointing authority and in accordance with applicable Federal and state laws and regulations.
 - 1. A disabled employee's duties in the regular position may be altered in accordance with the disability. Such changes in duty shall be informally

reported to the Personnel Director, who shall determine whether the position requires classification study.

2. A disabled employee may accept demotion or transfer to a less demanding class, with approval of the Commission.
 3. A disabled employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such an assignment until the employee can be appointed to the higher class in accordance with the Rules and procedures on eligibility and appointment.
- B. A disabled person may refuse assignments to other classes without effect on the employee's rights under sick-leave provisions of the law and Rules. However, there is no obligation for the appointing authority to renew offers of reassignment which have been refused or to make alternative offers.

7.10 Assignment of Retirees

A. Eligibility of Employment

Any person receiving a retirement allowance from the Public Employee's Retirement System may be employed for up to 960 hours in a calendar year whenever other eligibles are not available and the retiree's skills or knowledge is needed, or during an emergency

The restriction applies to work with this District and other employers subject to PERS. The employee's employment and continuance in employment is discretionary with the Governing Board. **(EC 45135)**

B. Compensation of Retirees

A retired employee shall be entitled to the salary earned to include overtime compensation.

Retired personnel shall normally be paid on the first step of the salary range of the class to which assigned, but may be paid on a higher step upon the recommendation of the appointing authority.

C. Assignment of Retirees

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

The appointing authority shall certify to the Director Classified Personnel that a retiree employed under this Rule meets the provisions thereof and the combined calendar-year employment by employers subject to PERS does not exceed 960 hours per year as established by PERS.

7.11 Payroll Audit

A. Official Roster

The Director of Classified Personnel shall maintain an official roster containing the names and complete employment records of all employees holding positions under the provisions of these Rules. **(EC 45310)**

B. Auditing Procedure

All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Act shall be submitted to the Director Classified Personnel, who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon are employed in accordance with law. **(EC 45310)**

If, upon examination of a payroll or claim, the names, titles, periods for which payments are to be made, and rates of pay of the persons to be paid are found to be in accordance with the provisions of the Act and these Rules, certification of that fact shall be made upon such payroll or claim by the Director Classified Personnel or an authorized representative. **(EC 45310)**

The Personnel Director shall make periodic audits of all payrolls, and if assignments are not in accordance with law and rules, he shall withdraw his certification and follow Rule 7.11(C).

C. Procedure to Follow When Violation Is Found

If, upon examination of a payroll, it is found that any person has been employed in violation of any provision of the Act or Rules and, after a public hearing has been held and an order issued by the Commission, notice of such violation shall be made upon the payroll or service report, and the notice shall serve as official notification to the Board of Trustees that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful. **(EC 45310)**

The Personnel Director shall make periodic audits of all payrolls, and the notice shall serve as official notification to the Board of Trustees that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful. **(EC 45310)**

7.12 New Employee Clearances

A. Physical Examinations

1. New employees in a classified position, as a substitute, relief, limited term, or provisional employee, shall be required to comply with appropriate provisions of the Education Code pertaining to physical examinations **(EC 45122)**

2. All new employees may be required by the Board of Trustees to undergo, at District expense, a complete physical examination, including drug and alcohol screen, from a licensed physician prior to the first working day. The Board of Trustees reserves the right to refuse employment to any person whose report of physical examination reveals a physical condition which the Board considers would reduce the effectiveness of the applicant or cause injury to the employee or others that come in contact with the employee during the working day if employed in the position for which application was made. The cost of physical examinations which are required by the District subsequent to employment shall be borne by the District.
3. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus drivers' certificate which requires a separate medical examination to meet the minimum medical requirements of Section 12517.2 of the California Vehicle Code and licensing regulations of the California Department of Motor Vehicles.

B. Tuberculosis Test

1. Prior to employment, each person is required to submit adequate proof that he has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within a four-year period preceding the date of employment.
2. New employees are required to undergo an examination to determine that they are free from active tuberculosis at least once every four years after employment.
3. The District shall maintain adequate records on each employee which indicate compliance with these Rules and the law.
4. The cost of tuberculosis examinations which are required by the District subsequent to employment shall be borne by the District.

C. Review of Criminal Records

1. New employees shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment.
2. 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.
3. 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 appointing authority shall decide whether or not the person should be employed or retained in employment.

4. If an employee is to be dismissed because of information disclosed on the criminal records report, or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore.

D. Oath of Allegiance

New employees, as a matter of law, shall swear to an oath of allegiance to the Constitution of the State of California and the United States of America. This oath will be administered by the Director, Classified Personnel or his/her designee and signed by the employee and Director, Classified Personnel. **(EC 44344)**

CHAPTER 8

PROBATIONARY PERIOD

8.1 **Duration of Probationary Period**

- A. A new employee appointed from an eligibility list shall serve a probationary period in a class for six months or 130 days of paid service, whichever is longer, before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six months 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. For those classes designated as management or administrative, the probationary period shall be one year. **(EC 45269, 45270, 45301)**
- C. In the event that an employee is on extended paid sick leave for more than fifteen (15) consecutive days (e.g., half-pay sick leave or industrial accident or illness leave), the period of leave shall not be counted toward completion of the required probationary period.

8.2 **Rights of Probationary Employees**

- A. New employees who resign in good standing during their initial probationary period shall, upon request, have their names restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility for the employees.
- B. New employees who are suspended or dismissed during their initial probationary period shall be notified in writing of the actions taken and the reasons therefore. They shall not have the right of appeal. **(EC45305)**
- C. Employees who have permanent status in the classified service, and who have been promoted to a higher class, may be demoted involuntarily during the probationary period to their former class. They shall be notified in writing of the actions taken and the reasons therefore, and shall not have the right of appeal. **(EC45305)**
- D. Permanent employees who are suspended, or dismissed, or demoted, to other than their former class, during a probationary period retain full rights of appeal. **(EC45305)**
- E. Should the work for which probationary employees have been appointed prove temporary instead of permanent as certified, and should they be laid off without fault or delinquency on their part before their probationary period is completed, their names shall be restored in proper rank to the eligibility list and the time served shall be credited to them on their probationary period. Such action shall not extend the life of the eligibility list or the period of eligibility for the employees.

