

# PERSONNEL COMMISSION

## Rules & Regulations *for the Classified Service*



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# CHAPTER 1

## DEFINITIONS AND PRELIMINARY STATEMENT

### SECTION 1 DEFINITIONS

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

ACT or THE ACT	The Act shall mean those sections of the Education Code of the State of California applying the Merit System to Classified employees.
ADMINISTRATION	Reference to the District personnel employed by the Board of Trustees to implement District policies, rules and regulations, and business of the District and is limited to the Superintendent and Assistant Superintendents.
ALLOCATION	The official placing of a position in a given class and the assignment of the class title to the position.
ANNIVERSARY DATE	<p>Upon attaining permanent status, an employee shall establish an anniversary date upon which all future advances on the salary range shall be based, with such anniversary date to be established as follows: If first service in the position is performed between the first and the fifteenth day of the month, the anniversary date shall be on the first day of the month in which first service was performed.</p> <p>If first service is performed between the sixteenth and the last day of the month, the anniversary date shall be the first day of the month following which first service was performed. Upon being promoted from one position to another, the employee shall establish a new anniversary date. The new anniversary date shall be established as stated above, based on the day of first service in the new position. Step advancement will be at one year intervals based upon this new anniversary date.</p>
APPLICANT	A person who has filed an application to take a Merit System examination.
APPOINTING AUTHORITY OR POWER	See "Board of Trustees."



APPOINTMENT	The official act of the Board of Trustees in approving or ratifying the employment of a person.
BOARD OF TRUSTEES	The legally empowered elected official of the District, by law required to regulate the affairs of the school district, officially called the Board of Trustees of the Palmdale School District of Los Angeles County, and unofficially called "the Board."
CANDIDATE	A person who has competed in one or more portions of a Merit System examination.
CERTIFICATED SERVICE	All positions and employees required by law to possess credentials issued by the State of California.
CERTIFICATION	The submission by the Commission of the names of eligibles from an appropriate eligibility list.
CLASS	A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; substantially the same requirements of education, experience, knowledge and ability are demanded of incumbents; substantially the same tests of fitness may be used in choosing qualified appointees; and the same salary range may be applied with equity.
CLASS SPECIFICATION	A formal statement of the duties and responsibilities of the position in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class.
CLASSIFIED SERVICE	All positions in the District's service to which the Act applies and which are not excepted by the Act.
COMMISSION	Short term for Personnel Commission.
CONTRACT	The Agreement between the Board of Trustees and California School Employees Association, Chapter #296.
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	Short term for the Palmdale School District.
DUAL CERTIFICATION	A special procedure which provides for certification, in specified cases, from an open list while a promotional list exists.

ELIGIBLE	<p>Adjective: Legally qualified to be appointed.</p> <p>Noun: A person whose name appears on an eligibility list.</p>
ELIGIBILITY LIST	A list of the names of persons who have qualified in a competitive examination. Eligibility lists could include open and/or promotional lists.
EMERGENCY APPOINTMENT	An appointment for a period not to exceed fifteen 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 DATE	An employment date for purposes of seniority and attaining permanency as an employee of the Palmdale School District shall be the first date and time upon which an employee performs service as a probationary employee of the Palmdale School District. One hundred thirty (130) working days from the employment date, the employee shall be eligible to become a permanent employee of the District.
EMPLOYMENT LIST	A list of names from which certification may be made. It includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated or reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status.
EXAMINATION	The process of testing and evaluating the fitness and qualifications of applicants.
FULL-TIME	A full-time position is a position which is equal to or greater than eighty-seven and one-half percent (87 ½ %) of the normally assigned time when computed on an hourly, daily, weekly, or monthly basis.
GOVERNING BOARD	A synonymous term for the Board of Trustees of the Palmdale School District. For short, often the term "Board" is used.
GROUP	A number of classes related in duties and responsibilities, as set forth in the list of classes promulgated by the Personnel Commission.

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 privileges after illness or injury.
LIMITED-TERM EMPLOYMENT	A term used in the Education Code to designate employment for periods not to exceed six (6) months or employment of a temporary employee during the authorized absence of a permanent employee. Synonymous with "Temporary."
OPEN ELIGIBILITY LIST	An eligibility list resulting from the competitive examination of persons who are not employees of the District.
PART-TIME	A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis is less than eighty-seven and one-half percent (87 ½ %) of the normally assigned time of the majority of employees in the classified service.
PERMANENT EMPLOYEE	In reference to district employment status, an employee who has completed the initial probationary period in the classified service. In reference to employment status in a specific class, an employee who has completed probationary period for that class.
PERSONNEL COMMISSION	Established pursuant to the Act of the Palmdale School District and is charged with administration of classified personnel procedures for the District.
PERSONNEL COMMISSION DIRECTOR	Administrator appointed by the Personnel Commission to transact all business of the Commission.
POSITION	A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person on a permanent or limited-term basis. A position can only be established by action of the Board of Trustees.
PROBATIONARY PERIOD	The trial period of one hundred thirty (130) working days immediately following an original or promotional appointment to a permanent position from an eligibility list.
PROMOTION	The change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate.

PROMOTIONAL LIST	An eligibility list resulting from a promotional examination limited to qualified employees of the District.
PROVISIONAL APPOINTMENT	A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list, not to exceed a total of ninety (90) working days, except in specified circumstances. A period of ninety (90) calendar days will then elapse before the employee will be eligible to serve in a provisional capacity again. Such employee cannot work more than one hundred twenty-six (126) days in any one fiscal year.
PROVISIONAL EMPLOYEE	An employee employed under a provisional appointment.
QUALIFICATIONS APPRAISAL INTERVIEW	A tape recorded oral interview performed by a panel of interviewers to assess qualifications, also known as QAI.
REEMPLOYMENT	Reassignment to duty of an employee who has been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, and who is eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.
REGULAR EMPLOYEE	An employee who has probationary or permanent status.
REINSTATEMENT	A reappointment to a position in the employee's former class, after resignation and without examination.
RESTORATION	Includes "Reemployment" above. Also, the reassignment to duty of an employee to the same class and status that the employee held when the employee resigned. Also, the reassignment of an employee who had demoted, to their former class or to a related class, or, after reduction to limited-term status, to a permanent status.
SALARY RANGE	A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range normally consists of five salary steps.
SALARY STEP	A specific rate in a salary range. One of the consecutive rates that comprise a monthly or hourly salary range.
SENIORITY DATE	First day of employment in a probationary status.
SEPARATION	Leaving a position; includes resignation, dismissal, layoff, retirement, etc.

SERIES	A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.
STATUS	Tenure which is acquired in a classification by reason of examination, certification from eligibility lists, election or appointment by the Board of Trustees, and the successful completion of the probationary period.
SUBSTITUTE OR TEMPORARY EMPLOYEE	See "Temporary."
SUSPENSION	An enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee.
TEMPORARY	Employment on a basis other than permanent or probationary; i.e. in limited-term or provisional status.
TRANSFER	The reassignment of an employee without examination from one position to another position in the same class or to a position in a similar or related class with the same salary range.
UNCLASSIFIED SERVICE	All positions and employees not in the classified or certificated service, i.e. those exempted by law.
WAIVER	The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.

## SECTION 2 PRELIMINARY STATEMENT

### ITEM 1.1 STATUTORY AUTHORITY FOR THESE RULES

The rules and regulations contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45240, et. seq., and other provisions governing the Merit System Act in the Education Code. It is recognized that certain of these rules and regulations venture into substantive matters within the prerogative of the Board of Trustees. For that reason, the adopted set of rules and regulations were submitted to the Board of Trustees for its information and review on February 15, 1983. Thereafter, it shall be the policy of the Commission to submit all new rules and regulations, amendments, or deletions of existing rules or regulations to the Board of Trustees when:

- A. The rule or regulation obviously requires Board Approval, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule or regulation.

The Commission shall also submit all new rules and regulations, amendments, or deletions of existing rules or regulations to the Administration.

## **ITEM 1.2      INTERPRETATION AND APPLICATION OF RULES**

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

## **ITEM 1.3      GENERIC TERMINOLOGY**

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

## **ITEM 1.4      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.

## **ITEM 1.5      COMMISSION STATEMENT**

Palmdale School District  
Personnel Commission  
Policies and Procedures  
Preliminary Statement

The Personnel Commission of the Palmdale School District recognizes its role to be that of upholding the principles of the Merit System, as it pertains to any applicable section of the Education Code not already covered by the contractual agreement between the District and the exclusive representative of the classified bargaining unit. With this role statement in mind, the Commission recognizes its main function to be that of ensuring that all vacancies in the classified service be filled through strict adherence to the merit system rules, as specifically directed under provisions of Education Code Section 45260.

## **ITEM 1.6      COMMISSION MEETINGS**

The Personnel Commission will endeavor to meet a minimum of once a month on the second (2nd) Wednesday of each month. If there is adequate, and appropriate additional business for the Commission to take action on, the Commission will meet on the fourth (4th) Wednesday of each month.

## CHAPTER 2

### THE PERSONNEL COMMISSION

#### SECTION 1 ORGANIZATION OF THE COMMISSION

##### ITEM 2.1 QUALIFICATIONS OF PERSONNEL COMMISSION MEMBERS

A person being appointed or reappointed to the Commission shall:

- A. Be a registered voter and resident living within the Palmdale School District boundaries;
- B. Be a known adherent to the principle of the Merit System;
- C. Not be a member of the Governing Board or employee of the Palmdale School District.

##### ITEM 2.2 TERMS

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 before September 30 of each year, the Personnel Commission Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not the Commissioner will accept reappointment. If the Commissioner does not accept, the Director shall provide the name of a person who would accept appointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of the Education Code.

##### ITEM 2.3 OFFICERS

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

##### ITEM 2.4 QUORUM AND MAJORITY

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 any action.

#### SECTION 2 MEETINGS

##### ITEM 2.5 REGULAR MEETING TIME

Subject to cancellation or proper change, the Commission shall meet on the second (2nd) Wednesday of each month at 5:30 PM, at 37230 37th Street East in Palmdale. 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. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least forty eight (48) hours notice is given to employee and administration representatives and posted on the Commission's official bulletin board.

## ITEM 2.6 ADJOURNED REGULAR MEETINGS

The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is considered as a regular meeting. 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.

## ITEM 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 or by mail to each member of the Commission. Special notice must also be given to each of the following who have filed written requests for such notice: news media, other recognized employee organizations, and members of the Board of Trustees. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's official bulletin board. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission.

## ITEM 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 meetings of the Commission except that portion designated as Executive Session. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings. All actions regarding personnel and Personnel Commission business shall be voted upon during a public meeting.

## ITEM 2.9 EXECUTIVE/CLOSED SESSIONS

The Commission may hold executive/closed sessions to consider the employment, dismissal, or complaints/charges against any employee, and/or testing and/or administrative matters. During an executive/closed session relating to an employee, the Commission shall not consider any matter unless the employee has been notified of their right to a public hearing and has declined the public hearing or properly failed to request same.

## ITEM 2.10 AGENDA AND SUPPORTING DATA

- A. Insofar as possible, at least forty eight (48) hours prior to every regular or twenty-four (24) hours prior to every special Commission meeting, the agenda shall be provided to members of the Board of Trustees and the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's official bulletin board and distributed to news media which have requested it.
- B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in Item 2.9, 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.



#### ITEM 2.11 AMENDMENT, DELETION, OR ADDITION TO RULES

- A. All proposals 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 by the Personnel Commission Director. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first reading" the Commission will set a date for Commission action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Personnel Commission Director to refer the proposal to interested persons or organizations for comment and recommendation.
- C. Interested parties shall submit their reactions to proposals in writing before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.
- D. Such rules shall be available via the District website to each permanent employee in the District, and the public.

#### ITEM 2.12 MINUTES

The Personnel Commission 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, a Commissioner's dissent or approval and their reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes, or a true copy thereof, shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representatives who have requested them.

### SECTION 3 COMMISSION EMPLOYEES

#### ITEM 2.13 STATUS OF COMMISSION EMPLOYEES

The Personnel Commission Director and other persons required to carry out the responsibilities of the Commission shall be employees of the Governing Board. Such employees 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. The Personnel Commission Director shall be required to follow the policies, rules, and regulations of the Commission.

#### ITEM 2.14 GENERAL DUTIES OF THE PERSONNEL COMMISSION DIRECTOR

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

- B. The Personnel Commission Director shall conduct classification studies not less than every other year; salary and rules studied annually; and shall make such other investigations as directed by the Commission or as deemed necessary to the responsibilities.
- C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear cut answer to a problem, the matter shall be decided by the Personnel Commission Director, subject to appeal to the Commission.
- D. The Personnel Commission Director may be designated as a hearing officer.

## SECTION 4 MISCELLANEOUS PROVISIONS

### ITEM 2.15 COMMUNICATIONS

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

### ITEM 2.16 BUDGET

The Personnel Commission Director shall prepare and submit a proposed budget to the Commission not later than the first Commission meeting in April. After notification of the proposed budget to the Board, public hearing and approval by the Commission, the budget shall be submitted to the County superintendent of Schools, prior to May 30.

### ITEM 2.17 ANNUAL REPORT

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

### ITEM 2.18 COMPENSATION

The Governing Board may authorize payment to members of the Commission. Such authorization for compensation shall be included in the Annual Budget of the Commission. When the budget is approved, the new rates shall be applicable starting July 1 of the new fiscal year.

## CHAPTER 3

### POSITION CLASSIFICATION PLAN

#### SECTION 1 THE CLASSIFIED SERVICE

##### ITEM 3.1 POSITIONS INCLUDED

- A. All positions established by the Governing Board or the Commission which are not exempt from the Classified Service by law or by the Commission shall be a part of the Classified Service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the Classified Service.
- B. No person shall be employed outside the Classified Service except those exempt by law or the Commission.

##### ITEM 3.2 EXEMPTION FROM THE CLASSIFIED SERVICE

Positions required by law to have certification qualifications, part-time playground positions, full-time students employed part-time, apprentices, and professional experts (including architectural and engineering firms) employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission shall be exempt from the Classified Service.

##### ITEM 3.3 "FULL-TIME" DEFINED

A full-time position is a position which is equal to or greater than eighty seven and one-half percent (87 1/2%) of the normally assigned time when computed on an hourly, daily, weekly, or monthly basis.

##### ITEM 3.4 "PART-TIME" DEFINED

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis is less than eighty seven and one-half percent (87 1/2%) of the normally assigned time of the majority of employees in the classified service.

##### ITEM 3.5 EFFECT OF EXEMPTION

Any position or employee lawfully exempted from the Classified Service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Trustees.

##### ITEM 3.6 RESTRICTIVE POSITIONS AND APPOINTMENTS

Where ability to speak, read, or write a language in addition to English or possession of a valid driver's license is required of the position to be filled, appointments may be made from other than the first three ranks.

##### ITEM 3.7 WEEKEND AND HOLIDAY POSITIONS

All such positions come under the classified service unless exempted by the Personnel Commission.

### ITEM 3.8      ASSIGNMENTS OF DUTIES

All personnel, classified and exempt from Classified Service, shall be assigned by the Superintendent and approved by the Board of Trustees.

## SECTION 2   GENERAL CLASSIFICATION RULES

### ITEM 3.9      GENERAL NATURE OF THE CLASSIFICATION PLAN

The Personnel Commission shall establish and maintain a plan of classification for all positions in the Classified Service. Classes will be placed in groups according to general occupational nature, including the salary rate or range applicable to each class. The Personnel Commission shall decide, when it orders an examination, whether the examination shall be open, promotional, or a combination thereof.

### ITEM 3.10     CLASS SPECIFICATIONS

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

- A. The official class title;
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
- C. A statement of typical tasks to be performed by persons holding positions allocated to the class;
- D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics;
- E. A statement of distinguishing characteristics which differentiates the class from other related or similar classes; and;
- F. License or other special requirements for employment or service in the class;
- G. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of the qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.

### ITEM 3.11     INTERPRETATION OF CLASS SPECIFICATIONS

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

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes or illustrative as to duties, and do not prescribe what these details shall be in respect to any position, and does not exclude others not mentioned.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole.

- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper 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 positions, such as physical abilities to meet the essential functions with or without accommodation, honesty, and sobriety, even though not specifically mentioned in the specifications, are implied in the qualification requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

#### ITEM 3.12 ALLOCATION OF POSITIONS TO CLASSES

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

#### ITEM 3.13 CHANGES IN DUTIES OF POSITIONS

Any substantial changes in the duties of existing positions shall be promptly reported in writing by the immediate supervisor to the Personnel Commission Director, who shall determine whether the positions should be allocated to different classes.

#### ITEM 3.14 WORKING OUT OF CLASSIFICATION

Classified employees may be required to perform duties out of classification up to and including five (5) consecutive working days.

If a classified employee is required to perform duties out of classification for more than five (5) consecutive working days, the salary will be adjusted upward for the entire period the employee is required to work out of classification.

#### ITEM 3.15 REVIEW OF CLASSIFICATION

The Personnel Commission Director shall review the duties and responsibilities of classifications as necessary to determine their proper classification and shall cause all classifications to be reviewed at least once every two years. If the Personnel Commission Director finds that a classification should be reclassified, administration will be notified of the findings. If the administration verified the duties of the classification, or if the duties are not revised to fit within the current classification, the Personnel Commission Director shall report the findings and recommendations to the Commission. The Personnel Commission Director shall also report the findings in cases where the review indicates that no change in classification is necessary.

## ITEM 3.16 CREATION OF NEW POSITIONS

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

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

## SECTION 3 RECLASSIFICATION

### ITEM 3.17 REQUESTS FOR STUDY

Requests for the classification study of existing positions may be initiated by an employee, the District Administration with the approval of the Superintendent, a recognized employee organization, or the Personnel Commission Director. Requests initiated by an employee or an employee organization shall include a listing of the current authorized duties and a statement indicating the reasons the employee feels a reclassification is justified. Requests initiated by the District Administration shall include the above information as well as a statement by the employee's supervisor verifying the authorized duties of the position. All information pertinent to the request for study shall be presented to the Personnel Commission Director.

### ITEM 3.18 EFFECTS ON INCUMBENTS

When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two (2) or more years in one or more of the positions being reclassified may be reclassified with their position as provided by Personnel Commission rule. When a portion of the positions within a class are reclassified to a higher class, an incumbent who has a continuous employment record of two (2) or more years in one or more of the positions being reclassified may be reclassified with the position as provided by Personnel Commission rule.

The basis for reclassification of the position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion shall be on the basis of guidelines provided by Personnel Commission rules.

An employee who has been reclassified with their position shall be ineligible for subsequent reclassification with their position for a period of at least two (2) years from the initial action.

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

### ITEM 3.19 DEFINITION OF GRADUAL ACCRETION

For purposes of these rules, the gradual accretion of the measurable additional of duties must occur for at least two (2) complete years of regular and continuous service within the assignment basis of the class or position. Determination as to gradual accretion will be based on an analysis of data to be supplied by the division or school, as well as the Personnel Commission staff, regarding the following factors:

- A. The nature and scope of each identified change in duties and responsibilities.
- B. The exact or approximate date the incumbent began the performance of the newly required duties and responsibilities.
- C. The conditions which led to the association of the added duties and responsibilities.
- D. Evidence of the employee's performance of the added duties and responsibilities.

### ITEM 3.20 NOTIFICATION OF RECLASSIFICATION

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

### ITEM 3.21 RECLASSIFICATION OF VACANT POSITION(S)

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

### ITEM 3.22 EFFECTIVE DATE OF RECLASSIFICATION

Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for an examination procedure to be completed, but for not more than three (3) months from the date of the Commission's action.

### ITEM 3.23 SALARY PLACEMENT AFTER RECLASSIFICATION

When a position is reclassified upward, incumbents who are to be reclassified with the position shall be placed on the step within the new range that represents at least five-percent (5%) increase in salary, unless the new range has a top step of less than five-percent (5%) difference, in which case salary placement will be at the top step of the new range.

### ITEM 3.24 PROBATIONARY PERIOD AFTER RECLASSIFICATION

An incumbent who has served two (2) or more years and is reclassified upward within the position (with change in title) shall not be required to satisfy a new probationary period in the higher class.

An incumbent who has not been in their class for two (2) or more years may be reclassified in the higher class position only after passing a qualifying examination prescribed by the Personnel Commission for the higher class. The probationary period shall be 130 working days in the new classification before attaining permanency in the higher class.

## CHAPTER 4

### APPLICATION AND EXAMINATION

#### SECTION 1 APPLICATION FOR EMPLOYMENT

##### ITEM 4.1 FILING OF APPLICATION

All applications for employment shall be made upon official forms furnished by the Commission, filled out properly as therein directed and submitted to the Personnel Commission Office on or before the date and time specified in the job opportunity announcement. Applicants applying for more than one job opportunity must submit a separate and complete application for each job opportunity.

##### ITEM 4.2 GENERAL QUALIFICATIONS OF APPLICANTS

Applicants must possess all requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the essential functions of the classification with or without reasonable accommodation.

##### ITEM 4.3 ELIMINATION OF UNQUALIFIED APPLICANTS CANDIDATES AND ELIGIBLES

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

- A. Failure to meet the general qualifications of Item 4.2.
- B. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- C. Conviction of any sex offense or controlled substance offense unless such person reverses the conviction and is acquitted in a new trial or the charges are dismissed. In case of conviction, the Board may employ such a person so long as there is evidence to show the person has been rehabilitated for at least five (5) years (Cf. Ed. Code §45123). Over indulgence with any intoxicating substance affecting job performance shall be cause for elimination from consideration under this section.
- D. Intentionally making a false statement or omitting a statement as to any material fact on the application form.
- E. Practicing any deception or fraud in connection with an examination or to secure employment.
- F. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- G. Previous dismissal from this District unless the District waives this subsection.
- H. A record of unsatisfactory service with this District.
- I. Unsatisfactory health conditions which cannot be reasonably accommodated may be subject to health examination.