CHAPTER 9

TRANSFER

For bargaining unit members, transfers are conducted according to contract provisions. When the collective bargaining contract is silent, these Rules prevail. For classified management, confidential and non-represented employees, the following applies (see also Rule 6.7):

9.1 Transfer Procedure

- A. Employees may be transferred at their request or for the good of the service from one position to another in the same class at the discretion of the District Superintendent, provided that such action shall not be taken for punitive or preferential reasons.
- B. Permanent employees may be transferred to positions in related classes, i.e., with similar qualification requirements and/or in the same job family, on the same salary schedules. The Commission, on appeal, shall determine if the qualification requirements of the two classes are sufficiently similar to permit the transfer.
- C. Transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credits, or in any other manner reflect adversely upon their rights as provided in law and these Rules.
- D. The Personnel Commission shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers is permitted:
 - 1. As the employee's seniority in the classified service increases;
 - 2. When the transfer request is based on reclassification, impending layoff, or health reasons; and
 - 3. When the employee meets the minimum requirements for the class.
- E. Permanent employees who transfer to a position in a related class on the same salary range, in which they have not previously completed a probationary period, shall be considered probationary in that class for a period of six months. At any time during the probationary period they may be returned to their former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.
- F. Transfers shall have the following effect on seniority:
 - 1. Within the same class: none

2. From one class to another: employees shall not receive seniority credit in the new class for service in other classes; however, they shall retain such credit as seniority in the classified service.
- G. Transfer shall not be used as a device to alter the sequence of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this Rule allows.
- H. Reasons for any involuntary transfers shall be discussed with the employees by their immediate supervisors.
- I. Employees who are involuntarily transferred may request a meeting with the Personnel Director to discuss the transfer.

9.2 Demotions

- A. Permanent employees may request voluntary demotion to a class for which they qualify with a lower maximum salary rate. Such requests require the approval both of their department head, and of the head of the department to which they are to be assigned.
- B. Voluntary demotion is a privilege available to probationary employees only in cases where they would otherwise be laid off for lack of work or lack of funds. However, permanent employees on promotional probation may request voluntary demotion to a class for which they qualify.

9.3 Resignation

When employees desire to resign from their positions, they shall present their resignations, preferably in writing, to the appointing authority, and a copy of such resignation shall immediately be filed by the appointing authority with the Personnel Director. A resignation does not impair any presently existing rights to other positions which an employee may hold on an open eligibility list.

9.4 Reinstatement

- A. A former permanent employee who resigns in good standing may be reinstated in a vacant position in the former class and status within 39 months of the last date of paid service without further examination. Also, such an employee may be reinstated in a vacant position in a lower related class, if qualified, or in limited status in the same or lower class. Such actions are discretionary with the appointing authority.
- B. An employee who has taken a voluntary demotion may be restored to a vacant position in the employee's former class or in a vacant position in a related lower class, or determined by the Commission, within 39 months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the appointing authority.
- C. An employee who has accepted demotion in lieu of layoff for lack of work or funds has the right to be reemployed, in accordance with the employee's seniority, in a vacant position in the employee's former class within 39 months after demotion. Intervening

reassignments to other classes shall not abrogate that right. If the employee has not been reemployed in the former class within 39 months, the employee shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months, at the discretion of the appointing authority.

- D. Reinstatement or reemployment of a former employee who voluntarily resigned will have the following effects:
1. Restoration to the former step in the current salary range for the class, or, if restored in a lower class, to the rate closest to that of the step to which the employee would be assigned if restored in the 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.

CHAPTER 10

PERFORMANCE APPRAISAL

For bargaining unit members, performance evaluations are conducted according to contract provisions. When the collective bargaining contract is silent, these Rules prevail. For classified management, confidential and non-represented employees, the following applies:

10.1 When Evaluations are to be Made

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

- A. For classified non-management probationary employees - during the second and the fourth months of service. A recommendation for permanent status shall be completed as specified in Rule 8.1(A).
- B. For classified management probationary employees - during the fourth and eighth months of service. A recommendation for permanent status shall be completed prior to completion of the one year probationary period.
- C. Permanent employees shall be reviewed at least once each year between May 1 and June 30 inclusive. Transferred or promoted employees will be evaluated by the former supervisor within 10 working days before the transfer or promotion, unless the May 1 through June 30 review occurred less than 60 days earlier.

10.2 Performance Appraisal Procedure

The employee shall meet with his/her supervisor May 1 and June 30 inclusive, to be evaluated on past performance and to set performance objectives for the subsequent evaluation period. The evaluation form will be signed and dated by the rater and the employee. The evaluation report will then be forwarded to the next highest supervisor for review. The employee who receives a "Not Satisfactory" or "Requires Improvement" evaluation may request to meet with the reviewer of the evaluation. All reports with a summary evaluation of "Not Satisfactory" will be reviewed by the Director, Classified Personnel. An employee who receives a summary evaluation of "Not Satisfactory" will not be granted salary step advancement until a regularly scheduled evaluation report is carried out and he/she is rated at least "Satisfactory." Prior to an unsatisfactory evaluation being given to a permanent employee, he/she must have a minimum of thirty (30) working days notice of the areas of deficiency and suggestions made on how to improve. If improvement has been made, such notice of improvement shall be attached to the evaluation.

The reviewer will sign all copies indicating concurrence with the rater or will indicate disagreements. The reviewer will then return the rater's and employee's copy to them. The original copy of the report and any attachments will be sent to the Classified Personnel Office to be filed in the employee's personnel file.

The employee may request a meeting with the Director, Classified Personnel, to discuss and review his/her evaluation.

10.3 Special Performance Appraisal

- A. At any time that an employee's performance has become less than satisfactory, a supervisor may, with the approval of the department head, provide a minimum of thirty (30) working days notice of an unscheduled evaluation. Such notice must include the areas of deficiency and the suggestions made on how to improve. If improvement is made during the 30 workdays, that information must be included in the evaluation documentation.
- B. A supervisor may, with approval of the department head, submit for inclusion in an employee's personnel file documents reflecting an employee's significant accomplishment or contribution to the improvement of the District's operations, programs, or public service.

10.4 Performance Appraisal Form

Performance evaluation reports shall be made on forms prescribed by the Commission.

CHAPTER 11

LEAVES OF ABSENCE

For bargaining unit members, Leaves of Absence are conducted according to contract provisions. When the collective bargaining contract is silent, these Rules prevail. For classified management, confidential and non-represented employees, the following applies:

11.1 The Personnel Commission's Authority

The substance of Leaves of Absence for classified employees is the responsibility of the Board of Trustees. The Personnel Commission's responsibilities are the procedural provisions of Leaves of Absence. The substance and the procedure are included in these Rules and Regulations for convenience.

11.2 Vacation

- A. Permanent and probationary classified employees shall earn paid vacation benefits while on paid status, on a fiscal year basis, July 1 through June 30. **(EC 45197)**
- B. Earned vacation becomes a vested right after completing the six month period. **(EC 45197)**
- C. Upon separation from service, employees shall be entitled to lump sum compensation for all earned and unused vacation, except if the employee has not completed six months service. **(EC 45197)**
- D. The rate at which vacation shall be paid shall be the employee's current rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation credit for subsequent changes in conditions of employment during the vacation. **(EC 45197)**
- E. If an employee who has been granted vacation which was used and not earned leaves District employment, the District shall be entitled to deduct from the employee's last pay warrant the amount of salary which was paid for any unearned vacation used. **(EC 45197)**
- F. Vacation credits may be accumulated to a maximum of two (2) times the number of days earned yearly.
- G. Vacation credits shall be computed on regular paid time excluding overtime. **(EC 45197)**
- H. Employees shall be notified annually of their accrued vacation.

- I. Vacation schedules shall be prepared by the administration and every effort shall be made to enable vacation to be taken at times convenient to the employee, consistent with the needs of the District and the workload of the department.
- J. In the case of conflicts in vacation scheduling, the employee with the most hire-date seniority shall be given preference, providing that the less senior employee required to work has the necessary skills and/or required certificate to perform the work to be done as determined by the supervisor.
- K. Employees on a ten or an eleven-month schedule will take their vacation during the Winter and Spring vacation periods. If the full-earned amount cannot be taken during those periods, the balance will be taken at a time convenient to the District and the employee during the school year. If at the end of the fiscal year a ten- or eleven-month employee has earned vacation credits, he/she shall be paid for all earned but unused vacation unless he/she and his/her supervisor agree to allow the accumulation to be carried over as long as it does not conflict with Rule 11.2(F).
- L. Employees who become ill or become bereaved before the vacation has been completed shall immediately notify the District and shall make arrangements for rescheduling their vacation. **(EC 45200)**
- M. Holidays which occur during the employee's vacation shall not be charged against the employee's vacation time.
- N. Vacation may be taken at any time during the year. If the employee is not permitted to take vacation and accumulation exceeds the limit set forth in Section F of this Chapter, the employee shall be paid for any accumulation which exceeds said amount. **(EC 45197)**
- O. The vacation accrual schedule for Regular Classified Employees shall be according to the following schedule: **(EC 45197)**

Assignment	0-5 Years		6-10 Years	
	Days or Hours		Days or Hours	
12 months	12	96	15	120
11 months	11	88	13.75	110
10 months	10	80	12.50	100

Assignment	11-15 Years		6-10 Years	
	Days or Hours		Days or Hours	
12 months	18	144	21	168
11 months	16.50	132	19.25	154
10 months	15	120	17.50	140

Assignment	21+ Years	
	Days or Hours	
12 months	24	192
11 months	22	176
10 months	20	160

- P. Vacation benefits for Classified Management employees shall be according to the following schedule: **(EC 45197)**

Assignment	0-4 Years		5-9 Years	
	Days or Hours		Days or Hours	
12 months	20	160	22	176

Assignment	0-4 Years		5-9 Years	
	Days or Hours		Days or Hours	
12 months	24	192	25	200

11.3 Personal Illness or Injury Leave

- A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.
- B. A regular full-time classified employee (probationary and permanent) shall earn paid sick leave in the amount of twelve (12) days for each year of service. A classified employee employed less than full time shall earn that proportion of paid sick leave as the number of days employed compares to full-time employment. Unused sick leave may be accumulated without limit. **(EC 45191)**
- 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 would normally be earned in the ensuing fiscal year. An employee’s sick leave “bank” shall be adjusted if a change of assignment alters the amount of sick leave earnable.
- D. Sick leave may be taken at any time provided that new employees with probationary status only may use a maximum of six (6) days paid sick leave during their initial probationary period.
- E. Pay for any day of sick leave shall be the same pay the employee would have received if the employee had worked that day. **(EC 45191)**

- F. In order to receive compensation while absent on sick leave the employee must notify his/her supervisor of the absence prior to 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. **(EC 45191)**
- G. Employees returning to work from leave after major surgery or major illness shall be required to present a doctor's release verifying medical permission prior to returning to work. By the end of the normal working hours on the day prior to his/her expected return to work the employee shall notify his/her supervisor in order that any substitute employee may be notified. 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. **(EC 45191)**
- H. If circumstances dictate, the Superintendent or his/her designee may require evidence satisfactory to the District to verify authorized use of sick leave. **(EC 45191)**
- I. Additional Sick Leave
 - 1. After exhaustion of accumulated sick leave an employee who is ill or injured may, upon request, use accumulated vacation to avoid leave without pay. **(EC 45195)**
 - 2. An employee who has exhausted all other entitlement to paid sick leave shall be granted additional paid leave at fifty percent (50%) of the regular salary. Such leave shall not exceed one hundred (100) working days including days of paid sick leave taken under Section 11.3.B. of this Chapter. **(EC 45196)**
 - 3. A permanent employee who has exhausted all available paid leaves and who is absent due to a non-industrial accident or illness may be granted additional unpaid leave by the District, not to exceed six (6) months. The District may renew this unpaid leave for two (2) additional six-month periods. **(EC 45195)**
- J. Termination of Sick Leave
 - 1. An employee who had been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided that the employee is able to resume the assigned duties. If the leave has been for more than twenty (20) working days, the employee shall notify the District of his/her return at least three (3) working days in advance. A physician's release may be required by the District prior to returning to work. **(EC 45191)**
 - 2. If, at the conclusion of all sick leave and other leave, paid or unpaid, granted under these rules, the employee is still unable to assume the duties of his/her position, the employee will be placed on a reemployment list for a period of thirty-nine (39) months. Provided that the employee is able to resume the assigned duties, his/her reemployment will take preference over all other applicants, except for those laid off for lack of funds. **(EC 45195)**
 - 3. If an employee resigns or is terminated and has used more illness or injury leave than was earned, the amount used, but not earned, shall be deducted from his/her final pay warrant.