- J. Applicants dishonorably discharged from the armed forces of the United States.
- K. Failure, after due notice, to report for review of any of the above reasons for rejection.
- L. Unlawful refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees.

#### ITEM 4.4 REJECTION AND APPEAL FROM REJECTION

- A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Items 4.1, 4.2, or 4.3 shall be notified in writing by the Personnel Commission Office. The notification shall state:
  - 1. The reasons for rejection.
  - 2. That, within seven calendar days, the individual may appeal to the Personnel Commission Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
- B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be given a written notice outlining the reasons for sustaining the rejection.

#### ITEM 4.5 ACTION WHEN REJECTION IS NOT SUSTAINED

If a rejection is not sustained by the Personnel Commission Director or the Personnel Commission or its agent, the Personnel Commission 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.

#### ITEM 4.6 APPLICATIONS NOT TO BE RETURNED

All applications, examination papers, and supporting documentation are confidential records of the Personnel Commission and shall not be returned to the applicants.

#### ITEM 4.7 APPLICANTS' NAMES NOT MADE PUBLIC

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

#### ITEM 4.8 VETERANS' PREFERENCE

- A. "Veteran" as used in this item, means any person who has served in the United States armed forces (United States Air Force, Army, Navy, Marine Corps, or Coast Guard) 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.  
  
"Disabled veteran" as used in this item, means any "veteran" as defined above, who is currently declared by the United States Veterans' Administration to be ten (10) percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans' Administration.
- B. In the case of all entrance examinations, a "veteran" or "disabled veteran" as defined above, with thirty (30) days or more of service who become eligible for appointment by attaining

the passing mark established for the examination, shall be allowed an additional credit of five (5) points in the case of a "veteran" and an additional credit of ten (10) points in the case of a "disabled veteran." The additional credit shall be added to the percentages attained in the examinations by the veterans.

- C. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service at the time of the examination.
- D. A "veteran" or "disabled veteran" shall be placed on an eligible list and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after the additional credit of five (5) points or ten (10) points are added. No further adjustments of rank on the list shall be made after proof of qualifying military service is presented.

## SECTION 2 EXAMINATIONS

### ITEM 4.9 GENERAL PROMOTIONAL EXAMINATION

Examinations shall, where practicable, be limited to promotional applicants, or appointments may be made by transfer, demotion, reinstatement, or reemployment. When no promotional field of competition exists or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to permanent classified or certificated employees of the District who meet the minimum qualifications of the classification.

### ITEM 4.10 NOTICE OF POSITION OPENINGS AND EXAMINATIONS

Notice of the position opening shall be public and given to employees of the District at least fifteen (15) working days in advance (Cf. Ed. Code §45278). Notice will be provided to employees having indicated an interest in specific positions. The notice shall contain the following:

- A. Information concerning the location of the opening.
- B. Description of the scope of duties and responsibilities of the classification.
- C. Minimum qualifications required.
- D. The salary and other forms of compensation.
- E. The date and time for submitting an application.

### ITEM 4.11 WHO MAY COMPETE

Competitive examinations for classifications in the Classified Service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Item 4.3.

### ITEM 4.12 CHARACTER OF EXAMINATIONS

Examinations shall be administered objectively and shall consist of at least two independent parts. They may be written or oral, or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of educational 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.

#### ITEM 4.13 EXAMINATION PROCEDURES

- A. Competitors must take the examination on the prescribed date and form.
- B. Copies of the questions in an examination shall not be made by competitors or other unauthorized persons.
- C. Where written examinations are required, they shall be so managed that none of the examination papers will disclose the name of any competitor until all papers of all competitors in a given examination have been marked and rated.
- D. Any competitor in any examination who places any identifying mark upon 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 their paper prior to the completion of the examination shall be disqualified.
- E. The Personnel Commission may designate examinations for specified classes as continuous examinations for classes of positions which the Commission determines cannot be filled by promotion examinations only.

#### ITEM 4.14 EXAMINATION WEIGHTING

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

#### ITEM 4.15 RATING REQUIRED

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

#### ITEM 4.16 EXAMINATION PROTESTS

- A. At the completion of any examination, as part of the examination procedure, a candidate may protest regarding any specific question or the examination as a whole, stating the basis for such protest.
- B. The Personnel Commission Director shall review and act upon all protests. If protests result in any change, all of the examinations will be reviewed and re-rated accordingly.
- C. The Personnel Commission Director shall inform the protester of the decision within fifteen (15) working days from the time a candidate lodges a protest. If the Personnel Commission Director rules against the protest, the candidate may appeal within five (5) working days to the Personnel Commission by filing a written request for appeal with the Personnel Commission Director. The appeal shall be heard by the Personnel Commission at the next regular or special meeting. The protester is required to appear at the Personnel Commission Appeal Hearing. If the protester fails to appear at the scheduled hearing time, any further rights to appeal are forfeited and the decision of the Personnel Commission Director will stand. Following the appeal hearing, the Personnel Commission will inform the protester of its decision within forty-five (45) calendar days.

#### ITEM 4.17 EXAMINATION PAPERS

All examination documents submitted by candidates are the property of the Personnel Commission and are confidential records.

#### ITEM 4.18 SENIORITY - PROMOTIONAL EXAMINATIONS

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

#### ITEM 4.19 TIES IN EXAMINATION SCORES

Per Education Code 45272(a), the Commission shall place applicants on eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

#### ITEM 4.20 QUALIFICATIONS APPRAISAL INTERVIEW

- A. If an examination includes a Qualifications Appraisal Interview (QAI), those candidates eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier tests.
- B. A QAI board will consist of at least two persons, at least one of whom shall be technically qualified to interview for knowledge in the area of the classification being tested for.
- C. Whenever possible, classified employees of the District shall not serve on an oral board. The Personnel Commission Director may designate a District employee as a member of an oral board. However, under no circumstances shall a direct supervisor of a successful competitor be designated as an oral examiner.
- D. A candidate may appeal a QAI rating to the Personnel Commission Director. If rejected, the candidate may appeal to the Commission at any time after notification of the final score, but within ten (10) days after establishment of the eligibility list. The Commission may alter the QAI rating if it finds justification for the protest and order the candidate'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 appointee was fraudulently appointed.
- E. All Qualifications Appraisal Interviews shall be electronically recorded.

#### **ITEM 4.21 REVIEW OF EXAMINATIONS**

After the examinations have been corrected and the candidates have been rated, each candidate shall be notified of the grade, the date/time and location at which the examination papers may be reviewed. No candidate may copy or remove from the review room any questions or answers.

#### **ITEM 4.22 NOTICE OF FINAL SCORE**

Each competitor shall be notified of the final score and of the relative standing on the eligibility list, if qualified. The notice shall also indicate that the eligibility list with the final total of each successful candidate is retained in the Personnel Commission Office.

#### **ITEM 4.23 GENERAL NATURE OF WRITTEN EXAMINATIONS**

All written examinations shall follow the rules as outlined in this Chapter, and be related to the position open.

#### **ITEM 4.24 TYPE OF WRITTEN EXAMINATION**

Written examinations may include solely, or in combination, any or all of the following types: true-false, multiple choice, matching, computations, completion, essay, thought, sequential, programmed, or any other type of written or skill test including ability tests and IQ tests. These tests may be purchased or constructed by the Personnel Commission.

#### **ITEM 4.25 TIMES OF WRITTEN EXAMINATION**

Such written examinations may be done by sections or totally, at one time or a series of times, during work hours or after work hours, on weekdays, weekends or holidays.

#### **ITEM 4.26 GRADING OF WRITTEN EXAMINATIONS**

All written examinations shall be graded by any consistent method of grading necessary to differentiate between candidates. Such scoring may be converted to percentages, ratio, T-scores, or any other system of grading, including raw scores.

#### **ITEM 4.27 GENERAL NATURE OF ORAL EXAMINATIONS**

All oral examinations shall follow the rules outlined in this Chapter, and be related to the classification open.

#### **ITEM 4.28 TYPE OF ORAL EXAMINATIONS**

Oral examinations may be administered by individual(s), tape, or by other mechanical methods. The instructions of the test shall be written and given to the applicant prior to the examination. Such tests may be given individually or in groups.

#### **ITEM 4.29 TIMES OF ORAL EXAMINATIONS**

Oral examinations may be given by section or totally, at one time or a series of times, during normal working hours or after work hours, on weekdays, weekends, or holidays.

#### **ITEM 4.30 GRADING OF ORAL EXAMINATIONS**

All oral examinations shall be graded by any consistent method necessary to differentiate between candidates. Such scoring may be converted to percentage, ratios, T-scores, or any other system of grading, including raw scores.

#### **ITEM 4.31 RECORDING OF ORAL EXAMINATIONS**

All oral examinations must be recorded by some mechanical method capable of playing back for review. Such recording must have the date, candidate's number, classification applied for, and examiner name(s). These recordings must be kept at least ninety (90) days from the certification of the eligibility list (Cf. Ed. Code §45274).

#### **ITEM 4.32 GENERAL NATURE OF PRACTICAL EXAMINATIONS**

All practical examinations shall follow the rules of this Chapter, and be related to the classification open.

#### **ITEM 4.33 TYPE OF PRACTICAL EXAMINATIONS**

Practical examinations may include any demonstration, both active and theoretical, which shows a person's competence in the area being tested. These examinations may be administered by persons designated by the Personnel Commission Director.

#### **ITEM 4.34 TIME OF PRACTICAL EXAMINATIONS**

Practical examinations may be done by sections or totally, at one time or a series of times, during normal working hours or after working hours, on weekdays, weekends, or holidays.

#### **ITEM 4.35 GRADING OF PRACTICAL EXAMINATIONS**

All practical examinations shall be graded by any consistent method necessary to differentiate between candidates. Such scoring may be converted to percentage, ratio, T-scores, or any other system of grading, including raw scores.

#### **ITEM 4.36 GENERAL NATURE OF COMBINATION EXAMINATIONS**

Examinations may be written, oral, practical, or any other type of test, or any combination of these examinations. The rules of this Section shall be followed and the examination must be related to the classification open.

#### **ITEM 4.37 TYPES OF COMBINATION EXAMINATIONS**

Combination examinations may be administered by individual(s), demonstrations (theoretical and practical), mechanical devices, on-the-road, or any other method required which shows a person's competence in the area being tested. They may be administered by persons designated by the Personnel Commission Director.

#### **ITEM 4.38 TIMES OF COMBINATION EXAMINATIONS**

Combination examinations may be done by sections or totally, at one time or a series of times, during normal working hours or after working hours, on weekdays, weekends, or holidays.

#### ITEM 4.39 GRADING OF COMBINATION EXAMINATIONS

All combination examinations shall be graded by any consistent method necessary to differentiate between candidates. Such scoring may be converted to percentage, ratio, T-scores, or any other system of grading, including raw scores.