K. Transfer of Sick Leave

Any classified employee of any California school district who has been an employee of the district or county office for a period of one calendar year or more and who terminates employment with that district or that county office for the sole purpose of accepting a classified position with the San Dieguito Union High School District and who subsequently, within one year of termination of his former employment, accepts a classified position shall be credited with all the earned but unused sick leave which was credited in the former school district or county office. **(EC 45202)**

11.4 Personal Necessity Leave

- A. An employee may use not more than seven (7) days per year of regular illness or injury leave for cases of personal necessity. **(EC 45207)**
- B. Personal necessity leave shall be limited to circumstances that are serious (emergency) in nature and/or that the employee cannot reasonably be expected to disregard; and/or that necessitate immediate action; and/or that cannot be taken care of after work hours or on weekends; and/or as approved by the Superintendent or his/her designee. Each request for such leave shall be evaluated on an individual basis. **(EC 45207)**
- C. Employees desiring to use personal necessity leave shall secure prior approval within three (3) days of the start of the leave from the administrative staff, in accordance with District procedures. **(EC 45207)**
- D. Employees shall not be required to receive advance permission for personal necessity leave taken for: death or serious illness of a member of his/her immediate family; accident involving his/her person or property or the person or property of a member of his/her immediate family. In such cases, however, the employee shall be expected to make every reasonable effort to comply with District provisions designed to secure adequate substitutes. **(EC 45207)**
- E. Employees returning from personal necessity leave must submit an appropriate absence statement, in accordance with District provisions. **(EC 45207)**
- F. Personal necessity leave shall not include items such as social obligations, occupational investigation, recreational activities, personal business, work stoppage and other concerted activities. **(EC 45207)**

11.5 Bereavement Leave

- A. An employee shall be entitled to a maximum of five (5) days of absence with full pay at the death of any member of his/her immediate family. **(EC 45194)**
- B. The term "immediate family" is defined as mother, father, sister, brother, husband, wife, child, grandmother, grandfather, grandmother-in-law, grandfather-in-law, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-child or any permanent resident of the employee's immediate household. **(EC 45194)**

11.6 Judicial-Government Leave

- A. An employee shall be granted leave to appear in court as a witness when subpoenaed. An employee may be granted leave to respond to an official order from another governmental jurisdiction other than as a litigant and not brought about through the connivance or misconduct of the employee. **(EC 44036, 44037)**
- B. An employee shall be granted a leave to appear for jury duty in the manner provided by law. **(EC 44036, 44037)**
- C. An employee shall receive his/her regular pay.
- D. An employee shall not be granted paid leave to appear in court or other official proceedings in which the employee is a litigant.

11.7 Industrial Accident & Illness Leave

- A. 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 District Workers' Compensation Insurance laws shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits provided that:
 - 1. The employee has six (6) months service in the District. **(EC 45192)**
 - 2. In the opinion of the District Superintendent or his/her designated representative, the illness or injury constitutes an industrial accident or illness or, if contested, it is ultimately determined to be work connected.
 - 3. Any employee receiving benefits as a result of this section shall, during the period of injury or illness, remain within the State of California unless prior approval is granted by the Board of Trustees. **(EC 45192)**
- B. Paid industrial accident leave shall be for not more than sixty (60) working days in any one (1) fiscal year for the same illness or injury. **(EC 45192)**
- C. Paid industrial accident leave shall be reduced by one (1) day for each day of authorized absence regardless of the temporary disability allowance made under Workers' 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 under the Education Code or Chapter 11.3, Personal Illness or Injury Leave, of these Rules. **(EC 45192)**
- D. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid sick leave if eligible therefor. When sick leave, vacation, or other available paid leave is used in conjunction with temporary disability benefits derived from Workers' Compensation, the employee's salary shall be reduced only in that amount necessary to provide a full day's wage or salary when added to the temporary disability benefits.

- E. After all paid sick leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation or other earned leave to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the District Compensation Insurance Fund.
- F. After the expiration of all paid leave privileges, the Superintendent may place the employee on an industrial accident leave without pay, and during such time the employee may be placed on a reemployment list for a period of thirty-nine (39) months. The total time of all leave benefits provided under these rules, including unpaid industrial accident leave, shall not exceed thirty-six (36) months for any one industrial accident or industrial illness. A physician's release for the employee may be required by the District prior to return to work. **(EC 45192)**
- G. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to an available vacant position in his/her former class ahead of any employee 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. **(EC 45192)**
- H. An employee returning from paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission Rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence. **(EC 45192)**
- I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he/she was on leave for a period not to exceed thirty-nine (39) months. **(EC 45192)**
- J. An employee who fails to accept an appropriate assignment after being medically approved therefor shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in former status and in assignment areas in which the employee is available. **(EC 45192)**
- K. 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 the employee under District Workers' Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not full time 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. **(EC 45192)**
- L. During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the District all wage loss benefit checks received under District Workers' Compensation Insurance laws. 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.

- M. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule. **(EC 44043, 45192)**

11.8 Maternity Leave

A. Paid Maternity Disability Leave

An employee who is certified by a licensed physician to be physically disabled from performing her assigned duties due to pregnancy may utilize sick leave and the benefits provided in Chapter 11.3 (Sick Leave) for absences necessitated by pregnancy, miscarriage, childbirth and recovery. **(EC 45193)**

B. Unpaid Maternity Leave

An employee may be granted a leave of absence without pay due to pregnancy. **(EC 45193)**

- C. The employee may return to duty at a time mutually convenient to the employee and the District provided that there is a written release from a licensed physician, but the return to work shall be within six (6) months of the child's birth. **(EC 45193)**
- D. Leaves of absence without pay may be extended by the Board of Trustees for periods of six (6) months following childbirth upon request of the female employee. Such leave shall not count as experience for salary placement purposes. **(EC 45193)**
- E. If an employee fails to report to work within five (5) days after the expiration of maternity leave (unpaid), her status with the District may be terminated. **(EC 45193)**
- F. Paid sick leave for the purpose of maternity will not constitute a break in service for salary purposes. Unpaid maternity leave shall not count as service toward salary placement. **(EC 45193)**

11.9 Health Leave

Upon presentation of a doctor's certificate, an employee may be granted a leave of absence without pay (usually time over and beyond sick leave credit) for health reasons. Such leaves shall be granted for a maximum of six (6) months. The District may renew this unpaid leave for two (2) additional six-month periods. **(EC 45195, 45199)**

11.10 Personal Leave

A permanent classified employee may be granted a leave of absence without pay for personal reasons upon the recommendation of the Superintendent or his/her designee and with the approval of the Board of Trustees for a period not to exceed one (01) year. Upon return from approved leave, the employee will be entitled to a position within the classification of the position from which the employee is on leave. The employee shall not

be granted any accumulation of either sick leave or vacation for the period of absence.
(EC 45190)

11.11 Military Leave

Military service leave shall be granted in accordance with the Military and Veterans Code Sections 389 and 395.

11.12 Absence for Examination

Employees in the classified service shall be permitted to be absent from duties during working hours in order to take an examination for promotion in the District without deduction of pay or other penalty, provided the employees give two days' notice to their immediate supervisors.

11.13 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 the employee's 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 the employee's position or a position in the class of the employee's permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved or specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

11.14 Cost Reimbursement for Training/Leave Not Involved

- A. The Board of Trustees may grant the reimbursement of the costs, including tuition fees, for a permanent classified employee who satisfactorily completes approved training intended to improve job knowledge and skills.
- B. The Personnel Commission may expend funds for orientation, training, retraining, and development of Personnel Commission staff members and Commission members.
(EC 45255)

11.15 Service Recognition Day

- A. On the tenth anniversary of employment with the District, and on every subsequent yearly anniversary date, each classified employee designated to be in a non-managerial position shall receive a paid day off as a "Service Recognition Day." This day must be scheduled with the employee's supervisor for a mutually convenient workday any time from one month before until one month after the service date. If the day is not taken during the two-month period, it will be forfeited.

CHAPTER 12

LAYOFFS

12.1 Procedure for Layoff

- A. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority, and, therefore, shall be laid off first. When two or more employees have identical seniority, layoff shall be determined by lot. **(EC 45298, 45308)**
- B. The names of permanent and probationary employees thus laid off shall be placed upon the most appropriate reemployment list as determined by the Personnel Commission for the class from which they were laid off and shall be reemployed in preference to new applicants. Names on the reemployment list shall be in the relative order of seniority.

12.2 Rights of Employees Laid Off

- A. Permanent classified employees laid off and who have previous service in an equal or lower class shall have the right to bump an employee with less seniority in that class. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which the layoff occurs and in higher classes.
- B. A permanent classified employee who will suffer a layoff for lack of work or funds despite the exercising of bumping rights, in order to avoid layoff, may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided the employee is qualified to perform the duties thereof and provided further that the appointing authority approves the voluntary demotion or transfer. **(EC 45298)**

12.3 Notice of Layoff

Classified employees subject to layoff for lack of work shall be given written notice of layoff not less than 45 days prior to the effective date of layoff, and shall be informed of their displacement rights, if any, and reemployment rights. Classified employees in specially funded programs subject to layoff due to lack of funds at the end of a school year shall be given written notice of the impending layoff and their rights on or before April 29. In the event of an actual and existing financial inability to pay the salaries of classified employees, or a lack of work resulting from causes not foreseeable or preventable by the District, these timelines in this Rule would not preclude the Board from implementing a layoff action. **(EC 45117)**

For bargaining unit members, the effects of layoffs are conducted according to contract provisions. When the collective bargaining contract is silent, these Rules prevail. For classified management, confidential, and non-represented employees, the following applies:

12.4 Effects of Layoff

- A. A layoff for purposes of this Chapter shall be considered as an involuntary separation of a permanent employee or a probationary employee, who is a member of the classified service, because of lack of work, lack of funds, or reduced workload.
- B. A classified employee who will suffer a layoff for lack of work or funds, despite bumping rights, may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that the employee is qualified to perform the duties thereof.
- C. A regular employee shall not be laid off from any position while employees are serving in limited term, provisional or temporary positions in the same class unless the regular employee declines the limited-term, provisional or temporary position.
- D. Laid off employees are eligible for reemployment in the class from which laid off for a period of thirty-nine (39) months and shall be reemployed in the reverse order of layoff. Such reemployment shall take precedence over any type of employment.
- E. A permanent employee who is laid off from a class and who has previous service in an equal or lower class shall have the right to bump an employee with less seniority in that class. Seniority shall include the total of the previous service in the equal or lower class plus service in class from which the layoff occurs and higher classes.
- F. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to twenty-four (24) months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.
- G. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on the list in accordance with their proper seniority.
- H. Any employee who is laid off and is subsequently eligible for reemployment shall be notified by the District by certified mail of an opening. It is the employee's responsibility to ensure that the District has a current telephone number and address. If an employee cannot be contacted, the employee will be considered to have waived reemployment.
- I. An employee shall notify the District of his/her intent to accept or refuse reemployment within five (5) days of receipt of said notice. If an employee accepts reemployment, he/she must return to work within ten (10) days of receipt of said notice. An employee given notice of reemployment need not accept the reemployment to maintain eligibility on reemployment list provided that he/she notifies the District within five (5) calendar

days of receipt of the notice. If an employee waives an offer of reemployment twice, his/her name will be removed from the reemployment list.