#### ITEM 4.40 RECORDING OF COMBINATION EXAMINATIONS

Any oral part of a combination examination shall comply with Item 4.31 Recording of Oral Examinations.

# CHAPTER 5

## EMPLOYMENT LISTS

### SECTION 1 ELIGIBILITY LISTS

#### ITEM 5.1 ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS

- A. After an examination, the names of successful candidates shall be arranged on a list in the order of examination score, plus additional points where applicable. The completed list constitutes an eligibility list for that class. The Personnel Commission Director shall be responsible for establishing and certifying eligibility lists as a result of examinations authorized by these rules. Pertinent examination data for establishment of the list shall be presented for approval or ratification of the Personnel Commission at the next regular meeting.
- B. An approved eligibility list shall be in effect for one year, unless exhausted, and may be extended, but not to exceed two (2) six-month extensions at the discretion of the Commission. Names of successful competitors may be added to eligibility lists resulting from continuous examinations with approval of the Commission.
- C. It shall be the responsibility of eligibles to notify the School District of their continued availability and current address every ninety (90) days.

#### ITEM 5.2 REEMPLOYMENT LISTS

- A. There shall be established for each class a reemployment list which shall take precedence over all other employment lists in appointment. This list shall contain the names in order of seniority of all permanent 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.
- B. All other factors being equal, a returning employee not on leave shall be entitled to first consideration for any vacant position for which the candidate is qualified. Employees returning to the employment of the District within thirty-nine (39) months after separation are entitled to all rights and benefits of employment which had accrued to them at the time of their leaving. This shall include step status on the salary schedule and accumulated sick leave.

#### ITEM 5.3 TERMINATION OF ELIGIBILITY LISTS

- A. An eligibility list is automatically terminated one year from the date of its approval unless previously extended by the Commission.
- B. An extended eligibility list is automatically terminated two (2) years after its initial approval.



- C. An eligibility list may be terminated by the Commission when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three (3) eligibles remaining on the list.

#### ITEM 5.4 CONSOLIDATION OF ELIGIBILITY LISTS

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

#### ITEM 5.5 ELIGIBILITY AFTER APPOINTMENT

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

#### ITEM 5.6 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

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

- A. A written request by the eligible for removal.
- B. Failure to respond to a written inquiry regarding availability for employment.
- C. Waiver of two offers of regular appointment.
- D. Failure to report for duty at the time agreed upon after having accepted an appointment.
- E. Any of the causes listed in Item 4.3 Elimination of Unqualified Applicants Candidates and Eligibles.

### SECTION 2 CERTIFICATION FROM EMPLOYMENT LISTS

#### ITEM 5.7 ORDER OF PRECEDENCE

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

- A. Reemployment list (one name required).
- B. Promotional Eligibility List (three names required).
- C. Open Eligibility List (three names required).

#### ITEM 5.8 DUAL CERTIFICATION

When the same examination is held on a competitive or promotional basis to provide a list of eligibles for any class which has fewer than three eligible names on the list, the Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists. Thus, the three ranks certified which have the highest examination scores, including veterans' credit and seniority credit (for promotional eligibles) shall be the first certified.

#### ITEM 5.9 PROCEDURE WHEN FEWER THAN THREE RANKS REMAIN

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

#### ITEM 5.10 REDUCTION IN ELIGIBILITY

A reduction in eligibility from a higher class to a lower class may be granted only when two classes are in the same line of promotion. A person granted a reduction in eligibility shall have their name removed from the eligibility list for the higher class and placed among the top three ranks of the eligibility list for the lower class.

#### ITEM 5.11 OTHER SOURCES OF ELIGIBILITY

- A. When a position is to be filled, the District shall notify the Personnel Commission Director of that fact and of the date of the anticipated need. The request for certification shall state the class, title, hours and location of employment, and other pertinent information as required by the Personnel Commission Director.
- B. The Personnel Commission Director shall ascertain the availability of eligibles and shall certify names to the District's hiring authority in accordance with these rules.
- C. The District's hiring authority shall make its selection and shall notify the Personnel Commission Director, who shall see that the necessary employment procedures are carried out.

#### ITEM 5.12 WAIVERS OF CERTIFICATION

- A. An eligible may waive certification to specific locations or shifts, and to part-time or full-time positions, and to limited-term or permanent positions by written notification.
- B. Certification of eligibles who have waived shall not be made, provided that eligibles may revise or withdraw their waivers in writing.
- C. Eligibles who have waived appointment shall be notified when a new examination for the class is to be held.

#### ITEM 5.13 REFUSALS OF APPOINTMENT

An eligible may refuse appointment to a specific position and retain eligibility, provided that refusal of two offers of appointment or certification within the areas of employment not waived may be cause for removal from the eligibility list. Such action may be appealed in accordance with Item 5.15 and 5.16.

#### ITEM 5.14 CERTIFICATION FROM LIST FOR ANOTHER CLASS

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

#### ITEM 5.15 WITHHOLDING NAMES FROM CERTIFICATION

The name of an eligible may be withheld from certification for the following reasons:

- A. Unwillingness or inability to accept appointment is expressed.
- B. Failure to respond within three (3) business days following the notification regarding availability for permanent employment or request to appear for interview regarding such employment.
- C. Failure to present the license, registration, certificate or any other credential required. (The name of any such eligible shall be restored by the Personnel Commission Director for certification when the particular requirement has been met.)
- D. Any reason listed in Item 4.3.

#### ITEM 5.16 RESTORATION TO CERTIFICATION

When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto 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 inquiry as to availability to appear for interview, or to report for duty, and the candidate presents good cause and certifies to the Personnel Commission.
- B. When the withholding or removal was for a reason stated in Item 5.15, and such action was improper or the defect has since been corrected, revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

#### ITEM 5.17 DUTIES OF ELIGIBLE

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. The eligible shall respond within three (3) calendar days after the date of the notice. If the notice is mailed, then the eligible must respond within three (3) calendar days plus five (5) calendar days for mailing. Failure of an eligible to respond within the above-

stated times will be deemed an automatic waiver of certification, and the Personnel Commission Director may certify an additional name in lieu of the name of such eligible.

- B. The District shall determine the effective date of employment. However, an eligible who has been certified may be allowed two (2) weeks to report for duty after an offer of appointment to a permanent position has been made. If the eligible is unable or unwilling to report by the end of two (2) weeks, the eligible may be considered to have refused appointment; and the District's hiring authority may request certification of another name from the eligibility or reemployment lists.
  - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Commission Director of the selection.
  - 2. Notification may be made by telephone, mail, or e-mail.
  - 3. The District may allow a period longer than two (2) weeks.
  - 4. 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 any eligibility list or reemployment list shall, promptly file with the Commission a correct and legal mailing address and place of residence. Failure to file such information may, at the discretion of the Commission, operate as a waiver of the order of certification and/or appointment from any such list.

#### ITEM 5.18 SUBJECTS REGARDING WHICH NO QUESTIONS SHALL BE ASKED

No questions relating to political or religious opinions/affiliations; race, color, national origin or ancestry; or marital status, shall be asked of any candidate whose name has been certified for appointment, nor shall any discrimination be exercised.

#### ITEM 5.19 WHEN NO EMPLOYMENT LIST EXISTS

It shall be the duty of the Personnel Commission Director to have employment lists available as rapidly as possible after notification of a vacancy.

## CHAPTER 6

### EMPLOYMENT

#### SECTION 1 GENERAL CLASSIFIED SERVICE

##### ITEM 6.1 CLASSIFIED SERVICE

All classifications established by the Governing Board or the Commission which are not exempt by law shall be part of the Classified Service.

##### ITEM 6.2 RESTRICTIVE POSITIONS

Restrictive positions are those positions which require special language abilities or possession of a valid license.

##### ITEM 6.3 ASSIGNMENT OF DISABLED EMPLOYEES

When a permanent employee becomes unable to perform the duties of the classification because of illness or injury as determined by medical authority designated by the District, reasonable effort shall be made to place the employee in a position in which the essential duties can be performed with or without reasonable accommodation. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission in the cases noted below.

##### ITEM 6.4 REASSIGNMENT OF DISABLED EMPLOYEES

- A. A disabled employee's duties in the regular classification may be altered in accordance with the disability. Such changes in duties shall be reported to the Personnel Commission Director, who shall determine whether the position requires classification study.
- B. A disabled employee may accept demotion or transfer to a less demanding classification when a vacancy exists, with the approval of the Commission.
- C. 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 assignment until appointed to the higher class in accordance with the rules and procedures on eligibility and appointment.

##### ITEM 6.5 EFFECT OF REFUSAL BY DISABLED EMPLOYEE

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

#### SECTION 2 TEMPORARY APPOINTMENTS

##### ITEM 6.6 LIMITED-TERM APPOINTMENTS

- A. Limited-term appointments are assignments which are made for a limited period of time. There are two types of limited-term appointments:

1. A substitute (limited-term) assignment provides temporary employee services in the absence of a regular employee.
  2. A relief (limited-term) assignment is an assignment to a relief (temporary) position which augments the number of regular positions in a given organizational unit. In no case shall a limited term "relief" appointment exceed six months of service in one position during any fiscal year.
- B. The appointing power shall submit a request to assign a limited-term employee in which the probable duration of the appointment shall be stated.
1. The appointing power shall notify the Personnel Commission Director when limited-term employees have worked in one position for more than nineteen (19) working days.
  2. Persons shall be certified in accordance with their standing on employment lists and their willingness to accept appointments as limited-term employees.
- C. In no case shall the duration of a limited-term "substitute" exceed the absence of the regular classified employee being substituted for.

#### ITEM 6.7 PROVISIONAL APPOINTMENTS

- A. The appointing authority may request provisional appointment when the Personnel Commission Director certifies that:
1. No eligibility list exists for the class, or
  2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e., less than 3) and the appointing authority refuses to appoint an available eligible.
- B. An employee or applicant may receive a provisional appointment or appointments which may accumulate to a total of ninety (90) working days, after which a ninety (90) calendar-day interval shall elapse during which the employee or applicant shall be ineligible to serve in any full-time provisional capacity.
- C. No person shall be employed in provisional capacities under a given governing board for a total of more than one hundred twenty-six (126) working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position. Successive ninety (90) working day provisional appointments may be made to the part-time position for a total of more than one hundred twenty-six (126) working days in a fiscal year.
- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class description. When no one who meets the minimum qualifications is available, a Conditional Provisional appointment may be made. Such appointments may be terminated as soon as the Personnel Commission Director can appoint a qualified applicant.
- E. Notwithstanding Rules A and B above, the Commission may extend the ninety (90) working day provisional appointment for a period not to exceed thirty-six (36) additional working days provided:

1. An examination for the class was completed during the initial ninety (90) working days of the employee's provisional assignment.
2. Satisfactory evidence is presented indicating:
  - a. Adequate recruitment effort has been and is being made.
  - b. Extension of this provisional assignment is necessary to carry on vital functions of the district.
  - c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.

#### ITEM 6.8      TERMINATING PROVISIONAL APPOINTMENTS

- A. The services of a provisional appointee shall be terminated within fifteen (15) working days after the date on which an eligibility list has been established, provided that this fifteen (15) day period does not extend beyond the ninety (90) working day provisional assignment or the additional thirty six (36) working days if authorized by Item 6.7E.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

#### ITEM 6.9      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 request the Personnel Commission Director to provide a person without reference to the eligibility lists, for a period not to exceed fifteen (15) working days.
- B. When such emergency appointments are requested, it shall be the duty of the authorized department heads to notify the Personnel Commission Director in writing of the date needed, nature of duties to be performed, and the reason justifying the 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.

### SECTION 3    REGULAR APPOINTMENTS

#### ITEM 6.10     PROBATIONARY EMPLOYEE

- A. A probationary employee is one who is newly appointed from an eligibility list.
- B. A probationary employee can also be one who has been newly appointed from a promotional list, but is probationary in the promotional position only.
- C. An employee who has changed class.

#### ITEM 6.11     PROBATIONARY PERIOD

- A. For new employees, an initial probationary period of 130 working days in paid status in one classification must be served before attaining permanency in the Classified Service.

- B. For permanent employees who have been promoted, the probationary period shall be 130 working days in paid status in the new classification before attaining permanency in that classification.
- C. For those classes designated by the Personnel Commission as supervisory or administrative, the probationary period shall be one year from the date of appointment.
- D. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility lists. Credit toward completion of probation shall not be given for time served under limited-term (substitute or relief) appointments regardless of that employee's length of service in the limited-term (substitute or relief) position.

#### **ITEM 6.12 PERMANENT EMPLOYEE**

An employee becomes a permanent regular employee after completion of an initial probationary period in the classified service, and has been accepted as a permanent member into the Classified Service. A permanent employee is entitled to all benefits provided by the District, and may be employed either full time or part time. The employee may be assigned to a restrictive or general position.

#### **ITEM 6.13 EMERGENCY ASSIGNMENTS**

A permanent employee may be temporarily assigned a position acting as a substitute, limited-term or emergency employee. Such assignment shall not be longer than fifteen (15) consecutive working days. Such assignment is considered as serving in the regular position, and shall not be considered separation from service.

#### **ITEM 6.14 REEMPLOYMENT OF PRIOR PERMANENT EMPLOYEES**

Prior permanent employees who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reasons specified in these rules, are eligible for reemployment without examination in their former classification during a period of thirty-nine (39) months. Such reemployment must be taken from a list of persons who satisfy the laws, and rules and regulations of the Personnel Commission. Such reemployment restores to the individual all of the rights, benefits, and burdens of a permanent employee in the classification to which reemployed, if made within thirty-nine (39) months.

#### **ITEM 6.15 REINSTATEMENT OF PRIOR PERMANENT EMPLOYEES**

A prior permanent employee who has resigned may be reappointed without examination to the prior classification provided all laws, rules and regulations have been satisfied. Such reemployment restores to the individual all of the rights, benefits, and burdens of a permanent employee in the classification to which reinstated if made within thirty-nine (39) months.

#### **ITEM 6.16 RESTORATION OF PERMANENT EMPLOYEES**

The restoration of permanent employees may be made under the reemployment section (Item 6.14) or reinstatement section (Item 6.15). Reassignment may be made from demoted employees to a former class or to a related class, or after reduction to limited-term status, or reassignment to a permanent status. Such reassignment restores to the individual all of the rights, benefits, and burdens of a permanent employee to which reinstated or reemployed.



#### ITEM 6.17      RIGHTS OF PROBATIONARY EMPLOYEES

- A. Probationary employees who resign in good standing during the initial probationary period shall, upon request, have their name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- B. A probationary employee who is suspended or dismissed during the initial probationary period shall be notified in writing of the action taken. Right of appeal is only afforded after the successful completion of the initial probationary period.
- C. An employee who has permanent status in the classified service, and who has been promoted to a higher classification, may be demoted during the probationary period to the former classification without loss of previously earned rights and benefits of the prior status. Notification of the action will be in writing and the employee shall not have the right of appeal.
- D. A permanent employee who is suspended or dismissed or demoted to other than the former classification during a probationary period retains full rights of appeal.
- E. A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The probationary employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

## SECTION 4 CHANGE IN POSITION OR CLASSIFICATION

### ITEM 6.18 TRANSFER

#### A. Definition of Transfer

A transfer is the reassignment of an employee without examination to an available position in the same class in a different department or job site or to a similar or related classification within the same salary range. Any transfer of a permanent employee shall be made only with the ratification of the Personnel Commission.

#### B. Voluntary Transfer

Transfer requests may be submitted at any time, subject to the availability of positions and the qualifications of applicants. Permanent employees who have requested transfer shall be considered based upon, but not limited to, job performance, qualifications, and the needs of the District.

1. Transfers shall be made without change in pay rate, anniversary date, and accumulated leave balances.
2. Final selection for transfer is at the sole discretion of the District. Employees in probationary status are not eligible to be considered for voluntary transfers.

#### C. Administrative Assignment (Involuntary Transfer)

The District retains the right in accordance with these rules to transfer staff for the good of the service at any time such assignment is in the best interest of the District, provided that such action is not taken for punitive or preferential reasons.

1. An employee who is involuntarily transferred shall be notified of the transfer within five (5) work days of the District's decision, and shall be granted a conference with the District designee and immediate supervisor to discuss the rationale(s) for the administrative reassignment.
2. Administrative assignments shall not be used as a means to circumvent interview procedures.

#### D. Lateral Transfer

A lateral transfer is the reassignment of an employee from one position to a position in the same class or related class with the same salary range or salary rate.

An employee may request a lateral transfer or be administratively assigned from the current position to another position in a related class. The determination of whether classes are sufficiently related to permit transfer between them shall be made by the Personnel Commission.

The following factors shall be considered in determining whether classes are sufficiently related for lateral transfer: a) similarity of duties, b) minimum qualifications, c) examination content, d) occupational group, and e) 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 for reasons of disability.
3. When the employee meets the minimum requirements for the classification.

E. Probationary Period

A permanent employee who transfers to a position in a classification in which a probationary period has not been served previously, shall be considered probationary in that classification for a period of 130 work days in paid status. At any time during the probationary period, an employee may be returned (transferred) to the former classification without the 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. Seniority Credit

Transfers shall have no adverse impact upon the employee's seniority.

1. When transfers are between positions in the same class, the employee shall retain full seniority in that class.
2. When transfers are lateral or administratively assigned to a position in a related class in accordance with these rules, the employee shall not receive seniority credit in the new classification for service in the former classification; however, the employee shall accrue and maintain seniority in the new classification.
3. Seniority in the classified service shall be retained.

G. Transfer shall not be used as a device to alter the effects of impending layoff, although employees whose positions are to be eliminated may transfer to other classifications (where vacancies exist) as this rule contemplates.

H. Submission for Request for Transfer

An employee may request a transfer to a vacant position by submitting a request for transfer electronically on the approved form to the Personnel Commission at any time. Requests shall be submitted during the initial posting period; however, can be submitted at any time, regardless of current posting and/or opening. Transfer requests submitted prior to a position vacancy shall be considered submitted during the initial posting period.

## ITEM 6.19 DEMOTIONS

- A. A permanent employee may request voluntary demotion to a classification with a lower maximum pay range where a vacancy exists. Such requests require the approval of the department head and that of the head of the receiving department, and are ratified by the Personnel Commission.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when the employee would otherwise be laid off for lack of work or lack of funds.
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

## ITEM 6.20 VOLUNTARY SEPARATION OR RESIGNATION

When an employee desires to resign from their position, the employee shall present a resignation in writing to the appointing power, and a copy of such resignation shall immediately be filed by the appointing power with the Personnel Commission Director. Such notice must be given two weeks prior to resignation. An employee who voluntarily resigns or retires is entitled to all benefits accumulated as a regular employee provided they satisfy all laws, rules and regulations pertaining to classified employees.

Such employee may be considered for rehire to the former classification or to a related lower classification when a vacancy exists, as determined by the Commission, for a period of thirty-nine (39) months.

## ITEM 6.21 RETIREMENT

All classified employees shall participate in the Public Employee's Retirement System (PERS) as required by law. Because of the various options involved in retirement, it is suggested that all employees contact the District Office for additional information at least six months prior to their planned retirement date.

## ITEM 6.22 PROMOTION

- A. All promotions shall be by eligibility lists resulting from promotional examinations. Such promotion will result in a change in the assignment for the employee from a position in one classification to a position in another classification with a higher maximum pay range. Such promotion requires a probationary period commensurate with the promotion and follows Item 6.11.
- B. An employee who has taken a voluntary demotion may be restored by the Board of Trustees to the former classification or to a related lower classification, as determined by the Commission, within thirty-nine (39) months. Except when a 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, lack of funds, or abolishment or reclassification of has the right to be reemployed, in accordance with their seniority, in the former classification within thirty-nine (39) months after demotion. Intervening reassignment to other classes shall not abrogate that right.

## ITEM 6.23 REINSTATEMENT OR REEMPLOYMENT EFFECTS

Reinstatement or reemployment of a former employee shall have the following effects:

- A. Restoration to the former step in the salary range for the classification, or, if reemployed in a lower classification, to the rate closest to that of the step to which the employee would be assigned if reinstated in the former classification.
- B. Restoration of accumulated sick leave and seniority.
- C. Restoration of former anniversary date, but without step advancement credit for the off duty period.

## SECTION 5 LAYOFF

### ITEM 6.24 PROCEDURE REGARDING 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 classification in which the layoff occurs. The employee who has been employed the shortest time in the classification plus higher classes, shall be considered to have the least seniority, and, therefore, shall be laid off first.
- B. The names of permanent and probationary employees thus laid off shall be placed upon the reemployment list for the classification from which they were laid off. Names on the reemployment list shall be in the relative order of seniority.

### ITEM 6.25 LIMITED-TERM POSITIONS

- A. No regular employee shall be laid off from any position while employees under limited-term appointment are retained in positions of the same classification in the same organizational unit unless the regular employee declines the limited-term position.
- B. A limited-term employee may be laid off at the completion of the assignment without regard to the procedure set forth in this rule.

## SECTION 6 SUSPENSION, DEMOTION, DISMISSAL

### ITEM 6.26 CAUSES FOR SUSPENSION, DEMOTION, DISMISSAL

- A. Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:
1. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code, or of rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission pursuant to it, provided that specific instances must be set forth as to any of the causes enumerated under this heading.
  2. Dishonesty, drunkenness, immoral conduct or addiction to the use of a controlled substance.
  3. Political activities engaged in by an employee during assigned hours of employment.
  4. Conviction of a serious crime by a court of law; a record of one or more felony or misdemeanor convictions, which are job related and indicate that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading information on application forms or examination and employment records concerning material matters.
  5. Frequent absences or tardiness.
  6. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges may result in layoff.
  7. Failure to report for review of job-related criminal records or for health examination after due notice.
  8. Knowingly advocating overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
  9. Knowing membership by the employee in the Communist Party.
  10. Abandonment of position for a period of three (3) days during which the employee fails to notify the supervisor of the reason for the absence or the expected duration of the absence. (See Chapter 9 "Miscellaneous Provisions", Section 1 "Disciplinary Action").