- J. Employees shall be reemployed in the highest related classification available in accordance with their length of service in the class from which laid off, plus higher classes. Employees who accept a position in a lower or equal class shall retain their original thirty-nine month rights to the original or higher class.
- K. Vacation and compensatory time earned and unused at time of layoff shall be computed and paid in the final salary warrant due the employee.
- L. Employees who are laid off may use up to four (4) days of personal necessity leave if available, for the purpose of seeking other employment.
- M. An employee may choose service retirement in lieu of layoff, if eligible, and shall retain all reemployment rights provided by law.
- N. Employees laid off because of lack of work or lack of funds have the right to participate in promotional examinations during the period of 39 months. **(EC 45298)**
- O. When both layoff lists and reemployment lists exist for the same job class, names from the reemployment list shall be merged to the layoff list in order of seniority.

CHAPTER 13

DISCIPLINARY ACTION & APPEAL

13.1 Causes for Suspension, Demotion, Dismissal

- A. Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes provided that specific instances must be set forth as to any of the causes enumerated under this heading (**EC45302**):
1. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty.
 2. Persistent discourteous treatment of the public or of fellow employees.
 3. Any other failure of good conduct tending to injure the public service.
 4. Any persistent violation of the provisions of the Education Code or of policies, rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission pursuant to it.
 5. Dishonesty.
 6. Theft.
 7. Immoral conduct.
 8. Use of, or being under the influence of, alcoholic beverages on District property.
 9. Use of, or possession of, illegal controlled substance.
 10. Political activities engaged in by an employee during his/her assigned hours of employment.
 11. Conviction of a serious crime by a court of law; a record of one or more criminal convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading information on application forms or examination and employment records concerning material matters.
 12. Conviction of a sex offense as defined in Education Code Section 44010. Conviction of such offense shall result in dismissal.
 13. Conviction of a narcotics offense as defined in Education Code Section 44011. Conviction of such offense shall result in dismissal.
 14. Conviction of a crime involving moral turpitude. A plea, verdict, or finding of guilt, or a conviction following a plea of *nolo contendere*, deemed to be a conviction.

15. Excessive absence or tardiness.
16. Continuing illness of a disabling nature, after the exhaustion of illness leave and leave of absence privileges, resulting in physical or mental inability to perform the tasks and/or functions of the employee's classification, with or without reasonable accommodation and after an interactive process with the employee to determine if a reasonable accommodation can be made, which would allow the employee to perform the essential functions of his/her usual and customary position or an alternate position.
17. Refusal to report for review of criminal records or for health examination after due notice.
18. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
19. Membership in the Communist Party. **(EC45303)**
20. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which would have precluded acceptance as a candidate for assignment.
21. Abandonment of position, which is defined as absence for a period of more than five consecutive working days without notification.

13.2 Procedure for Disciplinary Action

- A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of political or religious acts or opinions or affiliations, or race, color, sex, national origin or ancestry, or marital status, subject to the provisions of Rule 13.1(A) 10, 18, and/or 19, above. **(EC45293)**
- B. Hearing before the Superintendent. When a regular employee is to be suspended, demoted or dismissed, a written statement of charges shall be formulated by a member of the administration and submitted to the District Superintendent for presentation to the Board of Trustees.
- C. Before the Superintendent makes a recommendation to the Board that an employee be dismissed, the employee shall be given written notice of this intention to recommend dismissal to the Board by a specified date. The written notice shall contain a statement of the proposed charges, the specific causes for the disciplinary action, and the acts or omissions which establish the causes for disciplinary action. The employee shall be afforded the opportunity, upon request, to examine and obtain copies of all pertinent written materials and to meet with the District Superintendent to fully present the employee's views with respect to the proposed recommendation. The employee shall be given ten (10) working days from receipt of written notice to examine and copy the materials and to meet with the District Superintendent. The written notice shall be personally served on the employee and the employee is required to acknowledge receipt of the notice on a copy to be retained by the District, or the written

notice shall be sent to the employee at the last known address by certified mail, return receipt requested.

- D. The foregoing procedure is applicable to demotions and to long-term suspensions of five (5) days or more.
- E. After the pre-termination process has been completed, a copy of the written charges shall be presented to the Board of Trustees. The written statement of charges shall set forth the particular causes charged and shall specify the supporting facts so that the employee will be able to prepare a defense.
- F. In exceptional circumstances (for example, to protect the safety of co-workers) an immediate suspension may be made without advance notice, subject to later ratification by the Board of Trustees and approval of charges which must be transmitted to the employee within 10 days after the date of suspension.
- G. The Board of Trustees shall notify the Director Classified Personnel of its action.
(EC45304)
- H. Within 10 working days of the suspension, demotion, or dismissal the Personnel Director shall file the written statement of charges with the Personnel Commission and give to the employee or deposit in the United States registered or certified mail with postage prepaid, addressed to the employee at his/her last known place of address, a copy of the charges. In the case of a permanent employee who is suspended, demoted or dismissed, the copy of the written statement of charges shall be accompanied by a copy of Rules 13.3(A) and 13.4(A) and Sections 45304, 45305, 45306, 45307, 45311 and 45312 of the Education Code. In the case of a permanent employee who has been demoted to the class from which promoted and has not served the full probationary period in the higher position, the copy of the written statement or charges shall be accompanied by a copy of Rules 13.3 (A) and (B).
- I. Dismissal shall cause removal of the employee's name from all employment lists.
- J. Failure to appeal, as provided below, shall make the action of the Board of Trustees final and conclusive.
- K. Suspension, without pay shall not exceed the time limitations outlined in the Education Code Section 45304 (30 days, except for sex and narcotics offenses).

13.3 Appeal

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges and stating the grounds for appeal which may include but are not limited to:
 - 1. That the procedures set forth in these Rules have not been followed.
 - 2. That the action was taken because of political or religious opinions or affiliations, or race, color, national origin or ancestry, sex, or marital status.