## SECTION 7 PERFORMANCE EVALUATIONS

### ITEM 6.27 WHEN EVALUATIONS ARE TO BE MADE

All regular classified employees shall be evaluated in accordance with the following schedule:

- A. Probationary employees - evaluations shall be done at intervals of 35, 60 and 130 days worked.
- B. Permanent employees - annually after permanency by the immediate supervisor. Additional evaluations may be at any time. For employees who transfer, the probationary schedule should be followed until permanency.
- C. All employees not listed in parts A and B - these employees are not part of the classified service and the same rules that prevail for probationary employees prevail for non-classified service personnel. Once 130 days worked has been served, and these evaluations have been forwarded to the Director of Human Resources, then the rules for permanent employees prevail.

#### ITEM 6.28 WHO MAKES EVALUATIONS

Each immediate supervisor must make a performance evaluation according to Item 6.27.

#### ITEM 6.29 PROCEDURE TO BE FOLLOWED

- A. Performance evaluations shall be made on appropriate District evaluation forms, which shall be prepared by the employee's immediate supervisor. The form shall be reviewed by the next higher supervisor and, if the need for improvement is noted, by the Department Head.
- B. The immediate supervisor shall present the performance evaluation to the employee for discussion. The evaluation form shall be signed by the employee to indicate receipt, and the employee shall be given a signed copy. No modification of any kind shall be made to the evaluation after the employee has received a signed copy.
- C. Performance evaluations shall be filed in the employee's personnel records.

#### ITEM 6.30 APPEAL TO PERFORMANCE EVALUATION

If the employee is not satisfied with the performance evaluation, a statement may be attached to the evaluation prior to its placement in the personnel file.

# CHAPTER 7

## WAGE AND SALARY PROVISIONS

### SECTION 1 WORK PERIODS AND OVERTIME

#### ITEM 7.1 WORKDAY AND WORKWEEK

The maximum number of hours of regular employment of an employee is eight (8) hours a day and forty (40) hours a week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight (8) hours in one day or forty (40) hours in one week, with payment of time and one-half of the established pay rate for the position(s) affected.

#### ITEM 7.2 TEN HOUR WORKDAY

At the request of the administration and vote of a majority of the group affected, and permission of the Personnel Commission, a ten (10) hour day will be permitted as a regular workday. This does not affect the rights or benefits of the employee or group. Such time is considered regular time and does not constitute overtime if the assignment is forty (40) hours a week.

#### ITEM 7.3 OVERTIME DEFINED

Overtime is ordered and authorized working time in excess of eight (8) hours in one day or forty (40) hours in one week, except as specified in Item 7.2. No one shall order or authorize overtime unless it is compensable as provided below. Overtime of less than ten (10) minutes shall not be credited; all overtime shall be reported and credited in multiples of ten (10) minutes of working time.

Overtime hours shall be approved in advance in writing by the District Superintendent, or designated representative.

#### ITEM 7.4 COMPENSATION FOR OVERTIME

- A. A regular employee who works authorized overtime is entitled to be paid at a rate equal to one and one-half times the regular pay rate. If the employee elects pay, it shall be paid at one and one-half times the regular rate of pay for the overtime worked. Shift and special assignment differentials regularly received by the employee shall be included in determining the regular rate of pay.
- B. Compensatory time in lieu of payment for overtime may be taken as time off in units of one-half hour or more with the approval of the department head and if taken within twelve (12) months. In the event the compensatory time is not taken within the fiscal year in which it was earned, compensatory time shall be paid as overtime as described immediately above and at the rate in which the overtime was earned.
- C. Any overtime for employees called from home shall be paid at one and one-half times the regular pay rate, with a minimum total time paid of two hours.



## ITEM 7.5 CLASSIFICATIONS EXEMPT FROM OVERTIME PAYMENT

Employees designated as salaried, supervisory, executive or administrative as defined by Fair Labor Standards Act (FLSA) shall be excluded from overtime payment provisions of these rules.

## SECTION 2 APPLICATION OF SALARY SCHEDULE

### ITEM 7.6 INITIAL PLACEMENT

All new employees shall be appointed at the hiring rate of the classification as approved by the Commission. The hiring rate shall be the first step of the salary range except for classifications where recruitment efforts have indicated difficulty in recruiting at that step. An accelerated hiring pay rate may be set, with the recommendation of the Superintendent and approval of the Board and Commission, at any step of the salary range of the classification.

A new employee may be hired into a step other than the first step, if the special qualifications are such that the services of the candidate could not be obtained without the higher rate of pay.

Notwithstanding the foregoing, upon recommendation of the Superintendent and approval by the Governing Board and Commission, the initial hiring rate of a new employee in a Leadership Team classification or employee promoted to a Leadership Team classification may be advanced beyond the first step of the salary range, but not to exceed the third step on the salary range.

### ITEM 7.7 STEP ADVANCEMENT

Upon becoming permanent, each employee of the district will be granted a one-step salary advance on the salary range and shall establish an anniversary date, upon which all future advances on the salary range shall be based, with such anniversary date to be established as follows:

- A. If first service in the classification is performed between the first and the fifteenth day of the month, the anniversary date shall be the first day of the month in which first service was performed.
- B. If first service is performed between the sixteenth and the last day of the month, the anniversary date shall be the first day of the month following which first service was performed.
- C. Upon being promoted from one classification to another, the employee shall establish a new anniversary date as stated in Item 7.8, Promotions.

### ITEM 7.8 PROMOTIONS

Upon promotion to a higher paid classification, a unit member shall be placed at a step in the new classification range, which shall ensure at least a one-step increase above the unit member's previous rate. If this is not possible, he/she shall be placed on the highest step of the new range. Upon being promoted from one classification to another, the District shall establish a new anniversary date. The new anniversary date shall be established as follows:

- A. If first service in the new classification is performed between the first and the fifteenth day of the month, the new anniversary date shall be the first day of the month in which first service in the new classification was performed.

- B. If first service is performed between the sixteenth and the last day of the month, the new anniversary date shall be the first day of the month following which first service in the new classification was performed.

Step advancement will be at one-year intervals based on this new anniversary date.

#### ITEM 7.9 PLACEMENT AFTER LEAVE OF ABSENCE

The employee, upon return from a leave of absence, will resume the step placement and advancement on the pay range as if the leave had not been taken, but leave time will not be counted for step advancement purposes.

#### ITEM 7.10 PLACEMENT WHEN DEMOTED

Demoted employees shall be placed on the step of the new pay range of the lower classification, which is closest to the pay rate earned in the higher classification, provided that there is not a salary increase thereby. The anniversary date established in the higher classification shall be retained.

Step advancement shall be in accordance with Item 7.7 Step Advancement.

### SECTION 3 HOLIDAY PAY

#### ITEM 7.11 ELIGIBILITY

Holidays for which regular salary is paid shall be determined by the Board of Trustees at the time of the adoption of the salary schedule. All classified employees will be entitled to payment for authorized holidays, provided that they were in a paid status during any portion of the day immediately preceding or succeeding the holiday. Project employees are entitled to paid legal holidays as approved by the Board of Trustees.

#### ITEM 7.12 SCHOOL HOLIDAYS

Regular employees, who are not normally assigned to duty during the school holidays which include December 25<sup>th</sup> and January 1st, shall be paid for those two holidays, provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

### SECTION 4 BENEFITS FOR PART-TIME EMPLOYEES

Benefits for part time employees will be allowed when the employment is six (6) hours or more daily. These benefits may be prorated according to Board policy.

## CHAPTER 8

### LEAVES OF ABSENCE

#### SECTION 1 LEAVES OF ABSENCE

##### ITEM 8.1 VACATION

- A. Vacation privilege is applicable only to regularly-assigned classified service employees and shall be earned at the prescribed rate as part of compensation.
- B. Vacation time will accrue from the first month of employment if the employee is paid for at least one day over one-half of that month. Otherwise, it accrues from the first day of the following month.
- C. Minimum vacation time will accrue at the rate of a day of vacation for each month worked if the employee is in a paid status for half (1/2) the working days or more in a month and normally works seven (7) to eight (8) hours per day, five(5) days per week.
- D. According to the contract effective July 1, 2002, following five (5) years employment, two (2) additional vacation days per year shall accrue for year six (6) through thirteen (13), to a total of twenty-eight (28) days. If a holiday falls within the vacation period, an extra day is added to the vacation period.
- E. Employees who are on leave to serve in a limited-term assignment, or who serve in limited-term assignments during periods when they are regularly assigned, shall earn as above, during such limited-term assignments.
- F. Vacation shall be earned during any paid leave of absence.
- G. The District shall credit each employee on July 1 of each fiscal year with their proposed accrued entitlement.
- H. Vacations shall be computed on an hourly basis for those employees paid on an hourly basis. Hourly employees shall earn an hour of vacation for every twenty-two (22) hours worked.
- I. Vacation does not become an earned right until after completion of six (6) months of employment.
- J. Supervisors may develop a vacation schedule each year and present it to the appropriate supervisor for review and approval.
- K. Probationary or permanent hourly employees may be compensated for unused earned vacation at the end of the school year.
- L. All personnel may take their vacation any time during the fiscal year in which it is earned if approved by the employee's immediate supervisor.
- M. The Assistant Superintendent of Human Resources, after consultation with the employee's immediate supervisor, may authorize an extension of a vacation period without pay for three weeks beyond the paid vacation period.

- N. If vacation cannot be taken in any one year, it can be carried over to the next year or paid, if approved in advance by the Superintendent.
- O. Vacation can be taken on the basis of what will be earned during a year but which has not yet been accrued.
- P. Used but unearned vacation must be repaid upon separation from the District through appropriate deductions from the employee's final warrant.
- Q. Earned and unused vacation is to be paid in a lump sum upon termination, except employees who have not completed six (6) months of employment in regular status shall not be entitled to vacation pay upon separation.
- R. Employees, whose vacation was interrupted by illness, accident, or other personal type of leave, shall not have vacation time deducted unless all other leaves have been used.
- S. Vacations which occur at the time of a Board or legal holiday shall have such day or days added to the employee's vacation schedule.
- T. Employees may interrupt or terminate vacation leave in order to begin another type of paid leave without returning to active service. The employee must supply adequate notice and relevant supporting information regarding the basis for such interruption or termination.
- U. At least one day prior to the employee's expected return to work; the employee shall notify the supervisor in order that any substitute employee may be terminated. If the employee fails to notify the supervisor and both the employee and the substitute report, the substitute is entitled to the assignments, and the employee shall be docked for another day of vacation.

## ITEM 8.2 LEAVE OF ABSENCE FOR ILLNESS OR INJURY (SICK LEAVE)

- A. Sick leave applies to probationary or permanent employees.
- B. Sick leave accrues at the rate of one day per full month employed for a seven (7) or eight (8) hour employee. Employees working less than seven (7) hours will be prorated. (one-half (1/2) month or more employed accrues at the rate of one (1) day).
- C. Sick leave accrues indefinitely.
- D. Sick leave may be taken at any time.
- E. Probationary employees may use only seven (7) days of paid sick leave during the probationary period. After the probationary period, the amount remaining is added to the balance of unused sick leave for the year.
- F. At the beginning of the fiscal year, the employee shall be credited with the unused portion of sick leave, together with the full year's sick leave for the new fiscal year. Unused sick leave shall be thereafter carried forward from year to year.
- G. Pay for any day of sick leave shall be the same pay the employee would have received if the employee had worked that day.
- H. The District may require written verification by the employee's physician or practitioner for any absence due to illness or injury. Such verification shall be required whenever an

employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

- I. At least one day prior to the employee's expected return to work, the employee shall notify the supervisor in order that any substitute employee may be terminated. If the employee fails to notify the supervisor and both the employee and the substitute report, the substitute is entitled to the assignments, and the employee shall be docked for another day of sickness.
- J. A permanent employee who has exhausted all sick leave (which could include 100 half days or other benefits as provided by Ed Code) may use accumulated vacation, compensatory time, or other earned leave in order to avoid leave without pay.
- K. A permanent employee of the classified service who has exhausted all sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of non-industrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six (6) months. The Board or its designee may renew the leave of absence for two (2) additional six (6) month periods, but not to exceed a total of eighteen (18) months.
- L. At the conclusion of all leaves of absence, if the employee is still unable to assume the duties of the position, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months. During the thirty-nine (39) months, if the employee is able to assume the duties of the position, the employee shall be employed in the first vacancy in the classification of the previous assignment. The reemployment will take preference over all other applicants except those laid off for lack of work or funds. Upon reemployment, the break in service will be disregarded and the employee shall be fully restored as permanent. Such time lost shall not be considered a break in service.
- M. When an employee is absent twenty (20) days or more, the employee is required to notify the District three (3) days in advance of the return to work date.
- N. Any classified employee who has been employed for one calendar year or more in another school district and who terminates such employment for the sole purpose of accepting a position in the Palmdale School District within thirty (30) days of terminating in the former school district, shall transfer the total amount of sick leave earned in the other district.

### ITEM 8.3 INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE

- A. Leaves resulting from accepted industrial accident or illness claims shall be granted to the employees of the classified service. Leave benefits apply to claims accepted under Workers' Compensation Law.
- B. Allowable leave shall not exceed sixty (60) working days in any one fiscal year for the same accident or illness.
- C. Allowable leave shall not be cumulative from year to year.
- D. Industrial accident or illness leave will commence on the first day of absence.

- E. Payments for wages lost on any day shall not, when added to an award granted the employee under the Workers' Compensation laws of this state, exceed the normal wage for the day.
- F. The sixty (60) day industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under Workers' Compensation.
- G. When an industrial accident or illness occurs at a time when the full sixty (60) days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year, in which the injury or illness occurred, for the same injury or illness.
- H. When an industrial accident or illness occurs, the employee shall use the industrial accident or illness entitlement rather than use sick leave upon acceptance of the Workers' Compensation claim. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave (which could include 100 half days or other benefits as provided by Ed Code) will then be used. However, if an employee is receiving Workers' Compensation, the employee shall be entitled to use only so much of the accumulated or available sick leave, accumulated compensatory time, vacation or other available leave which, when added to the Workers' Compensation award, provides for a full day's wage or salary.
- I. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.
- J. During all paid leaves of absence for industrial accident or illness, the employee shall endorse to the District wage loss benefit checks received under Workers' Compensation laws of the state. The District shall issue appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions.
- K. When all available leaves of absence, paid or unpaid, have been exhausted, and the employee is not medically able to return to work, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months. When available, during the thirty-nine (39) months, the employee shall be employed in a vacant position in the classification of previous assignment over all other available candidates except for a re-employment list established because of lack of work or funds, in which employees shall be listed in accordance with the appropriate seniority regulations.
- L. All employees receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California, unless the Governing Board authorizes travel outside the State.
- M. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to work and who fails to accept an appropriate assignment, shall be dismissed.
- N. The Board of Trustees, or its designated representative, shall determine if the injury was arising out of or in the course of employment.

- O. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District.
- P. A permanent employee's regular salary is computed on the basis of the number of hours and days in the basic assignment. An employee who is not permanent shall have the regular salary computed on the basis of the average number of hours worked each month in which the employee was in a paid status during the preceding year.

#### ITEM 8.4 LEAVE OF ABSENCE FOR PREGNANCY

- A. Leave of absence for pregnancy or maternity leave is applicable to classified employees.
- B. It is the employee's responsibility to notify the District, through her supervisor, within a reasonable length of time after becoming aware of her pregnancy.
- C. Accumulated sick leave may be used by female unit members for maternity leave. The length of pregnancy leave, the date of commencement thereof, and the date of resumption of duties shall be determined by the unit member and her physician. The unit member must apply, in writing on the appropriate District form, for permission to use accumulated sick leave for maternity leave. This application must be accompanied by a letter from her attending physician stating the beginning and ending dates of pregnancy leave. Before the unit member can return to her assignment, a statement from her physician that her health is sufficient for return to work must be received by the Human Resources office.
- D. When, during the pregnancy, the employee elects to stop work, as confirmed by medical documentation, she then will be placed on an unpaid leave of absence. With Board or designee approval, she may elect to use all accumulated vacation, compensatory time, or other available paid leave or any combination thereof.
- E. At least three (3) days prior to her expected return to work, the employee shall notify her supervisor in order that any substitute employee may be terminated. If the employee fails to notify her supervisor and both the employee and the substitute report, the substitute is entitled to the assignment, and the employee shall be docked another day of leave.
- F. An employee who has exhausted all vacation, compensatory over-time, or other available paid leave and who is absent because of pregnancy may be granted additional unpaid leave, not to exceed six (6) months. The Board or its designee may renew the leave of absence for two (2) additional six (6) month periods, but not to exceed a total of eighteen (18) months.
- G. At the conclusion of all leaves of absence, if the employee is still unable to return to work, she shall be placed on a reemployment list for a period of thirty-nine (39) months. During the thirty-nine (39) months, if the employee is able to assume the duties of her position, she shall be employed in the first vacancy in the classification of her previous assignment. Her reemployment will take preference over all other applicants except those laid off for lack of work or funds. Upon resumption of her duties, the break in service will be disregarded and she shall be fully restored as a permanent employee. Such time lost shall not be considered a break in service.
- H. Before returning to work after taking a leave of absence for pregnancy, the employee must furnish the District with a written statement from her physician stating that she is capable of performing her duties and, is able to return to work.

## ITEM 8.5      BEREAVEMENT LEAVE

- A. Every person employed in the classified service shall be granted necessary leave of absence, not to exceed three (3) days, or five (5) days if out-of-state travel is required, on account of the death of any member of the immediate family. Members of the immediate family as defined by Education Code 45194, include: mother, father, grandmother, or grandfather of the employee or of the spouse (or domestic partner registered with a recognized governmental agency) of the employee, and the spouse (or domestic partner registered with a recognized governmental agency), son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, grandchild of the employee or of the spouse of the employee, or any relative living in the immediate household of the employee.
- B. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of the Education Code or provided by the Governing Board of the District.

## ITEM 8.6      MILITARY LEAVE

- A. Military leave of absence without pay may be granted to any permanent classified employee upon receipt of written request.
- B. Military leave of absence without pay may be granted to any permanent classified employee for a period not to exceed three (3) years.
- C. Military leave of absence without pay may be granted to any permanent classified employee for service with the Peace Corps for a period not to exceed two (2) years.
- D. The granting of a leave of absence without pay gives to the employee the right to return to the previously held position at the expiration of the leave of absence, provided that the employee is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave, and the employee so assigned must be reassigned upon completion of the leave. If there is not an available position for the employee who was employed for the duration of the leave, the employee shall be placed on a reemployment list for that classification effective the end date of termination of the leave or release date from the military. The employee may be returned to a vacant position in a classification at the same or a lower salary level for which the employee is qualified.
- E. When a military leave of absence is granted, sick leave and vacation privileges will not continue to accrue. The employee, however, will not lose such vacation or sick leave privilege as had accrued up to the time of taking the leave of absence.
- F. An employee shall make a written request to the Governing Board or its designee to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.
- G. Failure to report for duty within five (5) working days after a leave has expired shall be considered abandonment of the position and the employee may be terminated by the Board of Trustees. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.



- H. If the employee's position has been abolished during the employee's absence, the employee shall be laid off for lack of work or funds and placed on the reemployment list for the classification, effective the date of termination of leave. The employee may be returned to a vacant position in a classification at the same or a lower salary range for which the employee is qualified.

#### ITEM 8.7 JURY DUTY AND WITNESS LEAVE

- A. Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, State, or Federal Court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the immediate supervisor.
- B. Leave of absence to serve as a witness in a court case shall be granted an employee when served a subpoena to appear as a witness, or as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the District. Request for leave of absence to serve as a witness or as a juror should be made by presenting the official court summons to the immediate supervisor. The employee may elect to keep fees and have an equal amount deducted from the employee pay.
- C. The jury service fee and witness fee referred to in "A" and "B", respectively, do not include reimbursement for transportation expenses.
- D. An employee who has received leave of absence under this rule shall be available for work during hours when not required in court.

#### ITEM 8.8 ABSENCE FOR EXAMINATION

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

#### ITEM 8.9 LEAVE OF ABSENCE WITHOUT PAY

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the Board of Trustees or its designated representative, subject to the following restrictions:
  - 1. Leave of absence without pay may be granted for any period not exceeding one year, except that leave of absence for military service shall be granted as provided by these regulations and the Military and Veteran's Code, and leave of absence for service in the Peace Corps may be granted for a period not to exceed twenty-four (24) months.
    - a. Employees with a record of service in the District of less than five (5) years are eligible to request, for cause, a leave of absence for a period of time

not to exceed two (2) calendar months. Employees with a record of service in the District of more than five (5) years are eligible to request, for cause, a leave of absence for a period of time not to exceed four (4) calendar months. Each individual request will be judged on its own merit.

2. The granting of a leave of absence without pay gives to the employee the right to return to the position at the expiration of the leave of absence, provided that the employee is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave, and the employee so assigned must be reassigned upon completion of the leave. When a leave of absence is granted, sick leave and vacation privileges will not continue to accrue. The employee, however, will not lose such vacation or sick leave privileges accrued up to the time of taking the leave of absence.
- B. For good cause, the Governing Board may cancel any leave of absence by giving the absent employee due notification by certified mail. The employee may appeal the cancellation to the Personnel Commission, which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Governing Board until action by the Personnel Commission, which shall be final and binding.
  - C. An employee shall make a written request to the Governing Board or its designee, to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.
  - D. Failure to report for duty within five (5) working days after written notification via certified mail or witnessed oral notification that a leave has been canceled or has expired shall be considered abandonment of the position and the Board of Trustees may terminate the employee. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.
  - E. If the employee's position has been abolished during the employee's absence, the employee shall be laid off for lack of work or funds and placed on the reemployment list for the classification, effective the date of termination of leave. The employee may be returned to a vacant position in a classification at the same or a lower salary range for which the employee is qualified.
  - F. When an employee elects to be absent for any reason other than sick, or for a period of time not covered by a leave of absence requested and granted, the employee automatically relinquishes all rights to the position formerly held.