3. That there has been abuse of discretion.
 4. That the action taken was not in accord with the facts.
 5. That the penalty invoked is excessive.
- B. A permanent employee who has not served the full probationary period for the class and who is demoted to the class from which promoted may request an investigation by the Commission 14 days after the receipt of the copy of written charges. The request for the investigation shall state the grounds for the appeal. The 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 Commission shall notify the Superintendent and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding on the Board of Trustees. **(EC 45305, 45306)**

13.4 Hearing Procedure

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. **(EC45306, 45312)**
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (Board first) and closing arguments (employee first). The Board shall first present its witnesses and evidence to sustain its charges and the employee will then present their witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board and the employee will be allowed to be represented by legal counsel or other designated representative.
- G. The Commission may, and shall if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence. **(EC45311)**
- H. The Commission or hearing officer 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. When the hearing is held by the Commission, whether held in public or executive session, the Commission may deliberate its decision in executive session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If the Director Classified Personnel or any staff is not serving exclusively for the Commission and/or was a witness in the proceedings, they shall also be barred from the Commission's final deliberations. If its counsel also served as counsel for the Board, they shall be barred from the Commission's final deliberations.
- J. The Commission shall render its decision as soon after the conclusion of the hearing as possible and in no event later than 14 days after the conclusion of all proceedings by the Commission as authorized in the Education Code. Its decision shall set forth what charges, if any, are sustained and the reasons therefore. **(EC45312)**
- K. The 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. **(EC45312)**
- L. The Commission's decision will be filed with the Board of Trustees and with the charged employee and will set forth its findings and decision. If a disciplinary action is not sustained, its decision shall set forth the effective date of the action ordered by the Commission.
- M. The employee or the employee's representative may obtain a copy of the transcript of the hearing upon written request and agreement to pay for necessary costs.

CHAPTER 14

WAGE AND SALARY PROVISIONS

For bargaining unit members, salaries are the subject of collective bargaining contract provisions. When the collective bargaining contract is silent, these Rules prevail. For classified management, confidential, supervisory and non-represented employees, the following applies:

14.1 The Personnel Commission's Authority

The substance of salaries for classified employees is the responsibility of the Board of Trustees. The Personnel Commission's responsibility is procedural. The substance, where listed, and the procedures are included in these Rules and Regulations for convenience.

14.2 Salary Studies and Recommendations

- A. When classification studies are made at the direction of the Commission, salary range(s) or rate(s) shall be recommended by the Commission for the class(es). These recommendations shall be based on internal evaluation and comparison of differences in duties and responsibilities with other existing classes, and on a survey of rates outside the District. **(EC45181)**
- B. If the Board of Trustees desires the Personnel Commission to reconsider its salary recommendations, the Board may return the recommendations to the Commission which shall reconsider them at its next meeting. After reconsideration, the Commission will advise the Board of its findings and rationale.

14.3 Initial Placement on Salary Schedule

All new employees shall be appointed at the hiring rate for the class as approved by the Commission. The hiring rate shall be the first step of the schedule except for classes where recruitment efforts have indicated difficulty in recruiting at that step. An accelerated hiring rate may be set, with the approval of the Board and the Commission, at any step of the schedule of the class. If an accelerated hiring rate is approved, all current employees in the class shall be advanced to that rate and shall begin a new cycle of step advancement.

14.4 Step Advancement on Salary Schedule

Employees placed on Step 01 of a range will advance to Step 02 on the first day of the pay period following completion of one year of paid satisfactory service. Each succeeding step will be attained one year from the preceding step. New employees placed above Step 01 of any range will advance at one-year intervals until the maximum step has been achieved.

14.5 Salary Placement When Promoted

An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the step of the higher salary range that is one full step above the rate the employee received in the previous class provided that the step permits a minimum of a 5% increase but does not exceed the maximum on the range. Consideration shall be given when differences in the structure of salary schedules exists (e.g., benefits are embedded into the salary). Additional advancement will be on the anniversary date established for the previous class, regardless of step placement, and then the above Rule 14.3 for advancement will apply. For the purpose of this Rule, appointment of an employee to a class with a salary range equal to or below the employee's 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 the employee is appointed.

14.6 Salary Placement after Leave of Absence

- A. Upon return from leave of absence, an employee shall be placed on the same step of the range for the class which had been 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 in active duty on at least 75 percent of the working days in the 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 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 leave.
- C. When an employee is reinstated after leave of absence to their previous salary step, credit shall be received for step advancement for service prior to the leave. The anniversary date shall be adjusted accordingly in order that step advancement shall be granted after having completed the amount of service required by Rule 14.4.

14.7 Salary 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 earned in the higher class, provided that a salary increase is not awarded. The employee 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 14.4.

14.8 Workday and Workweek: Hours of Employment

- A. The maximum number of hours of regular employment of an employee is eight (8) hours per day, forty (40) hours per week for five (5) consecutive days. However, the District may employ persons for lesser periods and may, through authorized administrators, order and authorize employees to work in excess of eight (8) hours in one day or forty (40) hours in one week.
- B. The Board of Trustees may establish a ten (10) hours per day, forty (40) hour, four consecutive day workweek for all or certain classes of its employees. **(EC45127, 45132)**

14.9 Overtime Pay

- A. Overtime is ordered and authorized working time in excess of eight (8) hours in one day (except if the Board adopts Section B above) or forty (40) hours in one calendar week. An employee who works authorized overtime shall be paid at a rate equal to one and one-half times the regular rate of pay for the overtime worked. Employees having an average workday of four (4) hours or more during the regular workweek shall be compensated at the standard overtime rate for any work performed on the seventh day. Overtime shall be computed to the nearest quarter of an hour worked. If an employee feels overtime has been denied unfairly, they may request a meeting with the Personnel Director to discuss it.
- B. Efforts will be made so that overtime be distributed as equally as is practical among employees within each department/school by classification. However, the supervisor shall determine whether a particular employee has special skills, certificates, or knowledge or abilities that require that that employee be given overtime in excess of other employees.
- C. For the purpose of computing the number of hours worked, time during which a unit member is excused from work because of holidays, sick leave, vacation, compensatory time off or other paid leave of absence shall be considered as time worked by the employee.
- D. An employee shall have the option of receiving overtime pay or compensatory time off for any overtime worked. Compensatory time off shall be used within a thirty (30) day period of being earned at the mutual agreement of the employee and their supervisor. If compensatory time off is not used within the thirty (30) day period, the employee shall receive pay for the overtime worked unless an extension is mutually agreed to by the employee and their supervisor.
- E. Call-back overtime is overtime performed by an employee called back after normal working hours to perform a task not previously scheduled. An employee performing call-back overtime shall earn credit for not less than two (2) hours of such overtime each time called back, even if less service is performed.
- F. Bus driver standby time shall be paid at the employee's regular rate. While bus drivers are on standby time they shall remain with their vehicle for safety purposes. **(EC45128, 45129, 45131)**