#### ITEM 8.10 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 as serving in the regular position, and such assignment shall not be considered separation from service.
- B. The employee may, with the approval of the appointing authority, voluntarily elect to return to the classification of permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless

approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

#### ITEM 8.11 LEAVE OF ABSENCE FOR RETRAINING

In the event that the Governing Board contemplates the abolishment of classifications in the classified service and creation of new classifications because of automation, technological improvements, or for any other reason, it may provide for retraining of displaced employees in accordance with this rule.

- A. To be eligible for retraining leave, an employee must:
  - 1. Have served at least three (3) years in the District, and
  - 2. Be serving in a classification which the District contemplates abolishing, and
  - 3. Show that the retraining will clearly benefit the District, and
  - 4. Indicate a willingness to undergo the prescribed training program, and
  - 5. Indicate a willingness to serve the District for at least two (2) years after successful completion of the retraining program.
- B. The Governing Board shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.
- C. The employee shall be considered a permanent employee for all purposes during the period of the retraining program and shall receive the normal compensation and benefits. The Board may prescribe duties, if any, to be performed by the employee on behalf of the District during retraining leave.
- D. The Board shall provide for reasonable expenses necessary for the prescribed retraining, but may recover costs from the employee if the employee fails to complete the prescribed retraining program, and serve the District for at least two (2) years after completion of retraining.
- E. The Board may establish retraining programs for purposes other than outlined in this rule and grant leaves of absence for retraining except that the three (3) year service requirement shall prevail. Such programs must be endorsed by the Commission and must be available to all qualified employees of the District except that approval for such leave shall be discretionary with the Governing Board.

#### ITEM 8.12 USE OF SICK LEAVE FOR PERSONAL NECESSITY

- A. Any accrued days of sick leave may be used by the employee, in cases of personal necessity, which includes the following:
  - 1. Death of a member of the immediate family when additional leave is required beyond the three (3) or five (5) days provided under Bereavement Leave.
  - 2. Accident involving person or property, or the person or property of a member of the employee's immediate family.
  - 3. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any other order made by the court or

tribunal. Proof of court or administrative tribunal appearance must be presented to the District at the time the request for leave is filed.

- B. No earned leave in excess of seven (7) days may be used for above-noted personal necessity in any school year.
  - 1. During any one year, classified employees of the Palmdale School District may use seven (7) days of their sick leave account for personal necessity (personal business) leave. This leave shall not accumulate from one year to the next.
  - 2. The employee concerned shall notify the immediate superior at least two (2) days before taking personal necessity (business) leave, except in cases of emergency, such as serious illness, death or accident.
  - 3. Personal necessity (personal) leave shall be for either a half day or a full day. This leave is to be used for personal, legal, business, religious, household or family matters, which require absence during normal working hours.

## CHAPTER 9

### MISCELLANEOUS PROVISIONS

#### SECTION 1 DISCIPLINARY ACTION

##### ITEM 9.1 PROCEDURE FOR DISCIPLINARY ACTION

- A. Employees in the classified service shall not be suspended, demoted, dismissed, or in any way discriminated against because of political or religious acts or opinions, race, color, sex or marital status.
- B. When a regular employee is to be suspended, demoted or dismissed, specific written charges shall be prepared by the administration, and presented for approval or rejection by the Governing Board. The charges must be such that the employee will know the complaints, and thereby be able to respond to them.
- C. When formal disciplinary action has been approved by the Governing Board, the action and the charges shall be reported within 10 days to the Personnel Commission Director, who shall notify the employee of appeal rights and report the action to the Commission at its next regular meeting.
- D. Notice to the employee shall include a copy of the charges and a statement of the right to appeal, if any, together with a copy of rules governing appeal and hearing procedures.
- E. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the administration subject to later ratification by the Board within two weeks. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.
- F. A regular employee charged with the commission of any sex offense (as defined in Section 44010 of the Education Code by complaint, information or indictment filed in a court of competent jurisdiction) may be suspended as provided for in Section 44940 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in the Code Section. Such suspension shall be reviewed by the Personnel Commission every forty-five (45) calendar days.
- G. Dismissal shall cause removal of the employee's name from all employment lists.
- H. Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive.

## ITEM 9.2 APPEAL

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) calendar days after receipt of a copy of the Board-approved charges and appeal rights. Receipt is assumed five (5) days after the delivery postmark. Appeal can be made only on the following grounds:
  - 1. That the procedures set forth in these rules have not been followed.
  - 2. That the removal was made because of political or religious acts or opinions, race, color, sex or marital status.
  - 3. That there has been abuse of discretion.
  - 4. That the action taken was not in accord with the fact.
- B. The written appeal must be submitted to the Personnel Commission Office within fourteen calendar days of receipt as indicated above and as evidenced by one of the following:
  - 1. Postmark of mailing agency five (5) calendar days prior to due date, or
  - 2. Date/time stamp at Personnel Commission Office during open hours, or
  - 3. Original or electronic signature of Personnel Commission staff.

## ITEM 9.3 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. If the Personnel Commission orders a hearing, said hearing shall be held in closed session. The employee shall be given written notice of the right to have the complaints or charges heard in an open session rather than closed session pursuant to Government Code section 54957. The notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time for holding the closed session.
- 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 (District first) and closing arguments (employee first). The District shall first present witnesses and evidence to sustain the charges and the employee will then present witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.

- F. Both the District and the employee must present their appeal case. The employee may provide their own legal counsel or any other designated person (at their own expense), and/or be provided Union representation. If Union representation is accepted by the employee, the Union must notify the Personnel Commission Director of the Union representatives representing the employee within 14 calendar days of the appeal hearing to assure that Union representatives are released from their District duties to attend the appeal hearing. The maximum number of persons representing each side is three. The employee must attend the appeal hearing, even if the employee's representatives appear on their behalf. If the employee fails to appear, the employee will be deemed to have forfeited all rights to further appeal and the Personnel Commission shall sustain the Board's disciplinary action.
- G. The Commission or the appointed hearing officer may, (and shall, if requested by the District or the employee) subpoena witnesses, require attendance of witnesses, require the production of records or other material evidence, and cause depositions of witnesses to be taken. Witness lists must be provided to the Personnel Commission Director two (2) calendar weeks prior to the appeal hearing.
- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to reaching a fair and proper decision.
- I. Whether the hearing is held in a public or Executive Session, the Commission, after it concludes the hearing, may deliberate in Executive Session. Only Commissioners, appointed counsel, and the Director of the Personnel Commission shall be permitted to participate in the deliberations. The Personnel Commission Director or any Personnel Commission staff shall be barred from the Commission's final deliberations if served in the proceedings as a substantial witness.
- J. The Commission shall render its judgment in an open session at the next month's regularly scheduled Personnel Commission meeting.
- 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.
- L. The Commission order of judgment will be filed with the Governing Board and the charged employee and shall set forth its findings and decision. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated which may be any time on or after the date of disciplinary action.

#### ITEM 9.4 UNLAWFUL TO STRIKE OR ENGAGE IN OTHER CONCERTED LABOR ACTIVITIES

- A. Government Code Section 3549 specifically provides: "The enactment of this Article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees." This section means that public school employees may not strike against the District, nor may they engage in other related types of activities in order to attempt to resolve grievances or differences.
- B. Any employee or groups of employees, either by their own initiative or through an employee organization, leaving their duty assignment or refusing to perform or failing to report to duty

as a result of a strike or other concerted labor activities may be considered as having abandoned their positions. If dismissed, participating employees shall not be eligible for reinstatement or subsequent employment with the District. The Board may bring charges against any employee or employees for abandonment of position under this rule.

- C. Any classified employee who is absent from duty for any reason during the period of an unlawful strike, sit-down, a slowdown or other concerted activities shall be required to provide proper evidence that the absence was lawful and in no way an effort on the employee's part to further the strike or concerted activity.
- D. Any rule prescribed which permits personal or illness absences without evidence of necessity is suspended and void during any attempted strike or other concerted labor activity against the District.

## SECTION 2 POLITICAL ACTIVITY

### ITEM 9.5 POLITICAL ACTIVITY FREEDOM

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

### ITEM 9.6 CAUSE FOR DISCIPLINARY ACTION

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

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

### ITEM 9.7 PERSONAL CANDIDACY

Any employee may be a candidate for any political office without suffering any loss of employment status in the District unless the provisions of Item 9.6 are violated.

### ITEM 9.8 LEAVE OF ABSENCE FOR POLITICAL ACTIVITY

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



## ITEM 9.9 INTENT

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

## SECTION 3 NEW EMPLOYEE CLEARANCES

### ITEM 9.10 PHYSICAL EXAMINATIONS

#### A. Initial Employment

1. Every person being initially employed by the District, whether in a regular, substitute, limited term, or provisional status, shall be required to comply with the provisions of Education Code Sections 49406 (Tuberculosis Examination) and 45125 (Fingerprints).
2. Prior to employment, each candidate may submit adequate proof of a tuberculosis test. The examination must have been conducted within a sixty (60) day period preceding the date of employment.

#### B. After Employment

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

#### C. The District will absorb the cost of physical examinations as required.

#### D. Medical Review

1. Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Commission.
2. The Commission may employ outside medical experts to give a medical advisory opinion.
3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

### ITEM 9.11 CRIMINAL RECORDS CHECK

#### A. Fingerprinting

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

## B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a job-related criminal record, the Board of Trustees or designee shall decide whether or not the person should be employed or retained in employment in accordance with the Education Code sections governing employment of persons who have been convicted of specified offenses.
3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the Board of Trustees, or designee, 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.
4. If it approves the recommendation, the District shall notify the employee or eligible of the action taken or contemplated and the reasons therefore. The District shall provide the candidate with an opportunity to appeal the decision in writing to the Commission within ten (10) days of notification. The Commission may hold a hearing at its discretion. The decision of the Commission shall be final.
5. If the record does not disclose information beyond that supplied by the candidate on the application form, the candidate will be considered for appointment.

## SECTION 4 PENALTIES OF VIOLATION OF PERSONNEL COMMISSION RULES AND REGULATIONS

### ITEM 9.12 VIOLATIONS

Any person, who willfully or through culpable negligence violates any of the provisions of Article 6 of Chapter 5 of the Education Code, is guilty of a misdemeanor.

It is also unlawful, pursuant to Education Code 45317, for any person to:

- A. Willfully deceive or obstruct any candidate with respect to the right of examination, application, or employment under Commission rule.
- B. Willfully and falsely mark, grade, estimate or report upon the examination or proper standing of any candidate examined or certified under Commission rules, or to aid in so doing, or make any false representation concerning candidate examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of any 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 rules.

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