14.10 Lunch and Rest Periods

- A. All employees who normally work in excess of four (4) hours per day shall be granted rest periods which, insofar as practicable, shall be in the middle of the work period at the rate of fifteen (15) minutes per four (4) hours worked. Rest periods may not be used to shorten or rearrange the work day.
- B. All unit members who are employed for more than five (5) hours per day shall be entitled to an uninterrupted lunch period after they have been on duty for four (4) hours. The length of such lunch period shall be a minimum of thirty (30) minutes and shall be as close to the mid-point in the work shift as possible. This shall not preclude the lunch period from being changed in the event of an emergency or to ensure proper coverage of work stations.

14.11 Classifications Exempt from Overtime Pay

Classified management classes are designated as executive or administrative and are exempted from the overtime provisions as authorized by the Education Code. Notwithstanding this exemption, if a manager is required to work on a holiday, the employee shall be paid straight time for hours required to work in addition to holiday pay for that day. **(EC45130)**

14.12 Differential Pay

- A. A one-range increase (approximately 2.5 percent) shall be provided for all classifications when more than 50 percent of the regularly assigned duties fall between the hours of 3:00 p.m. and 6:00 a.m. **(EC45180, 45182, 45183)**
- B. Employees assigned to night work on a continuous basis who are ordered to temporary daytime work for periods not to exceed 20 working days each shall suffer no reduction in compensation by reason of the change. On the 21st working day, the employee shall revert to the daytime rate. **(EC45185)**

14.13 Holiday Pay

A. Eligibility

Classified employees will be entitled to payment for authorized holidays provided that the employee is in paid status during any portion of the working day immediately preceding or succeeding the holiday. Pay for a holiday shall be the same as the employee would receive on a normal workday. **(EC45203)**

B. Holiday Schedule

The holiday schedule shall include the following days:

New Year's Day (Legal)
Martin Luther King Day (Legal)
Lincoln's Birthday (Legal)
Washington's Birthday (Legal)

Spring Holiday (Local)—in lieu of Admissions Day
Memorial Day (Legal)
Independence Day (Legal)
Labor Day (Legal)
Veteran's Day (Legal)
Thanksgiving Day (Legal)
Friday after Thanksgiving Day (Local)
Christmas Eve (Local)
Christmas Day (Legal)
New Year's Eve (Local)

C. Holidays Occurring on Saturday or Sunday

When a holiday falls on a Saturday and the employee does not normally work on Saturday, the preceding workday that is not a holiday shall be deemed to be that holiday. When a holiday falls on a Sunday, the following workday that is not a holiday shall be deemed to be that holiday. When a holiday falls on a Saturday or Sunday and an employee is normally scheduled to work on Saturday or Sunday, the holiday will be observed on the Saturday or Sunday unless another day is deemed to be the holiday for those employees. If a holiday falls on a day other than Saturday or Sunday and employees normally have that day off, the holiday may be deemed another day by the District providing a 3-day holiday where possible, if the holiday provided a 3-day weekend for employees who do not work on Saturday or Sunday. **(EC45197)**

14.14 Benefits for Part-Time Employees

A. Sick Leave Benefits

An employee employed less than full time or less than twelve (12) months shall earn that proportion of paid sick leave as the number of days he/she is employed compared to full-time employment. Sick leave may be accumulated without limit.

B. Vacation Benefits

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. **(EC45197)**

C. Holiday Pay for Part-Time Employees

The paid working schedule for part-time hourly employees shall conform to the Instruction School Calendar. Employees who are not normally on duty during school vacations (both Spring and Winter) but whose normal work year covers those periods, shall receive pay for holidays that occur during such school vacations. Holidays that occur outside the part-time employee's work year shall not be paid.

D. Health and Dental Benefits

Part-time employees shall have the option of purchasing any/all of the available plans for employee only and/or employee and dependents.

If an employee is absent from duty because of a Board authorized leave of absence or extended sick leave, the employee shall be able to retain their group insurance as offered under COBRA provisions. This leave shall not exceed one (1) year.

E. PERS and Social Security Benefits

Employees working 20 or more hours per week, or employees working in excess of 1000 hours in any fiscal year, shall join the Public Employees Retirement Systems (PERS). Employees shall make appropriate contributions through the withholding process. PERS includes participation in the Social Security System. Employees not on PERS pay Medicare (1.45%).

F. Workers' Compensation Benefits

Employees are covered by Workers' Compensation for injury sustained on duty. Employees will receive their usual full pay warrant until such time as their industrial accident and sick leave expire.

G. Disability Insurance Benefits

Employees working 20 or more hours per week are covered by the District's Permanent Disability Insurance Program at the rate of 66 2/3% of gross pay up to \$15,000 maximum per year until age 65. **(EC45136, 45137, 45197)**

H. Flexible Spending Account

Part-time employees hired before December 3, 1999 shall receive a flexible spending account in the amount of \$2,569.00 per year for the 2004 calendar year with escalators as stated in the Master Contract.

I. Limited-Term Extending Beyond Three Months

A limited-term employee replacing a regular employee on leave and who has completed three (3) months of continuous employment in a position is entitled to the same vacation, holiday pay, sick leave (excluding additional sick leave), dental and health insurance benefits at the employee only rate or if less than 20 hours at one half the cost.